

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh Rajesh Kumar, S/o Lt Sh Om Prakash,
R/o Near Police Station Sadar Railway Road,
Nabha.

... Appellant

Public Information Officer,
Deputy Commissioner,
Mini Secretariat, Block-A,
Patiala..

First Appellate Authority,
Deputy Commissioner,
Mini Secretariat, Block-A,
Patiala.

...Respondent

Appeal Case No. 1303 of 2018

Present: None for the Appellant
 Sh.Gagan Uppal, Superintendent O/o EO, NC Nabha and
 Sh.Manpreet Singh O/o DC Patiala for the Respondent

ORDER:

The case was first heard on 20.06.2018. The PIO was directed to provide the information to the appellant and be present on the next date of hearing alongwith proof of having been sent the information.”

The case was again heard on **31.07.2018**. The respondent was absent and sought adjournment. In the interest of justice, one more opportunity was granted and the PIO was directed to comply with the original orders and provide the information to the appellant before the next date of hearing.

The case was last heard on **04.09.2018**: The order is reproduced hereunder:

“The appellant through RTI application dated 27.07.2018 has sought information on 7 points. The respondent present has pleaded that the original RTI application was filed by the appellant with DC Office Patiala and they have received the RTI application from the office of DC Patiala only on 16.08.2018. The respondent further pleaded that the information regarding points 1,2 & 3 pertains to DC Patiala and the PIO DC Patiala has not provided them with the detail of property for which the appellant has sought information. The appellant has already been informed of this vide letter dated 30.08.2018. The respondent further pleaded that the appellant has also been informed that vigilance enquiry about a property situated in old Hathikhana Nabha is pending and information cannot be provided till the enquiry is completed.

I have heard both the parties and hereby direct the PIO, NC Nabha to provide information relating to points 4, 5 & 6. The PIO, DC Patiala is directed to provide information relating to point No.1, 2 & 3 in accordance with the RTI Act.”

Hearing dated 16.10.2018:

The respondent from the office of NC Nahba pleaded that the information relating to points 4,5 & 6 has been sent to the appellant on 26.09.2018 and a copy is submitted to the Commission.

The respondent from the office of DC Patiala pleaded that he has brought the information relating to points 1,2 & 3, a copy of which is submitted to the Commission. The PIO is directed to send the same to the appellant through registered post.

Keeping in view the history of the case, it is evident that the public authority has sent the information to the appellant to the best possible extent, which was held under its control. Since the appellant is absent to point out the discrepancy, if any, he is granted one more opportunity to point out the discrepancy. He is also directed to be present on the next date of hearing failing which the case will be decided ex-parte.

Both the parties to be present on **28.11.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated:16.10.2018.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Rajesh Kumar, S/o Lt Sh Om Prakash,
R/o Near Police Station Sadar Railway Road,
Nabha...

Appellant.

Versus

Public Information Officer,
EO, NC, Nabha,
Distt Patiala.

First Appellate Authority,
Regional Deputy Director,
Urban Local Bodies, Patiala.

...Respondent

Appeal Case No. 1308 of 2018

Present: None for the Appellant
 Sh.Gagan Uppal, Superintendent O/o NC Nabha for the Respondent

ORDER: The case was first heard on **26.06.2018**. The appellant was absent. The respondent informed that the information was sent to the appellant but the appellant was not satisfied relating to points 3,4 & 5. The PIO was directed to clarify that correct information has been sent to the appellant and that the appellant is satisfied with the information as sought by him in his RTI application.

The case was again heard on **31.07.2018**: The respondent was absent. In the interest of justice, one more opportunity was granted and the PIO was directed to comply with the original orders and provide the information to the appellant before the next date of hearing.

