

Sh. Suresh Kumar, S/o Sh Jeet Singh, VR/o Village Bathoi Khurd, P.O Karhali Sahib, Distt Patiala.

... Appellant

Versus

Public Information Officer, O/o PSPCL, Head Office, Patiala.

First Appellate Authority, O/o Chief Engineer, (Commercial), PSPCL, Patiala.

...Respondent

Appeal Case No. 435 of 2019

PRESENT: Sh.Suresh Kumar as the Appellant Sh.Gurmeet Singh o/o AEE-Op, PSPCL Balbera for the Respondent

ORDER:

The case was last heard on **08.05.2018.** The respondent Sh.Gurmeet Singh was present who pleaded that the information has been provided to the appellant. The appellant was not satisfied and stated that the PIO has not provided the information as per the RTI application. The respondent informed that since the original file stands misplaced and after creating a duplicate file from the ledger book, the information has been provided to the appellant. The PIO was directed to give this in writing on an affidavit that the record stands misplaced and duplicate file created and provided to the appellant.

Hearing dated 16.07.2019:

The respondent present has brought an affidavit and handed over to the appellant. The appellant has received the same.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh Dated 16.07.2019 Sd/-(Khushwant Singh) State Information Commissioner



Sh. Prem Chand, S/o Sh.Gurmeet Ram, R/o VPO Mamu Kheda, Tehsil &Distt. Fazilka.

... Complainant

Versus

Public Information Officer, DSP, Sub Division, Jalalabad

...Respondent

Complaint Case No. 919 of 2018

Present: None for the Appellant Sh.Amarjit Singh, DSP Jalalabad for the Respondent Order:

The case was first heard on **14.11.2018.** The respondent was absent. The PIO was directed to relook at the RTI application and provide the information to the complainant in accordance with the RTI Act. The PIO was also directed to be present personally or through his representative on the next date of hearing and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.

Sh.Rangdev Singh, ASI Police Station, Khuikhera Distt.FAzilka appeared late and submitted a letter dated 27.09.2018 stating that the complainant was asked to appear before him for enquiry but he did not turn up. The ASI also brought the information. The respondent was directed to send the information to the complainant through registered post and intimate the Commission.

The case was last heard on **22.01.2019.** The appellant informed that the information has not been provided. The respondent was absent. The PIO was directed to send the information within 15 days and appear on the next date of hearing otherwise the Commission will be constrained to take action against the PIO under the RTI Act 2005.

The case was last heard on **13.03.2019.** The appellant claimed that despite order of the Commission, the PIO has not provided the information.

The respondent was absent on 3rd consecutive hearing and nor sent any communication whether the PIO complied with the order of the Commission or not. The PIO was issued a show cause notice **under Section 20 and** directed to file an affidavit in this regard. The PIO-DSP Sub Division Jalalabad was again directed to provide the information to the appellant within 10 days.

The case was last heard on **15.05.2019.** The representative present on behalf of the appellant informed that no information has been provided by the PIO. The show cause notice issued to the PIO-DSP Sub Division, Jalalabad on 13.03.2019 received back with the remarks of the postal authorities that the addressee refused to accept it.

The PIO-DSP Sub Division, Jalalabad was given one more opportunity to appear before the Commission on the next date of hearing alongwith reply to the show cause on an affidavit otherwise the Commission will be constrained to take action as per RTI Act. The PIO was also directed to provide the information to the appellant within 10 days. A copy of the order was sent to the SSP, Fazilka to ensure compliance of the order of the Commission by the PIO.

Hearing dated 16.07.2019:

The respondent present pleaded that the information has been provided to the appellant on 01.06.2019 through their constable Sh.Vishnu Chand in the presence of village Chowkidar and the same was received by the appellant's son Sh.Gurdev Singh who also acknowledged having received the information. They have also sent a copy of the information to the appellant through registered post.

The appellant is absent and vide letter received in the Commission on 15.07.2019 has sought exemption. However, the appellant has not communicated that whether he has received the information or not. It is presumed that the appellant has received the information and is satisfied.

