



Sh. Manjit Singh,
R/o H.No.2877, Phase-7,
S.A.S. Nagar (Mohali).

Complainant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
SAS Nagar (Mohali).

Respondent

Complaint Case No.415/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
15.12.2018	Nil	Nil	Nil	01.05.2019

Present: **Complaint- None;**
 Respondent- HC Sehajpreet Singh, Police Station Mataur, SAS Nagar.

ORDER

The following order was passed by the Commission on 22.08.2019:

“The complainant had sought CCTV footage of all the cameras installed at Police Station from the period 09.12.2018 to 10.12.2018. In reply to the notice of the Commission, the respondent conveyed that no CCTV stood installed on the days for which information has been sought. As the information required is not available, accordingly it cannot be supplied.

The complainant intends to file any objection to the submissions made by the respondent.”

The case has come up today. The complainant has sent a request for an adjournment as being away; he could not attend the hearing in person. He has sent a rejoinder to the reply already submitted by the respondents. The Commission has gone through it. The main contention of the complainant is that the respondents have failed to

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Complaint Case No.415/2019

provide any evidence in support of their arguments. The Commission feels that there cannot be any evidence with reference to an event or incident which has never happened. The argument is hollow and cuts no ice. The complaint is misplaced and **filed**.

15.10.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Manjit Singh,
R/o H.No.2877, Phase-7,
S.A.S. Nagar (Mohali).

Complainant

Versus

Public Information Officer,
O/o Station House Officer,
Police Station, Phase-8,
SAS Nagar (Mohali).

Respondent

Complaint Case No.398/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
26.05.2016	Nil	Nil	Nil	24.04.2019

Present: **Complaint- None;**
 Respondent- HC Sehajpreet Singh, Police Station, Mataur, SAS Nagar.

ORDER

The complainant is absent. HC Sh. Sehajpreet Singh, who has appeared on behalf of respondents denies having received a copy of the complaint. He is directed to procure it from the record of the Commission and file a written reply.

Since the undersigned Commissioner shall be demitting his office soon on completion of his tenure, the file is sent to the Deputy Registrar for allocation of this complaint to another Bench after seeking the orders from Ld. CIC.

15.10.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

CC: The Deputy Registrar, O/o Punjab State Information Commission, Chandigarh.



Sh. Saroop Singh,
S/o Sh. Bachan Singh,
R/o Village Choure, Block Sri Hargobindpur,
Teh. Batala, Distt. Gurdaspur.

Complainant

Versus

Public Information Officer,
O/o District Development and Panchayat Officer,
Gurdaspur.

Respondent

Complaint Case Nos.1032 and 1033 of 2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Complaint
12.01.2018	Nil	Nil	Nil	26.09.2018

Present:

Complainant- Sh. Saroop Singh.
Respondent- Sh. Dalbir Singh, Panchayat Secretary;
Sh. Pawan Kumar, Superintendent, O/o BDPO.

ORDER

The following order was made by the Commission on 05.09.2019:

16.04.2019

“Since the complainant, respondent are the same and the information sought for is almost identical, the single order shall dispose of both the complaints.

The complainant had sought information about the income having accrued and the expenditure incurred during the incumbency of the former sarpanch of village Chaura, Block Sri Hargobindpur, Tehsil Batala, District Gurdaspur from 2013 to 2018. Sh. Narinder Singh, Panchayat Secretary appearing on behalf of the respondent says that the information is quite voluminous. Nonetheless, it has partially been delivered on the complainant. He assures to provide the rest expeditiously. The complainant also seems in agreement with the contention of the respondent.”

The case has come up today. The complainant says that despite having assured during the course of hearing on the previous date the respondent has refused to provide him the information.

The PIO is, thus, issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on

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Complaint Case No.1032 and 1033 /2018

the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”

“The cases have again been taken up today. The incumbent Panchayat Secretary Sh. Narinder Singh submits that the original record continues to be retained by one Sh. Dalbir Singh his predecessor who has not passed it on his transfer. He has also shown us some communications issued by the BDPO, Sri Hargobindpur in this regard.

The Commission takes a very serious note of the conduct of the respondent. The show cause notice issued earlier is now directed at Sh. Dalbir Singh, PIO – cum – Panchayat Secretary, O/o BDPO, Dhariwal who shall explain his conduct for not parting with the record and show cause as to why the penalty proposed should not be imposed upon him for willful and malafide suppression of information. Both Sh. Narinder Singh and Sh. Dalbir Singh, Panchayat Secretaries are directed to file their written replies also before the next date of hearing”.

