

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172 2864110 Helpline 01722864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com



Adv. Sh. Tejinder Singh 9041004313
r/o Village Bholapur PO Ramgarh,
Chandigarh Road,
District Ludhiana. 141123.

....Appellant

Vs

Public Information Officer
o/o Deputy Commissioner,
Mini Secretariat,
Amritsar.

First Appellate Authority
o/o Deputy Commissioner,
Mini Secretariat,
Amritsar.

Public Information Officer,
o/o Deputy Commissioner,
Mini Secretariat,
Amritsar.

....Respondents

Appeal Case No. 1520 of 2020
(Cisco Webex proceedings)

Present:- Advocate Sh. Tejinder Singh, appellant.
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 18.8.2020.

2. The submissions of the appellant have been received in the Commission, which are taken on record. The appellant states that no information has been supplied by the respondents. None is present on behalf of the respondent-Public Information Officer.

3. As per the record available on the case file, it has transpired that the respondent-Public Information Officer o/o the Deputy Commissioner, Amritsar is dealing the RTI application dated 6.6.2019 of the appellant in a casual manner and the information has been delayed unnecessarily.

4. Accordingly the Public Information Officer o/o the Deputy Commissioner, Amritsar is directed to file the reply/supply the information to the appellant before the next date of hearing and the matter regarding delay and the manner in which the RTI application is being dealt with would be decided on the next date of hearing.

5. To come up on 20.10.2020 at 12.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Amritsar/Cisco Webex.

Dated: 16.9.2020

Sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Adv. Sh. Tejinder Singh 9041004313
r/o Village Bholapur PO Ramgarh,
Chandigarh Road,
District Ludhiana. 141123.

....Appellant

Vs

Public Information Officer
o/o Deputy Commissioner,
Mini Secretariat,
Amritsar.

First Appellate Authority
o/o Deputy Commissioner,
Mini Secretariat,
Amritsar.

Public Information Officer,
o/o Deputy Commissioner,
Mini Secretariat,
Amritsar.

....Respondents

Appeal Case No. 1511 of 2020
(Cisco Webex proceedings)

Present:- Advocate Sh. Tejinder Singh, appellant.
Sh. Rattanjeet, Naib Tehsildar on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 18.8.2020.

2. The submissions of the appellant have been received in the Commission, which are taken on record. The appellant states that no information has been supplied by the respondents. Whereas the respondent-Public Information Officer also sent a letter dated 14.9.2020 written to the appellant with a copy to the Commission, which is taken on record. In the said letter it has been mentioned by the respondent-Public Information Officer that the information relates to the office of the Deputy Commissioner, Amritsar.

3. According to the submissions of the respondent-Public Information Officer, Tehsildar, Amritsar-2, the Public Information Officer o/o the Deputy Commissioner, Amritsar is impleaded as necessary party in this case. The Public Information Officer o/o the Deputy Commissioner is also directed to file the reply/supply the information to the appellant before the next date of hearing.

4. To come up on to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Amritsar/Cisco Webex.

Dated:16.9.2020

Sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Balwinder Singh s/o S. Fakir Singh 9855274078
VPO Hambran,
District Ludhiana 141110

....Appellant

Vs

Public Information Officer
o/o Block Development and Panchayats Officer,
Block Ludhiana -1,
District Ludhiana.

First Appellate Authority
o/o District Development and Panchayats Officer,
District Administrative Complex,
District Ludhiana.

....Respondents

Appeal Case No. 1323 of 2020

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 20.8.2020.

2. A request has been received from the respondent-Public Information Officer Sh. Baldev Singh to adjourn the case due to the fact that he was tested corona positive. The appellant has been informed accordingly.

3. According to the request of the respondent-Public Information Officer the case is adjourned with the directions to him to file the reply/supply the information to the appellant and the details of the information already supplied be sent to the Commission before the next date of hearing.

4. To come up on 26.10.2020 at 12.30 PM to be heard through to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana/Cisco Webex.