Regarding reply to the show cause, the respondent has submitted an affidavit which is taken on the file of the Commission. The respondent has further pleaded that due to frequent transfers in the sub-division, the information was delayed and he assured to be careful in future. The plea is accepted.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh Dated: 16.07.2019 Sd/-(Khushwant Singh) State Information Commissioner

CC to : SSP Fazilka



Sh.Kuldip Kumar, 5-C,Phase-1, Urban Estate, Focal Point, Ludhiana.

....Appellant

Versus

Public Information Officer, O/o PUDA, Patiala.

First Appellate Authority, O/oPDA, Urban Estate, Phase-2, Patiala.

...Respondent

Appeal Case No. 4151 of 2018

Present: Sh.Kuldeep Kumar as the Appellant Sh.Jeewan Singh, Clerk, RTI Cell, PUDA Patiala for the Respondent

ORDER:

The case was first heard on 12.03.2019. The respondent present pleaded that the information is third party and there is no larger public interest involved. The PIO has further stated that the appellant has asked for specific information for the period Dec.2017 & Jan.2018 and not the salary or grade under which the employee draws his salary. The respondent stated that asking the specific salary amount is personal information. The respondent also denied the information on point-2 stating that this information is also personal and in both the points, quoted a Supreme Court order in case of Canara Bank V/s C.S.Shyam & Others.

The appellant was absent to plead his case. The case was adjourned.

The case was last heard on **14.05.2019.** The appellant produced a copy of voter list as a proof that Sh.Avtar Singh is a bonafide resident of Ludhiana. The appellant further alleged that Sh.Avtar Singh is enjoying free Govt accommodation in Ludhiana whereas he is drawing house rent allowance from the Department at Patiala which is against the service rule and to prove this fraud, the appellant has sought copy of salary certificate of Sh.Avtar Singh. The document was taken on the file of the Commission. The case was adjourned for adjudication on **16.07.2019**.

Hearing dated 16.07.2019:

The case has come up for hearing today. The appellant claims that the PIO has not provided the information and also raised the point regarding section 4 of the RTI Act which pertains to the obligations of the Public Authorities, whereby, the public authorities create a system to maintain records, as well disseminate them suo-motto in easily accessible form, preferably electronic and the Internet, so that the public have minimum resort to use this Act to obtain information and further to publish within one hundred and twenty days from the enactment of this Act, the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its sub-section 1(b)(x).

I see validity in the appellant's reason and direct the PIO to provide the information regarding point-1 to the appellant within 15 days.

Appeal Case No. 4151 of 2018

Further as per powers vested Under Section 19(8)(a)(iii) of the RTI Act, which empowers the Central Information Commission or State Information Commission to require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including by publishing certain information or categories of information, I hereby implead the Chief Administrator, PUDA Patiala to prepare a roadmap for implementation of the Section 4 of this Act and present it at the next date of hearing.

The case to come up for further hearing on **23.10.2019 at 11.00 AM**.

Chandigarh Dated: 16.07.2019. Sd/-(Khushwant Singh) State Information Commissioner

CC to PIO-Chief Administrator, PUDA Patiala



Sh. Nonihal Singh, Ward No-13, Sodhi Farm, Zirakpur.

Public Information Officer, O/o Chief Administrator,

GMADA, Mohali.

...Respondent

... Complainant

Complaint Case No. 949 of 2018

Versus

Present: None for the Complainant Sh.Major Singh, Dy Director, Local Bodies for the Respondent

Order:

The case was first heard on **14.11.2018**. The respondent present pleaded that since the information is voluminous, the complainant was asked to specify the information he wants vide letter dated 04.09.2018 but he did not turn up. The appellant was absent to plead his case. The respondent was also directed to bring proof of dispatch of this letter.

The case was again heard on **08.01.2019.** Since both the parties were absent, the case was adjourned.