04.06.2019

“Sh. Narinder Singh, Panchayat Secretary, representative of the respondent, submits that almost the entire record has been provided to the complainant. The Commission observes that the Show Cause Notice already issued on 24.01.2019 was directed against Sh. Dalbir Singh, PIO-cum-Panchayat Secretary, O/o BDPO Dhariwal. He has failed to explain the delay and reasons for providing the information. The Commission is well within its right to impose penalty even at this juncture. However, final opportunity is afforded to Shri Dalbir Singh, Panchayat Secretary to submit in writing as to why the penalty mentioned in the show cause notice should not be imposed. Be it noted that no further opportunity shall be given to him.”

25.07.2019

“The case has come up today. Shri Dalbir Singh, Panchayat Secretary,



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Complaint Case No.1032 and 1033 /2018

despite having earlier been issued a couple of notices has refused to disclose the information and attend the hearings in the court. Show cause Notice was issued to him on 04.06.2019 for imposition of penalty for having violated the provisions of Section 7(1) of the RTI Act.

*He has not come up with any explanation much less a valid one. The delay is beyond 100 days as can be made out from the chronology of filing applications and appeals mentioned above. He is culpable for being penalized. Therefore, exercising its authority under Section 20(1) of the Act, the Commission imposes a penalty of Rs.25,000/- @ Rs.250/- per day for 100 days to be recovered from his salary by the BDPO Dhariwal in 5 equal installments commencing from the month of September, 2019. It shall be deposited in the Govt. treasury under the head: - **0070-Other Administrative Services- 60 Other Services- 800 Other Receipts- 86 Fee under RTI Act, 2005.** A copy of the challan shall be sent to the Commission for record immediately.*

The aforesaid PIO has shown grave misconduct and indiscipline. His appointing authority is desired to issue him charge sheet and take appropriate action as per rules governing his service conditions.

*The information has to be provided, he cannot get away with the same. The Commission while exercising the powers vested in it under Section 18(7), issues a bailable warrant for a sum of Rs.25,000/- and directs the Senior Superintendent of Police, Gurdaspur to serve it upon him so as to appear in the office of Commission on **05.09.2019 at 11.30 AM with the original record.***

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Complaint Case No.1032 and 1033 /2018

05.09.2019

Sh. Dalbir Singh, Panchayat Secretary, is not present. The bailable warrant issued to ensure his presence in the court has also not been returned by the police authority. The Senior Superintendent of Police, Gurdaspur, is issued a reminder to do the needful. The BDPO, Dhariwal, is desired to report to the Commission by coming present in person as to whether the amount of penalty as imposed above has been recovered from his salary or not."

The case has come up today. Sh. Dalbir Singh, Panchayat Secretary, is present. He submits that he had occupied the office for very brief period and was not handed over the record by his predecessor. Besides, he has been grievously sick and was confined to bed. The Superintendent of the Office of the BDPO, who has brought along the acquittance receipt towards deduction of an installment from his salary, endorses his viewpoint. The fact of occupation of office for a very short period was never brought to the notice of the Commission. In view of the extenuating facts which were not brought before the Commission while imposing a penalty, it is inclined to revise its orders. The penalty imposed to the extent of Rupees 25,000/- thus is reduced to an amount of Rupees 5,000/-, which has already been deducted from his salary. The order passed on 25.07.2019 is, accordingly, rectified. The complaint having been addressed to, is accordingly **filed**.

15.10.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. V.P. Dhawan,
808-A, Mona Aeroview
Swastik Vihar, Patiala Road,
Zirakpur, Distt. SAS Nagar(Mohali).

Complainant

Versus

Public Information Officer,
O/o Municipal Committee, Zirakpur,
Distt. SAS Nagar (Mohali).

Respondent

Complaint Case No.592/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
20.04.2018	Nil	30.05.2018	Nil	01.07.2019

Present:

Complainant- Sh. V.P. Dhawan

Respondent- Sh. Sarabjeet Singh, Building Inspector.