Sd/

Dated:16.9.2020

(Suresh Arora)

Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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S. Amar Singh S/o S. Kehar Singh 9872606747
VPO Hambran,
Ludhiana 141110

....Appellant

Vs

Public Information Officer
o/o Sarpanch Gram Panchayat, Hambran
c/o Block Development and Panchayats Officer,
Block Ludhiana-1
Ludhiana.

First Appellate Authority
o/o Block Development and Panchayats Officer,
Block Ludhiana-1
Ludhiana.

....Respondents

Appeal Case No. 1322 of 2020

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 20.8.2020.

2. A request has been received from the respondent-Public Information Officer Sh. Baldev Singh to adjourn the case due to the fact that he was tested corona positive. The appellant has been informed accordingly.

3. According to the request of the respondent-Public Information Officer the case is adjourned with the directions to him to file the reply/supply the information to the appellant and the details of the information already supplied be sent to the Commission before the next date of hearing.

4. To come up on 26.10.2020 at 12.30 PM to be heard through to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana/Cisco Webex.

Dated:16.9.2020

Sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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S. Amar Singh S/o S. Kehar Singh 9872606747
VPO Hambran,
Ludhiana 141110

....Appellant

Vs

Public Information Officer
o/o Block Development and Panchayats Officer,
Block Ludhiana-1
Ludhiana.

First Appellate Authority
o/o Block Development and Panchayats Officer,
Block Ludhiana-1
Ludhiana.

....Respondents

Appeal Case No. 1321 of 2020

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 20.8.2020.

2. A request has been received from the respondent-Public Information Officer Sh. Baldev Singh to adjourn the case due to the fact that he was tested corona positive. The appellant has been informed accordingly.

3. According to the request of the respondent-Public Information Officer the case is adjourned with the directions to him to file the reply/supply the information to the appellant and the details of the information already supplied be sent to the Commission before the next date of hearing.

4. To come up on 26.10.2020 at 12.30 PM to be heard through to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana/Cisco Webex.

Sd/

Dated:16.9.2020

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Smt. Kamaldeep Kaur D/o Sh. Pritpal Singh,
Opp. Govt. Dispensary,
VPO - Gumtala, Ward No 5,
Amritsar. M : 9872139640

..Appellant

Vs

Public Information Officer,
O/o Deputy Commissioner,
Amritsar.

First Appellate Authority
O/o Deputy Commissioner,
Amritsar.

....Respondents

Appeal Case No. 2120/2020

(Cisco Webex proceedings/on phone)

Present:- Smt. Kamaldeep Kaur, appellant.
Sh. Rattanjeet, Nail Tehsildar on behalf of the respondents through Cisco
Webex /on phone.

ORDER

The RTI application is dated 23.11.2019 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 18.12.2019 and second appeal was filed in the Commission on 10.8.2020 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 the respondents have not supplied any information in respect of the RTI application so far. However, the Public Information Officer-cum-Sub Divisional Magistrate-2 states that the matter relates to case going on in his court and the appellant has been advised vide letter dated 16.9.2020 to apply for the same at the nearest Sewa Kender and take the information after deposit of necessary fee.

3. The case has been considered in view of the judicial decisions given by the Hon'ble Punjab and Haryana in CWP No. 12016 of 2016 - Shakti Singh Vs State Information Commission, Haryana and others and the decision given by the Hon'ble Supreme Court of India in Civil Appeal No. 5665 of 2014 – Institute of Companies Secretaries of India Vs Paras Jain in which it has been apparent that the citizenry has the option to either opt for recourse available under the RTI Act or as per the procedure detailed out by the individual department for supply of information/documents. Further, which ever mode the citizen applicant chooses, the rules pertaining to that procedure shall be applicable. Thus in case the appellant chooses to seek information under the RTI Act, then the bar under Section 8 or Section 11 or Section 22 of the RTI act shall come into play. However, in case the appellant chooses to seek information under the departmental procedure then the checklist of that department has to be complied with by the appellant. Since, the appellant chooses the mode to seek the information under RTI Act, the respondent-Public Information Officer has to supply the Information as has been sought by the appellant.

4. After going through the submissions of the parties, judicial pronouncements and record available in the case file, the respondent-Public Information Officer is directed to

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Appeal Case No. 2120/2020

-2-

supply the information as per fees to be charged under the provisions of the RTI Act from the appellant before the next date of hearing failing which the punitive action will be initiated on the next date of hearing under the provisions of the RTI Act, 2005.

5. To come up on 20.10.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Amritsar/Cisco Webex.

Dated:16.9.2020

Sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Smt Varinder Kaur,
490, Urban Estate,
Phase-1,
Jalandhar. M : 9501456703; 8837536544

..Appellant

Vs

Public Information Officer
O/o Deputy Commissioner,
Amritsar.

First Appellate Authority
O/o Deputy Commissioner,
Mini Secretariat,
Amritsar.

....Respondents

Appeal Case No. 2138/2020
(Cisco Webex proceedings/on phone)

Present:- Smt. Varinder Kaur, appellant
Sh. Arvinder Singh, on behalf of the respondents, on phone.

ORDER

The RTI application is dated 13.3.2020 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 22.5.2020 and second appeal was filed in the Commission on 11.8.2020 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. Whereas the representative of the respondents states that the information as has been sought by the appellant is a personal in nature which is not covered under the RTI Act, 2005.

3. The Public Information Officer o/o the Deputy Commissioner, Amritsar has transferred the RTI application to the Tehsildar Amritsar-2, Amritsar.

4. After hearing both the parties, it transpired that the appellant has sought the copy of FIR and a suspension order of Sh. Arvinder Singh and the information must be available in the office of the Deputy Commissioner, Amritsar.

5. Therefore, the Public Information Officer o/o the Deputy Commissioner, Amritsar is directed to provide a copy of the FIR which is available on the public domain otherwise. In case the same is not available in the official record then the written submissions be filed before the next date of hearing. With regard to the copy of suspension order of Sh. Arvinder Singh, the Public Information Officer o/o the Deputy Commissioner, Amritsar is directed to file the reply/supply the information before the next date of hearing.

6. Since the information relates to Sh. Arvinder Singh, considering the conflict of interest, it is directed that he should not be deputed to represent the respondent in this case.

7. To come up on 23.10.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Amritsar/Cisco Webex.

Dated:16.9.2020

Sd
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Ram Murti S/o Sh. Jaswant Rai,
Samdhu Colony, Jalandhar Road,
Mehta Chowk,
Tehsil Baba Bakala Sahib,
Distt Amritsar. M ; 9803329862

..Appellant

Vs

Public Information Officer,
O/o Tehsildar,
Baba Bakala Sahib,
Amritsar.

First Appellate Authority
O/o SDM,
Baba Bakala Sahib,
Amritsar.

....Respondents

Appeal Case No. 2144/2020
(Cisco Webex proceedings/on phone)

Present:- Sh. Ram Murti, appellant on phone.
Sh. Lachman Singh, Tehsildar, on behalf of the respondents.

ORDER

The RTI application is dated 10.7.2019 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 21.9.2019 and second appeal was filed in the Commission on 11.8.2020 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. Whereas, the respondent-Public Information Officer states that the appellant has already been informed and copies of the letters so written to the appellant have also been sent to the Commission, which are taken on record, in which it has been mentioned that no information is available in the office of the Tehsildar, Baba Bakala Sahib.

3. After deliberations, it has transpired that the respondent-Public Information Officer has not provided the up to date status regarding the application of the appellant dated 8.7.2019 i.e. the complaint against Sh. Sarwan Singh Nambardar and the respondent-Public Information Officer assured that the same will be provided to the appellant with a copy to the Commission within 7 days.

4. As per the assurance given by the respondent-Public Information Officer, he is directed to provide the up to date status of the application of the appellant dated 8.7.2019 as has been sought by the appellant before the next date of hearing failing which the penalty provisions will be invoked.

5. To come up on 28.9.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Amritsar/Cisco Webex.

Dated:16.9.2020

Sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.