

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

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Sh. Sukhchain Singh s/o Baldev Singh
r/o Basti Hajara Singh Wali,
Tehsil & Distt. Ferozepur.

..Complainant

Vs

Sh. Gurmeet Singh Kahlon,
Public Information Officer **Registered**
o/o Block Development and Panchayats Officer,
Block Ferozepur, Ferozepur

Public Information Officer **Registered**
o/o Block Development and Panchayats Officer,
Block Mamdot,
Ferozepur.

Sh. Ruldu Singh, Panchayat Secretary **Registered**
c/o Director,
Rural Development & Panchayat, Pb.,
Vikas Bhawan, Sector 62,
Mohali

Sh. Sandeep Kumar, Panchayat Secretary **Registered**
-cum-Public Information Officer
Basti Hazara Singh Wali,
c/o Block Development and Panchayats Officer
Block Mamdot, Ferozepur.

Public Information Officer
o/o The Director,
Rural Development & Panchayat Deptt., Pb.
Vikas Bhawan, Sector 62, Mohali

....Respondents

Complaint Case No. 811 of 2020

(Video Conference/Telephone/Cisco Webex Proceedings)

Present:- Sh. Sukhchain Singh, complainant.

Sh. Sandeep Kumar, Panchayat Secretary 9463830644, 9646729136 on behalf
of the respondent.

ORDER

This order may be read with reference to the previous order dated 3.8.2021.

2. The appellant states that the respondent-Public Information Officer is not supplying the information and he is being harassed. However, the present Panchayat Secretary states that no record is being handed over to enable him to supply the information.

3. It is also a fact on record that the show cause notice was issued to Sh. Gurmeet Singh kahlon, Block Development and Panchayats Officer Mamdot (having additional charge) now posted at Ferozepur but no reply has been received from him so far. One more opportunity is granted to him to file the reply failing which ex-parte decision will be taken on the next date of hearing.

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Complaint Case No. 811 of 2020

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4. Also as per the last order dated 3.8.2021 in which Ms Baljit Kaur, Block Development and Panchayats Officer, Mamdot was present and she assured that the complete information as available on record will be supplied to the appellant but neither she is present nor any reply has been received from her in this regard.

5. The Block Development and Panchayats Officer, Mamdot is directed to remain present on the next date of hearing and file the reply/supply the information. She is also directed to send the action taken to recover the official record and hand over the same to the present Panchayat Secretary Sh. Sandeep Kumar to enable him to supply the information failing which the case will also be recommended for disciplinary proceedings as per law.

6. A request has been received from Sh. Ruldu Singh, Panchayat Secretary that he is on medical leave, therefore, the same is taken on record. He has also sent the charge report vide which the record has been handed over to Sh. Bagicha Singh, Sarpanch but the said charge report does not contain any date on which the record has been handed over and taken over which appears to be with malafide intention. It is a fact on record that Sh. Ruldu Singh, Panchayat Secretary and Sh. Bagicha Singh, Sarpanch were present during the hearing on 15.6.2021 and assured that the record will be handed over to the present incumbent Sh. Sandeep Kumar which clearly reflects that they are not handing over the panchayat record deliberately.

6. Also the Public Information Officer o/o the Director, Rural Development & Panchayat Deptt., Pb. was impleaded as necessary party in this case to file the reply but no reply has been received from him. He is also directed to remain present on the next date of hearing and submit the action taken so far regarding the recovery of the official record from Sh. Ruldu Singh, Panchayat Secretary and Sh. Bagicha Singh, Sarpanch.

7. To come up on 20.8.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ferozepur/cisco webex.

SD

Dated: 16.8.2021

(Suresh Arora)

Chief Information Commissioner, Punjab.

Sh. M.S. Chhatwal, IAS

To ensure compliance of this

Director,

Registered

order.

Rural Development & Panchayat Deptt., Pb.

Vikas Bhawan, Sector 62, Mohali

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Smt. Manpreet Kaur w/o Er. Darshan Singh
r/o House No. 1732/6
Mohalla Sujapuria, Jagraon
District Ludhiana 142026
9463340560

....Appellant

vs

Public Information Officer
o/o S.D.M.
Jagraon,
District Ludhiana

First Appellate Authority
o/o Deputy Commissioner,
District Ludhiana

....Respondents

Appeal Case No. 2498 of 2021
(Video Conference Proceedings)

Present:- Sh. Satinderpal Singh, advocate 9417265263 on behalf of the appellant.
Sh. Daljit Singh, _____ on behalf of the respondents.

ORDER

The RTI application is dated 29.1.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 6.4.2021 and second appeal was filed in the Commission on 25.5.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The Advocate on behalf of the appellant states that no information has been provided by the respondents so far.

3. Accordingly, last opportunity is granted to the respondent-Public Information Officer to file the reply/supply the information regarding the action taken on the letter dated 23.11.2020 sent by the Deputy Commissioner, District Ludhiana along with the copies of letters exchanged between the Sub Divisional Magistrate and the Deputy Commissioner in this regard.

4. To come up on 10.9.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana.

SD

Dated: 16.8.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Bitu s/o Sh. Om Kumar,
Village Bholapur Jhabewal,
PO Ramgarh
District Ludhiana 141123
9872455496

..Complainant

Vs

Public Information Officer
o/o S.D.M. (East)
District Ludhiana

....Respondents

Complaint Case No. 627 of 2021
(Video Conference Proceedings)

Present:- None on behalf of the parties.

ORDER

The RTI application is dated 3.4.2021 vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 24.5.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. Since nobody is present on behalf of the parties, therefore, the case is adjourned.
3. To come up on 31.8.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana

Dated: 16.8.2021

SD
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Jasbir Singh
Guru Nanak Nagar,
Village Bholapur Jhabewal,
PO Ramgarh
District Ludhiana 141123 9888296107

..Complainant

Vs

Public Information Officer
o/o Deputy Commissioner,
District Ludhiana

Public Information Officer **Registered**
o/o GLADA
District Ludhiana

....Respondents

Complaint Case No. 666 of 2021
(Video Conference Proceedings)

Present:- None on behalf of the complainant.
Sh. Gurmeet Singh, CEA Branch, Sh. Amit Kumar, o/o SDM East and Ms
Simarpreet Kaur, GLADA Office _____ on behalf of the
respondents.

ORDER

The RTI application is dated 17.3.2021 vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 28.5.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant is absent but he has sent the submissions, which are taken on record. However, the representative of the respondents states that the matter relates to the GLADA and the RTI application of the appellant has already been transferred to the GLADA. Also a response has been received from the APIO vide No. 5399 dated 16.8.2021 vide which it has been requested to adjourn the case due to strike in the office.

3. Hon'ble Supreme Court of India in its order rendered on 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission, henceforth.

An alternative and efficacious remedy of first appeal is available to the complainant

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Complaint Case No. 666 of 2021

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under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case. However, in case the complainant is interested in getting the information, the matter can be remanded back to the First Appellate Authority to take appropriate decision after hearing both the parties and examining the record brought on file within the prescribed time limit as per the provisions of the RTI Act, 2005.

3. Therefore, the complainant is advised to submit his response in this regard before the next date of hearing so that directions can be given to the concerned appropriate authority accordingly.

4. Also the Public Information Officer o/o GLADA is impleaded as necessary party in this case and the further directions will only be given after consideration of the response of the complainant, if filed.

5. To come up on 13.9.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana.

Dated:16.8.2021

SD
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh Gurinderpreet Singh
r/o H.No. 577 R,
Model Town,
District Ludhiana 9872896073

....Appellant

Vs

Sh. Navdeep Bhogal,
Public Information Officer **Registered**
o/o Tehsildar East,
District Ludhiana.

First Appellate Authority
o/o S.D.M. (East),
District Ludhiana.

....Respondents

Appeal Case No. 2513 of 2021
(Video Conference Proceedings)

Present:- Sh Gurinderpreet Singh, appellant.
Sh. Lalit, Clerk, 8427702716 on behalf of the respondents.

ORDER

The RTI application is dated 26.2.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 12.4.2021 and second appeal was filed in the Commission on 26.5.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant states that no information has been provided by the respondents so far.

3. After the perusal of the case file it has transpired that the First Appellate Authority has also passed the order in this case to the respondent-Public Information Officer to supply the information. In spite of the fact, the respondent-Public Information Officer has not complied with the order of the First Appellate Authority. Also no satisfactory reply has been given by the representative of the respondents during the hearing regarding the sought information.

4. Video Conference Facility/cisco webex facility was introduced for convenience of general public and for government officials. Viewing the attitude in dealing with the RTI application by the respondent seriously, Sh. Navdeep Bhogal, Tehsildar East, District Ludhiana, 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 a maximum of Rs.25000/- till the complete

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Appeal Case No. 2513 of 2021

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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 application and to issue show cause for compensation to the appellant for detriment suffered by him under section 19(8) of the RTI Act, 2005.

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

5. The respondent-Public Information Officer is also directed to file the reply/supply the sought information before the next date of hearing to the appellant.

6. To come up on 13.9.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana

Dated: 16.8.2021

SD
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Ajay Nand/. Ajay Kumar Mehta,
C-118 East Mohan Nagar,
Chamrang Road, Amritsar. M : 9814646309

Appellant

Vs

Public Information Officer,
O/o Chief Secretary, Govt of Punjab,
Chandigarh.

First Appellate Authority
O/o Chief Secretary, Govt of Punjab,
Chandigarh.

Respondents

Appeal Case No. 1840/2021
(Video Conference Proceedings)

Present:- None on behalf of the appellant.
Ms Seema Sethi, Sr. Asstt, in person 9646026236 9876857799 9872975226
on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 13.7.2021.

2. The representative of the respondents states that she has brought the information pertaining to Point No. 2 of the RTI application duly certified. Regarding Point No. 1 of the RTI application, she has requested for the adjournment of the case.
3. The request of the representative of the respondents is accepted as the appellant is also not present. Therefore, the case is adjourned. An attested copy of the information so submitted by the respondent is being **sent** to the appellant along with this order.
4. To come up on 13.9.2021 at 12.30 PM at Chandigarh.

Dated: 16.8.2021

SD
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Shri Dilbagh Chand (Naib Subedar Retd), S/o Shri Ramji Dass,
R/o - Village - Hayatpur,
PO Hambowal,
Tehsil Samrala, Distt Ludhiana.
M : 9814414473; 9463262669

..Appellant

Vs

Sh. Avtar Singh,
Public Information Officer ,
O/o Addl. Deputy Commissioner(Development),
Ludhiana.

First Appellate Authority
O/o Adll. Deputy Commissioner (Development),
Ludhiana.

Sh. Joginder Singh,
Public Information Officer
o/o the Deputy Commissioner, Ludhiana

....Respondent(s)

Appeal Case No. 519/2021
(Cisco Webex Proceedings)

Present:- Sh. Dilbagh Chand, appellant.
Sh. Avtar Singh, Jaswinder Singh, Supdt, District Development and Panchayats
Officer on behalf of the respondents. 9815196874. 9988003512

ORDER

This order may be read with reference to the previous order dated 13.7.2021.

2. It has transpired during the case that the similar information has been sought by the appellant in Appeal Case No. 960 of 2020. After going through the said case file, it has revealed that the RTI application of the appellant, postal order bearing No. 49F 632223 and the postal registry receipt remained the same as in the instant case. The appellant has also filed an undertaking that no appeal/complaint has been decided by the Commission. A copy of the RTI application, postal order, registry receipt along with the certificate is being **sent** to the appellant along with this order to file his submission in this regard before taking a decision to supply the remaining information in this case.

3. To come up on 13.9.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated: 16.8.2021

SD
(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC
Sh.Amit Kumar Panchal, IAS
Addl. Deputy Commissioner (Dev.)
District Administrative Complex, Ludhiana.