ORDER

The following order was made on 10.09.2019:

“The original application has been filed on 20.04.2018. The appellant is seeking information about various clearances of a project namely M/s Prem Bansal Real Estate, Swastik Vihar, Zirakpur. There is an unexplained delay in filing the complaint. Even though, the respondents are desired to provide him the information. They shall explain the delay in filing the reply to the Commission before next date of hearing.”

The case has come up today. The information sought has been handed over to the complainant on spot in court itself. He seems satisfied. No further action seems desirable.

Disposed.

15.10.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. Kuldip Singh Garcha,
Executive Engineer
Panchayati Raj Public Works Division.
S.A.S. Nagar (Mohali)

Appellant

Versus

Public Information Officer,
O/o Chief Engineer (PR),
Panchayati Raj Public Works, Punjab,
Vikas Bhawan, Phase-8, SAS Nagar (Mohali).

First Appellate Authority,
O/o Chief Engineer, (PR),
Panchayati Raj, Public Works,
Vikas Bhawan, Phase-8, SAS Nagar (Mohali).

Respondents

Appeal Case No.1499/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
04.06.2018	20.7.2018	08.02.2019	Nil	23.04.2019

Present: **Appellant- Sh. Kuldip Singh.**
 Respondents- Sh. Jagjit Singh, Senior Assistant;
 Smt. Alka Chopra, Senior Assistant.

ORDER:

27.06.2019 The following order was passed on 19.09.2019:

“The appellant is seeking the copies of his Annual Confidential Reports from 2013-14 to 2016-2017. The appellant admits having received the ACRs for the years 2013-14, 2015-16 & 2016-17. The respondents say that the ACR relating to the year 2014-15 is not available in the record. The appellant says that the same has been malafidely mis-placed to harm his career and promotion prospects. The Commission is not inclined to accept the version of the respondents unless the record has been destroyed according to the retention policy or its loss has been duly reported earlier.

The Commission directs the PIO to arrange to provide the same within 10 days from the

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Appeal Case No.1499/2019

receipt of the order positively, failing which, it shall be presumed that the information is being withheld willfully and the penal consequential action shall follow.”

The case has come up today. The PIO in the O/o Chief Engineer, Panchayati Raj, has submitted a memo dated 08.08.2019, wherein a plea has been take that the ACR in contention was sent to Sh. G.S Ghuman, the then Joint Development Commissioner under ID No.270 dated 29.06.2015, the then accepting authority and has not been received back. The PIO in the O/o the Director, Department of Rural Development and Panchayat dealing with the RD-V branch is hereby desired to throw light on the same in writing before the next date of hearing and attend the proceeding along with the record. Be it noted that in the absence of convincing response, he shall be considered as a deemed PIO and the onus shall entirely devolve upon him for the penal consequences for non-furnishing of information.

The case has come up today. The rep of the office of JDC has produced a copy, wherein they have denied the receipt of the ACR as mentioned in the aforesaid order. The Commission understands that there is some miscommunication about the numbers of receipt and dispatch. As per the record communicated to the appellant his ACR was sent to the office of the JDC vide letter 2639 dated 26.05.2015, whereas it transpires that the document in contention was forwarded by the office of the SE to the JDC vide number

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Appeal Case No.1499/2019

270 dated 26.06.2015. The respondents in the office of JDC are once again directed to look into it and file a written reply to the Commission. They shall also bring along the original receipt and dispatch register.

To come up on **03.12.2019 at 11.30 AM.**

15.10.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

CC: The Joint Development Commissioner, Vikas Bhawan, Sector-62, SAS Nagar.

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Sh. Mahabir Singh
General Attorney of Parvinder Kaur
D/o Shri Mahabir Singh
43, Raja Park, Ambala Cantt.

Appellant

Versus

Public Information Officer,
O/o Tehsildar, Dera Bassi
District S.A.S. Nagar (Mohali).

First Appellate Authority,
O/o Sub Divisional Magistrate,
Dera Bassi, Distt. SAS Nagar(Mohali).

Respondents

Appeal Case No.2382/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
02.07.2018	Nil	16.08.2018	Nil	02.07.2019

Present:

Appellant- Sh. Mahabir Singh;
Respondents- Sh. Navdeep Singh, Revenue Patwari.

