

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden

Sector:16, Chandigarh

Contact No.0172-2864116, Fax No.0172-2864125

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Sh.Dinesh Kumar,
S/oSh. Daulat Ram,
R/o Village Rathewal,
Tehsil: Balachaur, Distt: SBS Nagar.

...Appellant

Versus

Public Information Officer,
O/o SDM,
Balachaur, Distt: SBS Nagar.

First Appellate Authority
o/o SDM,
Balachaur, Distt: SBS Nagar.

Public Information Officer,
O/o Forest Officer,
Nawanshahar ant Gharshankar,
Distt:Hoshiarpur.

...Respondent

Appeal Case No. 2919 of 2018

PRESENT: (i) Sh. Dinesh Kumar, the appellant.
(ii) Sh. Gurinder Singh, Jr. Assistant and Sh. Manoj Kumar, Block Officer on behalf of the respondent.

ORDER

The RTI application is dated 11.04.2018 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 15.05.2018 and second appeal was filed in the Commission on 30.08.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of the Commission has been sent to the parties for today's hearing i.e. 15.11.2018.

3. The appellant states that no information has been supplied to him by the respondent till today.

4. A letter has been received from the Suptd., o/o SDM, Balachaur in the Commission by email mentioning therein that this information is to be supplied by the Forest Officer, Hoshiarpur and the same has been transferred to him vide letter dated 16.04.2018 under Section 6(3) of the RTI Act, 2005. Sh.Manoj Kumar, Block Officer appearing on behalf of the Forest Officer, Hoshiarpur and files reply that the information has already been supplied to the appellant on six points and one point is left, which will be supplied to him within one week.

Contd...-2

5. Since, the information is to be provided by the PIO, O/o Forest Officer, Hoshiarpur. I, therefore, order that PIO, O/o Forest Officer, Hoshiarpur be impleaded as Respondent No.2. I further direct that the PIO should supply the complete information to the appellant, before the next date of hearing and personally appear, on the next date of hearing alongwith the information, in the Commission. Sh. Gurinder Singh, Jr.Assistant is appearing on behalf of the o/o SDM,Balachaur and states that he is not aware about the facts of the case. Some more time be given to the Suptd., to state the case. The PIO o/o SDM, Balachaur is directed to appear personally alongwith the written reply, on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. The matter to come up for further hearing now on **02.01.2019 at 11.00AM**. Copies of the order be sent to the parties.

Sd/-

**Chandigarh
15.11.2018**

**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

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Sh.Dinesh Kumar,
S/oSh. Daulat Ram,
R/o Village Rathewal,
Tehsil: Balachaur, Distt: SBS Nagar.

...Appellant

Versus

Public Information Officer,
O/o Tehsildar,
Balachaur, Distt: SBS Nagar.

First Appellate Authority
o/o SDM,
Balachaur, Distt: SBS Nagar.

...Respondent

Appeal Case No. 2916 of 2018

PRESENT: (i) Sh. Dinesh Kumar, the appellant.
(ii) Sh. Gurinder Singh, Jr. Assistant on behalf of the respondent.

ORDER

The RTI application is dated 08.06.2018 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 16.07.2018 and second appeal was filed in the Commission on 30.08.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of the Commission has been sent to the parties for today's hearing i.e. 15.11.2018.

3. The appellant states that no information has been supplied to him by the respondent till today.

4. The respondent o/o Tehsildar, Balachaur files reply to the Notice of the Commission mentioning therein that the RTI application of the appellant has been received in their office from the SDM, Balachaur on 30.07.2018 and reply has been sent to them vide letter dated 20.08.2018 by registered post with a copy to the appellant that the information which has been sought by the appellant was sent to the District Technical Coordination, Suvida Centre, SBS Nagar on 31.07.2018 to provide the information but the concerned department replied on 07.08.2018 that this information is not available. So, this information may be supplied by the Governance Reforms, Punjab, Mohali.

Contd..p-2

5. The perusal of the file reveals that the RTI application of the appellant is dated 08.06.2018 to the SDM, Balachaur and they transferred the same to the Tehsildar, Balachaur vide letter dated 13.06.2018 under Section 6(3) of the RTI Act, 2005 but the respondent o/o Tehsildar, Balachaur states that this RTI application has been received on 30.07.2018 by the SDM, Balachaur.