The case was last heard on **04.09.2018**: The order is reproduced hereunder:

“The respondent present has provided an affidavit to the appellant regarding information relating to point No.3 & 4. The respondent has pleaded that the appellant be asked to inspect the record relating to point No.5 and get the information he wants. The appellant is not ready to visit their office. The PIO is hereby directed to bring the assessment register for the year 1998-99 to the Commission on the next date of hearing for further perusal of the case. “

Hearing dated 16.10.2018:

The respondent present has brought the assessment register as ordered. The respondent pleaded that this register is a very old register and it is very difficult for him to bring it again and again. The respondent has submitted a certified copy of the page containing the property numbers. I have tallied the original page with the certified copy and found it in order. A copy of the page of the assessment register containing the property numbers is being attached with the order to be sent to the appellant.

Keeping in view the history of the case, it is evident that the public authority has sent the information to the appellant to the best possible extent, which was held under its control. Since the appellant is absent to point out the discrepancy, if any, he is granted one more opportunity to point out the discrepancy. He is also directed to be present on the next date of hearing failing which the case will be decided ex-parte. The respondent is also directed to bring the assessment register at the next date of hearing.

Both the parties to be present on **03.12.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 16.10.2018.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Amrinder Singh Mann, S/o Sh.Kulbir Singh Mann,
R/o Chamber No-124, District & Session Court,
Mansa.

.....Appellant.

Versus

Public Information Officer,
EO, MC,
Mansa.

First Appellate Authority,
Regional Deputy Director,
Local Govt, Mini Secretariat, Bathinda.

...Respondent

Appeal Case No. 1318 of 2018

Present: None for the Appellant
 Sh.Amrit Pal Singh Sidhu, Advocate, (LA), NC Mansa on behalf of the
 Respondent

ORDER:

The case was first heard on **27.06.2018**. The respondent was absent. It was observed that the information relating to points No.2 & 3 have been provided. Regarding information relating to points No.7 & 8, the PIO was directed to provide certified copies of the procedure and ascertain the website from where the information can be downloaded. PIO was also directed to provide information relating to point No.4 & 6. The point No.1 regarding service record of Sh.Rajinder Kumar shall be discussed on the next date of hearing.

The case was again heard on **31.07.2018**: The appellant was absent. The information regarding point 1 was not to be provided being exempted u/s 8(1)(j) of the RTI Act. Regarding information related to Point 4 & 6, the appellant was directed to inspect the record and get the information. Regarding information related to points 7 & 8, the PIO was directed to provide the address of the website to the appellant."

The case was last heard on **04.09.2018**: The order is reproduced hereunder:

"The commission has received a letter dated 23.08.2018 from the PIO vide which the PIO has given point-wise reply to the RTI which is taken on the file of the Commission. The appellant has pleaded that he visited the office of the PIO twice for inspecting the record relating to point No.4 & 6 but he was not given any opportunity to inspect the record.

After hearing both the parties, I hereby direct the PIO to let the appellant examine the record pertaining to points 4, 6 & 9. The time to inspect the record is at 1.00 PM on 12.09.2018 for information regarding point No.4 and at 2.00 PM on 20.09.2018 for the information regarding point No.6. Regarding point 9, the appellant can inspect the record on the day of the above mentioned dates. The PIO is also directed to provide information regarding point No.5 i.e. certified copy of experience certificate produced by the aforesaid employee at the time of joining duty in 1985 and certified copy of all related documents which have been produced by him such as appointment in other departments, resignation in other departments.

The copy of byelaws, rules and regulation relating to point No.7 has been provided to the appellant."

Hearing dated 16.10.2018:

The counsel present for the respondent informed that the appellant has not visited the office of the PIO on the given dates regarding points 4, 6 & 9. Regarding point No.5, being third party information is exempted u/s 8(1)(j).

I have taken a look at the entire sequence of events of the case and of the view that the information has been provided to the best possible extent. The appellant is absent to point out the discrepancy, if any and for explaining the reasons for not inspecting the record as demanded by him.

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

Chandigarh
Dated: 16.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Prem Kumar Rattan,
H No-78/8, Park Road, New Mandi,
Dhuri, Sangrur.