The case further came up for hearing on **25.02.2019.** The appellant informed that he has not received the information. The respondent pleaded that since the complainant had sought information regarding unauthorized colonies in the jurisdiction of MC Zirakpur and the information pertains to the office of Deputy Director, Local Bodies, Patiala, they transferred the RTI application to the Dy Director, Local Bodies, Patiala, on 25.10.2018.

. The PIO-MC-Zirakpur and the PIO-Dy.Director, Local Bodies Patiala were directed to look at the RTI application and provide the information that is under their custody. Should information be voluminous, the respective authority shall allow inspection of the record by fixing mutually convenient date and time and provide the appellant with the relevant information of not more than 50 pages.

The case was again heard on **25.03.2019.** The respondent present from the office of GMADA informed that they have already transferred the RTI application to the office of Dy.Director, Local Bodies Patiala. The respondent present from the office of Dy. Director, Local Bodies pleaded that as per order of the Commission, the appellant was asked vide letter dated 18.11.2018 to inspect the record but the appellant did not turn up.

Having gone through the file, the Commission directed the PIO Local Bodies, Patiala to provide the information regarding points 1, 2 & ,3 and allow the appellant to inspect the record regarding points 5 to 9 on the date fixed i.e. 29.05.2018. The PIO was directed to provide the appellant with the relevant information of not more than 50 pages as per earlier order which still stands.

The case was last heard on **15.05.2019.** The representative present on behalf of the appellant informed that the PIO has not provided the information.

The respondent was absent. The PIO was given one more opportunity and directed to comply with the earlier orders of the Commission which still stands. The PIO was also directed to appear on the next date of hearing.

Hearing dated 16.07.2019:

The respondent present from the office of Local Bodies pleaded that in compliance with the order of the Commission, the information regarding points 1,2 & 3 has been provided to the appellant. The respondent further pleaded that as per order of the Commission, the appellant has not come for inspection regarding information on points 5 to 9.

Having gone through the record, the Commission finds that since the appellant has not availed the opportunity of inspecting the record on two occasions which was granted to him on 25.03.2019 & 15.05.2019 to get the information regarding points 5 to 9, I hereby dispose off the case with the order that the appellant may inspect the record regarding information on points 5 to 9 within a month and get the information as per earlier order. The PIO is directed to allow the inspection to the appellant and provide the relevant information.

The case is **disposed off and closed**.

Chandigarh Dated: 16.07.2019 Sd/-(Khushwant Singh) State Information Commissioner

CC to 1. PIO-MC-Zirakpur 2. PIO-Dy.Director, Local Bodies Patiala

Smt.Narinder Kaur, W/o Lt Sh.Sukhwinder Singh, R/o VPO SarhaliKalan, Patti Khasi Ki, Tehsil and Distt Tarn Taran.

Versus

... Complainant

PSIC

Public Information Officer,

O/oExecutive Engineer, PSPCL, Division Patti, Patti, Distt Tarn Taran. Complaint Case No. 1257of 2018

...Respondent

Present: Sh.Shubham Mehta, Advocate for the complainant Sh.Sukhviner Singh, Sr.Xen O/o EE PSPCL Patti for the Respondent

ORDER: The case was first heard on 12.03.2019. The respondent brought the information and handed over to the complainant. The complainant had received the information.

The Commission found that there is an enormous delay in providing the information. The PIO was directed to explain the reasons for not attending to the RTI application within the prescribed time under the RTI Act. and be present personally on the next date of hearing alongwith the reply on an affidavit.

The case was last heard on **14.05.2019.** The respondent did not bring any reply regarding delay in providing the information. The PIO was given one more opportunity to file detailed reply on an affidavit for not attending to the RTI application within the time prescribed under the RTI Act and be present personally on the next date of hearing.

Hearing dated 16.07.2019:

The information stands provided. Regarding delay in providing the information, the respondent has submitted an affidavit which is taken on the file of the Commission.