6. The PIO o/o SDM, Balachaur and PIO o/o Tehsildar, Balachaur are directed to appear personally alongwith the written reply and original dispatch register, on the next date of hearing. The PIO o/o Tehsildar, Balachaur is directed to retrieve the information from the concerned department and provide the same to the appellant, before the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

7. The matter to come up for further hearing now on **02.01.2019 at 11.00AM**. Copies of the order be sent to the parties.

Sd/-

**Chandigarh
15.11.2018**

**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

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Sh.Dinesh Kumar,
S/oSh. Daulat Ram,
R/o Village Rathewal,
Tehsil: Balachaur, Distt: SBS Nagar.

...Appellant

Versus

Public Information Officer,
O/o SDM,
Balachaur, Distt: SBS Nagar.

First Appellate Authority
o/o SDM,
Balachaur, Distt: SBS Nagar.

...Respondent

Appeal Case No. 2917 of 2018

PRESENT: (i) Sh. Dinesh Kumar, the appellant.
(ii) Sh. Gurinder Singh, Jr. Assistant on behalf of the respondent.

ORDER

The RTI application is dated 14.03.2018 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 18.05.2018 and second appeal was filed in the Commission on 30.08.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of the Commission has been sent to the parties for today's hearing i.e. 15.11.2018.

3. The appellant states that no information has been supplied to him by the respondent till today.

4. The respondent o/o Tehsildar, Balachaur files reply to the Notice of the Commission mentioning therein that the some more time be given to the PIO o/o SDM, Balachaur to provide the information to the appellant.

5. Last opportunity is given to the PIO o/o SDM, Balachaur to provide the information to the appellant, before the next date of hearing and should personally appear on the next date of hearing in the commission, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. The matter to come up for further hearing now on **02.01.2019 at 11.00AM**. Copies of the order be sent to the parties.

Sd/-

Chandigarh
15.11.2018

(Prof. Viney Kapoor Mehra)
State Information Commissioner

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SH.Amar Nath,
H.No.4225/25, ward No.7,
Near Sewa Kendar,
Humayupur Sarhind,
Fatehgarh Sahib.

...Appellant

Versus

Public Information Officer,
O/o DPI(EF), Punjab,
Mohali.

First Appellate Authority
o/o DPI(EF), Punjab,
Mohali.

...Respondent

Appeal Case No. 2909 of 2018

PRESENT : (i) Sh. Amar Nath, the appellant.
(ii) Smt. Jasbir Kaur, Sr. Assistant on behalf of the respondent.

ORDER

The RTI application is dated 12.05.2018 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 19.06.2018 and second appeal was filed in the Commission on 29.08.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of the Commission has been sent to the parties for today's hearing i.e. 15.11.2018.

3. The appellant states that he has received the reply from the respondent that the information cannot be supplied being third party information and he is satisfied with the reply of the respondent.

3. The respondent states that the appellant was informed vide letter dated 23.07.2018 that the information which has been sought by him cannot be supplied being third party.

4. After hearing both the parties and perusal of the record, it is ascertained that the reply has already been supplied to the appellant with which he is satisfied and has given in writing his satisfaction.

5. In view of the above, no further cause of action is left in the instant Appeal cases, which are hereby, **closed and disposed off**. Copies of the order be sent to the parties.

Chandigarh
15.11.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Rajesh Kumar, Chief Editor,
RTI Activist, Vice Chairman National
Freedom Fighter Press Association,
C/O 2253/1, Peepli Wala Town,
Manimajra. Chandigarh.

...Appellant

Versus

Public Information Officer,
O/o XEN,
Pollution Control Board,
Phase-2, Mohali.

First Appellate Authority
o/o XEN,
Pollution Control Board,
Phase-2, Mohali.

...Respondent

APPEAL CASE NO. 2973 OF 2018

PRESENT: (i) Sh. Rajesh Kumar, the appellant.
(ii) Sh. Kuldeep Singh, E.E, on behalf of the respondent.

ORDER:

The RTI application is dated 24.04.2017 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 02.06.2017 and second appeal was filed in the Commission on 31.08.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of the Commission has been sent to the parties for today's hearing i.e. 15.11.2018.

3. The appellant states that till today, no information has been supplied to him by the respondent.

4. Sh. Kuldeep Singh, E.E o/o Punjab Pollution Control Board, Mohali appears in person and states that the RTI application dated 24.04.2017 of the appellant was addressed to the SDM, Derabassi and they have transferred the same to their office vide letter dated 05.05.2017 but till today, no such application has been received in their office. He has brought the information today in the Commission after receiving the notice of the Commission. Copy of the same is handed over to the appellant.