Appellant

Versus

Public Information Officer,
Deputy Chief Engineer,
Division Circle, PSPCL,
Bathinda.

First Appellate Authority,
Director, PSPCL,
Patiala

...Respondent

Appeal Case No. 2072 of 2018

Present: None for the Appellant
Sh.Uttam Kumar Bansal for the Respondent

ORDER:

The case was last heard on **04.09.2018**. The order is reproduced hereunder:

“The appellant through RTI application dated 23.03.2018 has sought information regarding excess/wrong payments made to M/s Major Singh and Company for work order No.8 and work order No.13 and other information concerning the office of Deputy Chief Engineer, Division Circle, PSPCL, Bhatinda. The appellant was not provided information after which he filed first appeal before the First Appellate Authority on 24.04.2018 which took no decision on the appeal.

The appellant is absent. Vide email, the appellant has informed that he has to attend a bhog of his close relative and has sought adjournment. The appellant has further informed that he has not received the information.

The respondent present pleaded that the information has been sent to the appellant. The respondent further informed that they received the RTI application on 26.03.2018 and the reply was sent to the appellant on 12.04.2018. He further informed that the information was earlier sent but the appellant did not receive it and the same has been sent to the appellant again by registered post on 07.06.2018.

Since the appellant is not present and has sought adjournment, in the interest of justice, the case is adjourned.”

Hearing dated 16.10.2018:

The respondent present pleaded that the information has been sent to the appellant.

I have seen the RTI application. The appellant has sought the information that whether any action was taken against the officials whose names he sought through previous RTI application dated 18.10.2017. I have gone through the reply and found the reply in order. The respondent says that no action has been taken against the said officials.

The Commission feels that the RTI application has been attended to in accordance with the RTI Act. and no further course of action is required.

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

Chandigarh
Dated: 16.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Sandeep.Khattari,
126/B-6, Gulmohar city,
Dera Bassi, Mohali.

... Appellant

Versus

Public Information Officer,
GMADA, Sector-62,
Mohali.

First Appellate Authority,
GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 2137 of 2018

Present: None for the Appellant
Ms.Suman Bala PIO GMADA Mohali for the Respondent

ORDER:

The case was last heard on 04.09.2018. The appellant was absent. The order is reproduced hereunder:

“The appellant through RTI application dated 27.02.2018 has sought information regarding project of M/s GBP Rosewood situated on Barwala Road, Dera Bassi, District Mohali concerning the office of GMADA Mohali. The appellant was not provided information after which he filed first appeal before the First Appellate Authority on 20.04.2018 which took no decision on the appeal.

The respondent Ms.Poonam Katyal from the office of Chief Town Planner pleaded that they have received the RTI on 26.04.2018 which was transferred to the PIO STP SAS Nagar as the information pertains to them. Sh.Vinod Kumar, Clerk from Licensing Branch, Mohali pleaded that the information pertains to the Regional Dy Director, Local Govt. Punjab, Patiala and the RTI application has been transferred to them on 01.05.2018 as all the record relating to this colony Rosewood Estate Gulabgarh Dera Bassi was transferred to the Regional Dy. Director, Local Govt vide letter no.3472 dated 17.12.2014. The appellant has also been informed vide letter dated 31.08.2018 and a copy of the same is submitted to the Commission.

In view of the above, the PIO, Dy.Director, Department of Local Govt., Punjab, Patiala is directed to look at the RTI and provide the information to the appellant. The PIO is also directed to be present personally on the next date of hearing.”

Hearing dated 16.10.2018:

The respondent present pleaded that the information pertains to the Regional Dy Director, Local Govt. Punjab, Patiala and the RTI application has been transferred to them on 01.05.2018 as all the record relating to this colony Rosewood Estate Gulabgarh Dera Bassi was transferred to the Regional Dy. Director, Local Govt vide letter no.3472 dated 17.12.2014. The appellant was also informed vide letter dated 31.08.2018.