The respondent pleaded that he has just joined as PIO on 26.06.2019 and the delay is on the part of the earlier PIO Sh.Gurmukh Singh, who is now posted as Sr Xen, PSPCL, Industrial Division, Hall Gate, Amritsar. The respondent further pleaded that since their office is not equipped with the dedicated staff having requisite qualifications, the information was delayed. I hereby direct the Superintending Engineer, PSPCL, Amritsar to look into the matter and resolve the matter.

Sh.Gurmukh Singh, Sr.Xen, PSPCL-Industrial Division, Hall Gate, Amritsar is impleaded in the case and hereby show caused as to why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time. He/she should file an affidavit in this regard. 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.

To come up on 29.10.2019 at 11.00 AM for further hearing.

Chandigarh Dated: 16.07.2019. Sd/-(Khushwant Singh) State Information Commissioner

CC to 1. Sh.Gurmukh Singh, Sr.Xen,

PSPCL-Industrial Division, Hall Gate, Amritsar

2. Superintending Engineer, PSPCL, Amritsar

ANT PRIC USE

Mrs Amar Sneh Kaur, K No-933, Phase-XI, Sector-65, Mohali

Versus

... Appellant

Public Information Officer, GMADA, PUDA Bhawan,

Sector-62, Mohali.

First Appellate Authority,

GMADA, PUDA Bhawan, Sector-62, Mohali.

Appeal Case No. 2444 of 2018

...Respondent

Present: None for the Appellant None for the Respondent

ORDER:

The case was first heard on **29.10.2018**. The respondent was absent without intimation to the Commission. The PIO was directed to provide the information to the appellant within 10 and be present personally or through his representative on the next date of hearing and explain the reasons for not providing the RTI application within the time prescribed under the RTI Act.

The case was again heard on **04.12.2018.** The appellant informed that the information has not been provided by the PIO. The respondent was absent nor provided the information despite order of the Commission. The PIO was **issued a show cause notice and diected** to file reply on an affidavit. The PIO was also directed to provide the information to the appellant within 10 days.

The case again came up for hearing on **23.01.2019.** The representative present on behalf of the appellant informed that the information has not been provided. Sh.Gulshan Kumar, PIO and Sh.Kuldeep Singh, APIO were present. The respondents neither brought any information nor reply to the show cause.

During hearing, it came to the notice of the Commission that the present PIO has joined on 15.11.2018 and the responsibility for delay in providing the information rests with the previous PIO. The Commission had clearly mentioned in the show cause that if there are other persons responsible for delay in providing the information, the PIO to inform such persons to appear before the Commission alongwith written replies. However, no reply had been filed.

Keeping the above facts of the case in mind, the PIO-GMADA was held guilty for not providing the information on time and for repeated and willful defiance of the Commission's orders and a penalty of **Rs.25,000/-** was imposed upon the PIO, GMADA, Punjab.

However, since there were two PIOs involved in the case, to ascertain and fix the responsibility of the PIO involved in the dereliction of duty in attending to

the RTI application, the Commission directed both the PIOs (Present and earlier) to be present at the next date of hearing with complete detail of the posting dates of the PIOs.

Further, the Commission was of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO was directed to pay an amount of **Rs.5000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO was directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant. The PIO was also directed to provide the information to the appellant within a week and send a compliance report to the Commission.

The case was again heard on **13.03.2019.** The representative present on behalf of the appellant informed that the information has been received. The respondent in compliance with the order of the Commission has brought a demand draft of Rs.5000/- and handed over to the representative of the appellant.

The present PIO submitted an affidavit that he joined as PIO-GMADA only on 30.11.2018 and the previous PIO did not attend the RTI application on time.

Keeping the above facts in view, the Commission found that the delay in providing the information has occurred on the part of previous PIO and there has been a delay of more than 100 days, the previous PIO - Mrs.Suman Bala, AEO GMADA was held guilty for not providing the information on time and a penalty of **Rs.25,000/-** was imposed upon Mrs.Suman Bala, the previous PIO, GMADA, Punjab and directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

The case was last heard on **14.05.2019.** The respondent present informed that as per order of the Commission, the amount of penalty has been deducted from the salary of Mrs.Suman Bala(Previous PIO) and they will deposit the amount in Govt Treasury within 2-3 days. The PIO was given one more opportunity and directed to comply with the earlier order of the Commission which still stands and send a compliance report to the Commission.