Contd..p-2

5. The appellant is advised to go through the information and revert back to the authorities in case he is not satisfied with the information. On receipt of the deficiencies, the respondents are directed to remove the same before the next date of hearing. The PIO o/o SDM, Derabassi is also directed to appear personally on the next date of hearing alongwith the dispatch register.

6. The matter to come up for further hearing now on **18.12.2018 at 11.00AM**. Copies of the order be sent to the parties.

Sd/-

**Chandigarh
15.11.2018**

**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

CC: PIO o/o Sub Divisional Magistrate, Derabassi, Distt:Mohali.

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Sh. Sandeep Bahl (SEE),
Punjab Pollution Control Board,
Nabha Road, Patiala.

...Appellant

Versus

Public Information Officer,
O/o Administrative Officer,
Punjab Pollution Control Board,
Patiala.

First Appellate Authority
o/o Member Secy.,
Punjab Pollution Control Board,
Patiala.

...Respondent

APPEAL CASE NO. 2923 OF 2018

PRESENT: (i) Sh. Amrik Singh, the appellant.
(ii) Sh. Amrik Singh, ADO-cum-PIO, the respondent.

ORDER:

The RTI application is dated 28.05.2018 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 13.07.2018 and second appeal was filed in the Commission on 30.08.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of the Commission has been sent to the parties for today's hearing i.e. 15.11.2018.

3. The appellant states that till today, no information has been supplied to him by the respondent.

4. The respondent files reply to the Notice of the Commission mentioning therein that the information has already been supplied to the appellant vide letter dated 13.11.2018.

5. Looking at the lackadaisical and highly irresponsible attitude of **the PIO o/o Punjab Pollution Control Board, Patiala** is directed to show cause in writing or through affidavit under Section 20(1) of the RTI Act, as to why penalty be not imposed upon him for willful delay/ denial of the information to the RTI applicant and why the compensation be not awarded to the appellant under Section 19 (8)(b) of the Act for detriment suffered.

7. In addition to his submission, the PIO is also hereby given an opportunity under Section 20(1) proviso, thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may note that in case he does not file his submission and does not avail himself of the opportunity of personal hearing on the next 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.

8. The appellant is advised to go through the information and revert back to the authorities in case he is not satisfied with the information. On receipt of the deficiencies, the respondents are directed to remove the same before the next date of hearing.

9. The matter to come up for further hearing now on **14.12.2018 at 11.00AM**. Copies of the order be sent to the parties.

Sd/-

**Chandigarh
15.11.2018**

**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

PUNJAB STATE INFORMATION COMMISSION

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Sh. Sarwan Singh,
S/o Sh. Punna Singh,
Rure Asal, Tehsil & Distt: Tarn Taran.

Appellant

Versus

Public Information Officer,
O/o BDPO,
Tarn Taran.

First Appellate Authority
o/o DDPO,
Tarn Taran.

.Respondent

Appeal Case No. 369 of 2018

PRESENT: (i) Sh. Baldev Singh, on behalf of the appellant.
(ii) Sh. Gurmukh Singh, Panchayat Secy., on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 26.09.2018.

2. The appellant has authorized Sh. Baldev Singh to appear on his behalf for today's hearing. The representative of the appellant states that the information has been received but it is not attested.

3. The respondent states that the information has already been sent to the appellant by registered post on 03.11.2018. He has also filed an affidavit today in the Commission. Copy of the same is taken on record.

4. The respondent has attested the information today in the Commission, with which the appellant is satisfied and has also given in writing his satisfaction. Copy of the original affidavit is also handed over to the representative of the appellant.

5. In view of the above, no further cause of action is left in the instant Appeal Case, which is hereby, **closed and disposed of**. Copies of the order be sent to the parties.

Sd/-

Chandigarh
15.11.2018

(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. D.C.Gupta, IDAS(Retd),
778, Urban Estate, Phase-1,
Patiala.

...Complainant

Versus

Public Information Officer
O/o SOS,
Children Village, Rajpura,
Patiala.

...Respondent

COMPLAINT CASE NO. 384 OF 2018

PRESENT: (i) None is present on behalf of the complainant.
(ii) Sh. Santosh Singh, Assistant Village Director on behalf of the respondent.

ORDER:

This order may be read with reference to the previous order dated 26.09.2018.

2. The complainant is absent for today's hearing.

3. The respondent states that the information has already been supplied to the complainant vide letter dated 04.10.2018 by speed post. He further files an affidavit in response to the show cause notice issued to the PIO during the last hearing. Copy of the same is taken on record.

4. The complainant is advised to go through the information and revert back to the authorities in case he is not satisfied with the information. On receipt of the deficiencies, the respondents are directed to remove the same before the next date of hearing.

5. Last opportunity is given to the complainant to follow up his case in the Commission, failing which decision shall be taken on merits.

6. The matter to come up for further hearing now on **13.12.2018 at 11.00AM**. Copies of the order be sent to the parties.

Chandigarh
15.11.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Vipan Kumar,
S/o Sh. Jiwan Kumar,
R/o Sherpur, Tehsil:Dhuri,
Distt: Sangrur.

...Appellant

Versus

Public Information Officer,
O/o District, Food Civil Supplies Controller,
Sangrur.

First Appellate Authority
o/o Director,
Food Civil Supplies and Consumer Affairs,
Punjab, Chadigarh.

...Respondent.

Appeal Case No. 371 of 2018

PRESENT: None is present on behalf of the appellant.
Sh. Jaspreet Singh, DFSC on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated
26.09.2018.

2. The appellant has informed the Commission on telephone that due to
unavoidable reason, he cannot attend today's hearing and has sought another date.

3. The respondent states that as directed by the Commission during the
last hearing, he has brought an affidavit in response to the show cause notice.

4. After going through the affidavit, it is ascertained that the respondent
has not mentioned the reasons for the delay in supplying the information. One more
opportunity is given to the PIO to file an affidavit mentioning the proper facts of the case.

5. Last opportunity is given to the complainant to follow up his case in
the Commission, failing which decision shall be taken on merits.

6. The matter to come up for further hearing now on **13.12.2018 at**
11.00AM. Copies of the order be sent to the parties.

Chandigarh
15.11.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Hardial Singh,
S/o Sh. SHer Singh,
Village & P.O: Dhablan,
Tehsil & Distt: Patiala.

...Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Patiala.

First Appellate Authority
o/o District Development and Panchayat Officer,
Patiala.

...Respondent

Appeal Case No.352 of 2018

PRESENT: (i) Sh. Hardial Singh, the appellant.
(ii) Sh. Vaneet Sharma, BDPO, Sanaur on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 26.09.2018.

2. The appellant states that till today, complete information has not been supplied to him by the respondent.

3. The respondent states that he has brought the information relating to point no. 3 today in the Commission. Copy of the same is handed over to the appellant.

4. After examining the case file, it reveals that the respondent has supplied this information after the delay of more than one year.

5. Looking at the lackadaisical and highly irresponsible attitude of **the PIO o/o Block Development and Panchayat Officer, Sanaur, Distt: Patiala** is directed to show cause in writing or through affidavit under Section 20(1) of the RTI Act, as to why penalty be not imposed upon him for willful delay/ denial of the information to the RTI applicant and why the compensation be not awarded to the appellant under Section 19 (8)(b) of the Act for detriment suffered, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

6. The matter to come up for further hearing now on **13.12.2018 at 11.00AM**. Copies of the order be sent to the parties.

Chandigarh
15.11.2018

(Prof. Viney Kapoor Mehra)
State Information Commissioner

CC: Block Development and Panchayat Officer, Sanaur, Distt:Patiala.(Regd. Post)

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Sh. Dalvir Singh,
S/o Sh. Bhag Singh,
R/o Village Kot Penech, Tehsil:Khanna,
Distt:Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o BDPO,
Khanna, Distt:Ludhiana.

First Appellate Authority
o/o DDPO,
Ludhiana.

...Respondent

Appeal CASE NO. 354 OF 2018

PRESENT: (i) Sh. Dalvir Singh, the appellant.
(ii) Ms. Anuradha, on behalf of the respondent.

ORDER

This order may be read with referenced to the previous order dated 26.09.2018.

2. The appellant states that till today, no satisfactory reply has been given to him by the respondent.

3. The respondent files an affidavit in response to the show cause notice issued during the hearing dated 22.03.2018.

4. After going through the affidavit, it is ascertained that the respondent has not mentioned the reasons for the delay in supplying the information. One more opportunity is given to the PIO to appear personally and file an affidavit mentioning the proper facts of the case, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated against him.

5. The matter to come up for further hearing now on **13.12.2018 at 11.00AM**. Copies of the order be sent to the parties.

Chandigarh
15.11.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Manmohan Lal,
S/o Sh. Bhagwant Kishor,
R/o Nilo Kalan, Tehsil: Samrala,
Distt: Ludhiana.

Appellant

Versus

Public Information Officer,
O/o BDPO,
Block Machiwara, Distt:Ludhiana.

First Appellate Authority
o/o DDPO,
Ludhiana.

.Respondent

Appeal Case No. 368 of 2018

PRESENT: (i) None is present on behalf of the appellant.
(ii) Smt. Sarabjit Kaur, BDPO, the respondent.

ORDER

This order may be read with reference to the previous order dated 26.09.2018.

2. A letter has been received from the appellant in the Commission vide diary no. 21741 dated 26.10.2018, which is taken on record.

3. Smt. Sarabjit Kaur, BDPO is appearing in person and files an affidavit mentioning therein that the information has already been supplied to the appellant vide letter dated 07.06.2018 and nothing is pending to be supplied to the appellant in this regard.

4. After going through the affidavit, it is ascertained that the respondent has not mentioned any reason for the delay in supplying the information. During the hearing dated 25.04.2018, a show cause notice was issued to the PIO but at today's hearing, the PIO has not mentioned any reason for the delay.

5. Last opportunity is given to the PIO to file a proper affidavit in response to the show cause notice, on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. The matter to come up for further hearing now on **20.12.2018 at 11.00AM**. Copies of the order be sent to the parties.

Chandigarh
15.11.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Vipan Kumar,
S/o Sh. Jiwan Kumar,
R/o Sherpur, Tehsil:Dhuri,
Distt: Sangrur.

...Appellant

Versus

Public Information Officer,
O/o Director,
Food Civil Supplies and Consumer Affairs,
Punjab, Chandigarh.

First Appellate Authority
o/o Director,
Food Civil Supplies and Consumer Affairs,
Punjab, Chandigarh.

...Respondent.

Appeal Case No. 370 of 2018

PRESENT: None is present on behalf of the appellant.
Sh. Jaspreet Singh, DFSC on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 26.09.2018.

2. The appellant has informed the Commission on telephone that due to unavoidable reason, he cannot attend today's hearing and has sought another date.

3. The respondent states that some more time be given to him to trace the record and after that information will be supplied to the appellant. He further states that he has joined in the Month of March, 2018 and Sh. Manjit Singh was the PIO at the time of filling the RTI application dated 01.04.2017.

4. After hearing the respondent and perusing the record, it is ascertained that the appellant filed an RTI application on 01.04.2017 but till today, no information has been supplied to the appellant due to the non availability of the record and no FIR has been lodged by the department for the loss of the record.

5. The perusal of the file and the conduct of the respondent have proved that he has not performed his duty as mandated by the RTI regime. Such kind of behavior of a Government employee needs to be condemned and such employees need to be taught a good lesson so that rest of the employees have a right kind of

Contd...p-2

message to wake up and perform their duties under the RTI Act for ensuring complete transparency and due accountability in the governance affairs of the public authorities.

6. The perusal of the record reveals that in this case, the appellant has tried his best to get the information from the PIO who failed to provide the information to the applicant. He has been made to run from pillar to post for getting the information, which he could not get even after the notice was issued by the Commission in the second appeal. He has suffered unnecessary detriments/harassment in getting the information at the hands of the PIO.

7. I have also looked into all the facts and circumstances of the case. In my view this is a fit case, where award of compensation under Section 19 (8) (b) is also called for. I have no doubt in my mind that this state of affairs has also come about on account of the absence of adequate machinery for handling the RTI work in the o/o **Director, Food Civil Supplies and Consumer Affairs, Punjab, Chandigarh** is thus, responsible for the inadequate handling of the RTI requests and in the instant case as well. **I, therefore, order that compensation of Rs. 3,000/- (Rs. Three thousand only)** be paid to the appellant for the detriments suffered by him. This amount shall be payable from the funds of the o/o **Director, Food Civil Supplies and Consumer Affairs, Punjab, Chandigarh** by way of Demand Draft to the appellant within one month. The PIO is also directed to file the reply to the show cause notice issued to him vide order dated 25.04.2018.

8. Last opportunity is given to the appellant to follow up his case in the Commission, failing which decision shall be taken on merits.

9. The matter to come up for further hearing now on **13.12.2018 at 11.00AM**. Copies of the order be sent to the parties.

Chandigarh
15.11.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