At the last hearing, the PIO Regional Dy Director, Local Govt. Punjab, Patiala was directed to provide the information to the appellant. Since the appellant is not present, it cannot be discussed whether he has received the information or not.

Keeping the above in view, the PIO Regional Dy Director, Local Govt. Punjab, Patiala is again directed to provide the information to the appellant as per RTI application which has been forwarded to them by the PIO GMADA on 01.05.2018. The PIO is also directed to be present personally or through his representative on the next date of hearing.

Regarding delay in transferring the RTI application, the PIO GMADA pleaded that the delay was due to shortage of staff. The PIO is directed to give this in writing.

Both the parties to be present on **28.11.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 16.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to:
The PIO, Dy. Director,
Department of Local Govt.,
Punjab, Patiala

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Sh Ashok Kumar,
214, Pine Homes, Dhakoli,
Zirakpur

.
Versus

... Appellant

Public Information Officer,
Chief Administrator, GAMDA,
Sector-62, Mohali.

First Appellate Authority,
Chief Administrator, GAMDA,
Sector-62, Mohali.

...Respondent

Appeal Case No. 2212 of 2018

Present: **Sh.Ashok Kumar as Appellant**
 Ms. Suman Bala, AEO-cum-PIO GMDA for the Respondent

ORDER: The case was last heard on **06.09.2018**. The respondent was absent. The order is reproduced hereunder:

“The Appellant through RTI application dated 12.03.2018 has sought information regarding meaning of “On a lease-cum-freehold sale basis” at which 50 acre of land was allotted for setting up of a World Class Private Technology University in IT City SAS Nagar alongwith terms and conditions of the allotment concerning the office of GMADA Mohali. The Appellant was not provided the information after which he filed Appeal with the First Appellate Authority on 28.04.2018.

The appellant has stated that he has received the information which was dispatched by the PIO on 06.07.2018. The appellant has stated that the information which has been sent is not as per the correct reference number of his RTI application which was 12.03.2018 but the quoted reference number is 03.04.2018. The appellant has pointed out discrepancy in point No.1. The appellant has also raised an objection that the information is not certified. He further informed that he is satisfied with the information regarding point No. 2 & 3.

The PIO is directed to relook at the RTI application and sort out the discrepancy raised by the appellant.”

Hearing dated 16.10.2018:

In the last hearing the PIO was directed to relook at the RTI application and sort out the discrepancy raised by the appellant.

The respondent present has brought noting and has sought further time. The PIO is directed to comply with the previous orders of the Commission which still stands and provide the information to the appellant within 20 days. The PIO is also directed to explain the reasons for delay and not tending to the RTI application on an affidavit.

Both the parties to be present on **28.11.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 16.10.2018.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Ashok Kumar,
214, Pine Homes, Dhakoli,
Zirakpur

... Appellant

Versus

Public Information Officer,
Chief Administrator, GAMDA,
Sector-62, Mohali.

First Appellate Authority,
Chief Administrator, GAMDA,
Sector-62, Mohali.

...Respondent

Appeal Case No. 2213 of 2018

Present: **Sh.Ashok Kumar as Appellant**
 Ms. Suman Bala, AEO-cum-PIO GMDA for the Respondent

ORDER: The case was last heard on **06.09.2018**. The respondent was absent. The order is reproduced hereunder:

“The Appellant through RTI application dated 12.03.2018 has sought information regarding requests for proposal received by GMADA from aspiring stakeholders for setting up of a World Class Private Technology University in IT City SAS Nagar alongwith recommendations of the competent authority and other information concerning the office of GMADA Mohali. The Appellant was not provided the information after which he filed Appeal with the First Appellate Authority on 28.04.2018.