Hearing dated 16.07.2019:

The information stands provided. The respondent is absent. The PIO is given one last opportunity to comply with the earlier order of the Commission which still stands and send a compliance report to the Commission.

To come up for compliance on **13.08.2019 at 11.00 AM**.

Chandigarh Dated: 16.07.2019 Sd/-(Khushwant Singh) State Information Commissioner



...Respondent

Sh. Shivraj Singh, S/o Sh Pipal Singh, R/o village Jhurar Khera, Tehsil Abohar, Distt Fazilka.

... Appellant

Versus

Public Information Officer,

O/o Tehsildar, Abohar, Distt Fazilka.

First Appellate Authority,

O/o SDM, Abohar, Distt Fazilka.

Appeal Case No. 427 of 2019

PRESENT: Sh.Shivraj Singh as the Appellant Sh.Jaspal Singh Brar, Tehsildar, Abohar for the Respondent

ORDER:

The case was last heard on **08.05.2019.** The appellant stated that the PIO raised a fee of Rs.33000/- for 16500/- pages which he was willing to deposit. However, the department did not provide the break up of the amount. The respondent was absent and vide email sought exemption being on election duty. The PIO was directed to bring break-up of the fee that has been asked, to the Commission at the next date of hearing. The Tehsildar was directed to appear personally.

Hearing dated 16.07.2019:

The respondent present pleaded that the information regarding points 2,3 & 6 has been provided to the appellant. The information regarding points 1, 4 & 5 is voluminous and can be obtained from the concerned patwari by depositing requisite fee.

Regarding raising the fee of Rs.33000/-,the respondent pleaded that the fee has been raised wrongly and the same was raised by the earlier PIO Sh.Baljinder Singh, Naib Tehsildar, Abohar. Hearing both the parties, the following was concluded:

Points-2, 3 &6
Points-1,4 &5
Information stands provided.
The appellant to inspect the record as per dated fixed i.e. on 18.07.2019 at 9.00 AM and get the relevant information upto 150 pages. The PIO to allow the inspection to the appellant and provide the information upto 150 paged fee of cost.

The earlier PIO Sh.Baljinder Singh, Naib Tehsildar, Abohar is impleaded in the case and directed to be present on the next date of hearing and explain the reasons that why such hefty amount was raised when the information pertaining to this RTI application was of a meager number of pages as proved by the information that has been provided now. It appears that the earlier PIO had also not applied his mind in handling the RTI application.

The case is adjourned. To come up for further hearing on 27.08.2019 at 11.00 AM.

Chandigarh Dated 16.07.2019 Sd/-(Khushwant Singh) State Information Commissioner

CC to :Sh.Baljinder Singh, Naib Tehsildar Abohar.



Sh. Shivraj Singh, S/o Sh Pipal Singh, R/o village Jhurar Khera, Tehsil Abohar, Distt Fazilka.

... Appellant

...Respondent

Versus

Public Information Officer,

O/o Tehsildar, Abohar, Distt Fazilka.

First Appellate Authority,

O/o SDM, Abohar, Distt Fazilka.

Appeal Case No. 426 of 2019

PRESENT: Sh.Shivraj Singh as Appellant Sh.Jaspal Singh Brar, Tehsildar, Abohar for the Respondent

ORDER: The case was last heard on **08.05.2019.** The appellant informed that the PIO had asked to deposit requisite fee of Rs.33000/- for 16500 pages which was willing to deposit, however, the department did not provide the break-up of the amount. The respondent was absent. The PIO was directed to bring break-up of the fee that has been asked, to the Commission at the next date of hearing. The Tehsildar was also directed to appear personally.