ORDER

The following order was made by the Commission on 10.09.2019:

“Having failed to find response from the respondents on his application filed on 20.07.2018, the appellant has been constrained to file a second appeal with the Commission. The appellant had purchased a land comprised in Khasra No. 6/4/min measuring 1 kanal 8 marle in the revenue estate of the village Bir Dandral, presently christened as Shakti Nagar, Dera Bassi. He is aggrieved with the fact that the numbers of the aforementioned land have been manipulated by the revenue officials depriving him of the possession of his land. He has sought the Tatima Map and the entries in the field book relating to his plot.

The respondents are absent. The Commission takes a strong exception to the cavalier conduct of the respondents in stone walling the information. The respondents are directed to inform the appellant about his requisition before the next date of hearing, besides

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Appeal Case No.2382/2019

explaining their conduct for having failed to provide the information and file a reply before the Commission.”

The case has come up today. Sh. Navdeep Singh, Revenue Patwari, is present. As mentioned in aforesaid order, he has brought along *Tatima* map of plot of land drawn following the sanction of the mutation. It has been arranged to be delivered to the appellant on spot. The appellant is still aggrieved as he complains that the land revealed to be mutated is not physically available. He insists the Commission to direct the respondents to correct the situation on spot in his favour.

The Commission regrets that it is not within its domain to order the rectification of revenue record. He is advised either to approach the Revenue Authorities or the Civil Court to seek redressal to his grievance. The Commission feels that the appellant has been sufficiently informed. The appeal is **disposed**.

15.10.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Smt. Sukhjit Kaur,
H.No.213, Phase-3A,
SAS Nagar (Mohali).

Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Sector-68, SAS Nagar (Mohali).

First Appellate Authority,
O/o Joint Commissioner-cum-
Municipal Corporation, SAS Nagar(Mohali).

Respondents

Appeal Case Nos.2389 &2390/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
07.02.2019	Nil	20.03.2019	Nil	03.07.2019

Present: Complainant- Ms. Sukhjit Kaur;
Respondents- None.

ORDER

None is present on behalf of respondents. The matter is adjourned to be

heard on **03.12.2019 at 11.30 AM.**

15.10.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Sh.Sukhwinder Rattan,
H.No.214/107,Krishna Street,
Doraha, District Ludhiana.

Complainant

Versus

Public Information Officer,
O/o Municipal Council,
Kurali, District Mohali.

Respondent

Complaint Case Nos.621&622/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
24.05.2019, 29.05.2019	Nil	Nil	Nil	18.07.2019

Present: Appellant- Sh. Sukhwinder Singh;
Respondents- None.

ORDER

The respondents are absent. Nothing has been heard from them. The respondents are directed to again comply with the instructions passed on 12.09.2019.

The matter shall be heard on **14.11.2019 at 11.30 AM.**

17.10.2019

(Yashvir Mahajan)
State Information Commissioner

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Shri Rohit Sabharwal,
Kundan Bhawan,
126, Model Gram, Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Asstt. Inspector General of
Police (Crime), Punjab,
Chandigarh.

First Appellate Authority-cum-
Director General of Police, Punjab,
Punjab Police HQs., Sec.9, Chandigarh.

Respondents

Appeal Case No.2688/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
22.04.2019	13.05.2019	27.05.2019	25.06.2019	24.07.2019

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Present:

**Complainant-
Respondent0s-**

**None.
Sh. Jagroop Singh, SDO.**

ORDER

The following order was made by the bench on

Sh. Jagroop Singh, SDO, is present. He has sent a reply to the appellant. A copy of it has been endorsed to the Commission as well. The respondent has submitted that the offence as pointed in his application was compounded on 2017 and his connection was regularized after charging him the applicable fees and penalty. The Commission feels that the appellant has been informed. The respondent regrets the delay. The Commission does not find any malafide in the issue. The appeal is **disposed**.

01.10.2019

**(Yashvir Mahajan)
State Information Commissioner**

Full bench

Present: Appellant- None.
Respondents- H.Sh. , In charge, RTI Cell.

ORDER

The following order was made by the bench:

The respondents are present. They have produced before us the copies of the memos issued to the appellant to inspect the record in compliance with the directions passed in the aforesaid order. Despite having afforded more than couple of opportunities, the appellant has failed to avail it. Seemingly he is no more interested to pursue the matter. The issue cannot be kept hanging by summoning public authority again and again which becomes counterproductive in public interest. The appeal is accordingly disposed for want of appropriate prosecution.

Disposed.

01.10.2019

**(Yashvir Mahajan)
State Information Commissioner**