The appellant has stated that he has received the information which was dispatched by the PIO on 06.07.2018. The appellant has pointed out discrepancy in point No.1. The appellant has stated that the information which has been sent is not as per the correct reference number of his RTI application which was 12.03.2018 but the quoted reference number is 03.04.2018. The appellant has also raised an objection that the information is not certified. He further informed that he is satisfied with the information regarding point No. 2 & 3.

The PIO is directed to relook at the RTI application and sort out the discrepancy raised by the appellant and provide the information.”

Hearing dated 16.10.2018:

In the last hearing the PIO was directed to relook at the RTI application and sort out the discrepancy raised by the appellant.

The respondent present has brought noting and has sought further time. The PIO is directed to comply with the previous orders of the Commission which still stands and provide the information to the appellant within 20 days. The PIO is also directed to explain the reasons for delay and not tending to the RTI application on an affidavit.

Both the parties to be present on **28.11.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 16.10.2018.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Charanjeet Singh,
112-D, SBP Homes Extn-
Sector-126, Chajju Majra Road,
Kharar.

... Appellant

Versus

Public Information Officer,
GMADA, Sector-62,
Mohali

First Appellate Authority,
GMADA, Sector-62,
Mohali

...Respondent

Appeal Case No. 2152 of 2018

Present: **Sh.Charanjeet Singh as Appellant**
 Ms. Suman Bala, AEO-cum-PIO GMADA for the Respondent

ORDER:

The case was last heard **on 04.09.2018**. The respondent was absent. The order is reproduced hereunder:

“The appellant through RTI application dated 06.11.2017 has sought information on 6 points regarding private Co-operative Societies in Sahibjada Ajit Singh Nagar and other information concerning the office of GMADA Mohali. The appellant was not provided information after which he filed first appeal before the First Appellate Authority on 05.01.2018 which took no decision on the appeal.

The appellant informed that he has not received the information. The The respondent is absent without intimation to the Commission.

I have seen the file and observed that after filing first appeal, the PIO instructed the appellant vide letter dated 07.05.2018 to inspect the record and get the information he wants. The Commission directs the PIO to provide the information within 15 days of the receipt of the orders of the Commission. The PIO is also directed to be present personally on the next date of hearing and explain the reasons for delay in responding to the RTI application “.

Hearing dated 16.10.2018:

The respondent present pleaded that the information does not pertain to them.

The PIO is directed to ascertain which particular department handles the information which the appellant has sought and forward the RTI application to the concerned PIO within 5 days of the receipt of the orders of the Commission. The PIO is also directed to send compliance report to the Commission.

The case is adjourned. Both the parties to be present on **28.11.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 16.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Gurpal Singh, S/o Sh. Ajit Singh,
H No-HL-638, Phase-9, Mohali.

.... Appellant.

Versus

Public Information Officer,
Punjab Nurses Registration Council,
Medical Education Bhawan, Sector-69, Mohali.

First Appellate Authority,
Punjab Nurses Registration Council,
Research and medical Education Bhawan,
Sec-69, Mohali .

...Respondent

Appeal Case No. 1395 of 2018

Present: Sh.Gurpal Singh as Appellant
Dr.K.D.Singh and their counsel Sh.Sarabjit Singh for the Respondent

ORDER:

The case was first heard on **02.07.2018**. The respondent was absent. The PIO was directed to provide the information in accordance with laws. The PIO was also directed to appear personally on the next date of hearing.

The case was again heard on **01.08.2018**: The respondent was absent. The PIO was issued show cause notice for not supplying the information within the statutorily prescribed period of time. The PIO was also directed to file an affidavit in this regard.

The case was last heard on **29.08.2018**: **The order is reproduced hereunder:**

“The counsel representing the PIO has pleaded that he has brought the information which was handed over to the appellant at the hearing. The appellant informed that the information is incomplete as the information relating to point No.1 is not given. The PIO is directed to send the information relating to point 1 within 10 days.