Hearing dated 16.07.2019:

The respondent present pleaded that the information on points 3, 4, 7 & 8 has been provided to the appellant. The information regarding points, 1, 2, 5& 6 is voluminous and can be obtained from the concerned patwari by depositing requisite fee. The information regarding point-9 is not available in their record and the SDM Abohar has started departmental enquiry and has called the concerned officers and officials on 19.07.2019 for explanation.

Regarding raising the fee of Rs.33000/-,the respondent pleaded that the fee has been raised wrongly and the same was raised by the earlier PIO Sh.Baljinder Singh, Naib Tehsildar, Abohar. Hearing both the parties, the following was concluded:

Points-3,4,7 &8	-	Information provided.
Points-1,2,5 & 6	-	The appellant to inspect the record as per dated fixed i.e. on
		18.07.2019 at 9.00 AM and get the relevant information upto 150
		pages. The PIO to allow the inspection to the appellant and
		provide the information upto 150 paged fee of cost.
Point-9	-	PIO to submit enquiry report which establishes that the record is
		missing and responsibility has been fixed.

The earlier PIO Sh.Baljinder Singh, Naib Tehsildar, Abohar is impleaded in the case and directed to be present on the next date of hearing and explain the reasons that why such hefty amount was raised when the information pertaining to this RTI application was of a meager number of pages as proved by the information that has been provided now. It appears that the earlier PIO had also not applied his mind in handling the RTI application.

The case is adjourned. To come up for further hearing on **27.08.2019 at 11.00 AM**. Sd/-

Chandigarh Dated 16.07.2019 (Khushwant Singh) State Information Commissioner

CC to :Sh.Baljinder Singh, Naib Tehsildar Abohar.



Sh. D.R Singla, H No-4961, Sector-38 West, Chadigarh.

Versus

... Complainant

...Respondent

Public Information Officer,

O/o GMADA, Mohali.

Complaint Case No. 118 of 2019

PRESENT: None for the Complainant None for the Respondent

ORDER:

The case was last heard on **08.05.2019.** The respondent present pleaded that the information had been sent to the complainant vide letter dated 06.05.2019 and a copy of the same submitted to the Commission. The respondent further pleaded that the complainant was asked vide letter dated 3.01.2019 to submit proof of his identity and thereafter, the department issued notices to the occupants of the unauthorized colonies on 04.01.2019. Due to the time taken in the completion of this process of notices, the information was delayed and the complainant came to the Commission on 22.01.2019.

The complainant was absent to point out any discrepancies or about the information received or not. The complainant was directed to appear on the next date of hearing and plead his case.

Hearing dated 16.07.2019:

Since both the parties are absent, in the interest of justice, one more opportunity is given and the case is adjourned.

Both the parties to be present on 28.08.2019 at 11.00 AM for further hearing.

Sd/-

Chandigarh Dated 16.07.2019 (Khushwant Singh) State Information Commissioner



Sh.Darshan Lal, S/o Sh Karan Chand, H No-8456, Sector-125, Sunny Enclave, Kharar, Distt Mohali.

Versus

... Appellant

Public Information Officer,

O/o XEN, PSPCL, Kharar.

First Appellate Authority,

O/o SE, PSPCL, Roopnagar.

...Respondent

Appeal Case No. 522 of 2019

PRESENT: None for the Appellant None for the Respondent

ORDER:

The case was last heard on **08.05.2019.** The respondent present pleaded that the information has been provided to the appellant. The appellant was not satisfied and stated that he had asked for total number of electric connections in the name of Poonam Sharma. The PIO was directed to provide total number of electric connections issued in the name of Poonam Sharma w/o Rahul Partap Singh from 01.04.2009 to 31.03.2017 and the copies of documents enclosed at the time of applying for the connection.

Hearing dated 16.07.2019:

Since both the parties are absent, in the interest of justice, one more opportunity is granted and the case is adjourned. The PIO is directed to comply with the earlier order of the Commission which still stands and be present on the next date of hearing.

Both the parties to be present on **28.08.2019 at 11.00 AM** for further hearing.

Sd/-

Chandigarh Dated 16.07.2019 (Khushwant Singh) State Information Commissioner