Regarding the reply to the show cause notice, which was issued to the PIO, the counsel pleaded that the PIO could not attend the hearing as the PIO's cousin is admitted in ICU at Amritsar and he is attending to him. He further pleaded that the reply to the show cause notice will be submitted. The PIO is given one last opportunity to file a detailed reply to the show cause notice issued on the last hearing on an affidavit with circumstances and proof of his absence failing which the Commission will take appropriate action for the dereliction in handling the RTI application.”

Hearing dated 16.10.2018:

The respondent present pleaded that the information has been provided. The appellant informed that he has received the information and is satisfied.

Regarding reply to the show cause notice, the respondent has submitted any affidavit wherein the respondent has pleaded that the earlier registrar Smt.Surjit Kaur resigned from the post of Registrar and the deponent was given an addl. Charge on 04.06.2018 for two days in a week, otherwise the deponent is working as professor Microbiology in Govt. Medical College, Amritsar.

The respondent has further pleaded that his nephew met with an accident on 22.08.2018 who is under Treatment in a hospital at Amritsar and deponent had to rush to that place due to his nephew's operation. The respondent further pleaded that the order regarding supply of information came to his notice on 29.08.2018 and the information has been supplied to the appellant on 30.08.2018. The respondent has tendered his unconditional apology for any lapse on his part. The plea of the PIO is accepted.

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

Chandigarh
Dated: 16.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Gurpal Singh, S/o Sh.Ajit Singh,
H No-HL-638, Phase-9, Mohali.

..... Appellant.

Versus

Public Information Officer,
Punjab Nurses Registration Council,
Medical Education Bhawan, Sector-69, Mohali.

First Appellate Authority,
Punjab Nurses Registration Council,
Research and medical Education Bhawan,
Sec-69, Mohall .

.....Respondent

Appeal Case No. 1396 of 2018

Present: Sh.Gurpal Singh as Appellant
Dr.K.D.Singh and their counsel Sh.Sarabjit Singh for the Respondent

ORDER:

The case was first heard on **02.07.2018**. The respondent was not present in order to explain the reason for not providing the information. So the PIO was directed to provide the information to the appellant in accordance with law and explain the reason for delay in the providing the information. The PIO was also directed to be present personally on the next date of hearing.

The case was again heard on **01.08.2018**: The appellant informed that the information has not been provided to him.: The respondent was again absent. The PIO was issued show cause notice for not supplying the information within the statutorily prescribed period of time. The PIO was also directed to file an affidavit in this regard.

The case was last heard on **29.08.2018**: The order is reproduced hereunder:

“There is no representative present. However, the advocate pleading case No.1395 of 2018, pleaded that his presence be marked in this case as he is the standing counsel for the Department. He further pleaded that the case (1396/2018) has not been brought to the notice of the PIO as the case relates to the different branch of Registration and PIO is same. The appellant informed that the information has not been sent to him.

Regarding the reply to the show cause notice, which was issued to the PIO, the counsel pleaded that the PIO could not attend the hearing as the PIO's cousin is admitted in ICU at Amritsar and he is attending to him. He further pleaded that the reply to the show cause notice will be submitted. The PIO is given one last opportunity to file a detailed reply to the show cause notice issued on the last hearing on an affidavit with circumstances and proof of his absence failing which the Commission will take appropriate action for the dereliction in handling the RTI application.”

Hearing dated 16.10.2018:

The appellant informed that the information has not been provided to him.

The respondent present in reply to the show cause notice has submitted an affidavit which is taken on the file of the Commission. The respondent has stated in his reply that **the** deponent was given an addl. Charge on 04.06.2018 and he is having this additional charge only for two days in a week, otherwise the deponent is working as professor Microbiology in Govt. Medical College, Amritsar.

The respondent has tendered his unconditional apology for any lapse on his part and further ensured that the information will be supplied to the appellant within 10 days.

The appellant is satisfied with the submission of the respondent. The plea of the respondent is accepted. The PIO is directed to provide the information to the appellant within 10 days and also send compliance report to the Commission.

To come up **on 21.11.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 16.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner