



Sh.Sandeep Kumar Gupta,
H NO-1722, Sector-14,
Hisar.

...Appellant

Versus

Public Information Officer,
O/o Department of Local Govt,
Sector- 35-A, Chandigarh.

First Appellate Authority,
O/o Department of Local Govt,
Sector-35-A, Chandigarh

Respondent

Appeal Case No. 1018 of 2020

PRESENT: None for the Appellant
Sh.Vikas Kumar, Sr. Assistant O/o Municipal Service Cell of Local
Govt.Pb for the Respondent

ORDER:

The appellant through RTI application dated 28.10.2019 has sought information regarding reply received from employees in response to the notices issued vide letter No.S3/DSS-MSS-2018/73244-253 and letter No.S3/DSS-MSS-2018/73255-262 Dated 26.12.2018 and action taken subsequent to receipt of reply and other information concerning the office of Department of Local Govt. Punjab Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 01.12.2019 which took no decision on the appeal. After filing the first appeal, the PIO vide letter dated 27.12.2019 denied the information.

On the date of the first hearing on 06.10.2020, the respondent present pleaded that since the case is pending in the court, the information cannot be provided. The Commission also received an email from the PIO stating that the information is 3rd party and is exempt u/s 8(1)(j) of the RTI Act.

The Commission was not satisfied with the reply of the PIO since the PIO while applying exemption provisions from Section 8 had not given any reasons why this exemption has been sought. The PIO was directed to submit a detailed reply that how the information is 3rd party and why it cannot be provided, and whether the rules as prescribed in Section 11 regarding third-party information were applied before denying the information.

On the date of hearing on 09.12.2020, the respondent did not bring any reply as per the earlier order of the Commission. The appellant was absent. The case was adjourned.

On the date of the last hearing on **10.02.2021**, the respondent submitted a reply which was taken on the file of the Commission. In the reply, the PIO stated that since the matter is pending in the High Court, the information cannot be provided.

The appellant was absent. The case was adjourned.

Appeal Case No. 1018 of 2020

Hearing dated 17.05.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The respondent has stated that since the matter is pending in the High Court, the information cannot be provided. The respondent has again submitted a detailed reply which has been taken on the file of the Commission.

The appellant is absent. The case is adjourned.

To come up for further hearing on **24.08.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated:17.05.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Sandeep Kumar
Gupta, H NO-1722,
Sector-14,
Hisar.

...Appellant

Versus

Public Information Officer,
O/o Department of Local Govt,
Sector-35-A, Chandigarh.

First Appellate Authority,
O/o Department of Local Govt,
Sector-35-A, Chandigarh.

Respondent

Appeal Case No. 1025 of 2020

PRESENT: None for the Appellant
Sh.Vikas Kumar, Sr. Assistant O/o Municipal Service Cell of Local
Govt.Pb for the Respondent

ORDER:

The appellant through RTI application dated 28.10.2019 has sought information regarding action taken on the directions of the High Court in CWP 1640 of 2008 and Supreme Court in CA No.17902-17905/2017 – names of the persons having diploma/degrees suspended by the directions of the high court and supreme court – action taken against the person found to be having diploma/degrees declared suspended by the courts and other information concerning the office of Department of Local Govt. Punjab Chandigarh. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 04.12.2019 which took no decision on the appeal. After filing first appeal, the PIO vide letter dated 27.12.2019 denied the information.

On the date of first hearing on 06.10.2020, the respondent present pleaded that since the case is pending in the court, the information cannot be provided.

Having gone through the record, the Commission observed that the PIO in his reply dated 27.12.2019 had denied the information stating that the information is 3rd party.

The Commission was not satisfied with the reply of the PIO since the PIO had not applied his mind and has denied the information without giving any reasons. The PIO was directed to relook at the RTI application and provide the information to the appellant as per the RTI application and send a compliance report to the Commission.

On the date of last hearing on 09.12.2020, the respondent present has submitted a copy of reply being sent to the appellant which was taken on the file of the Commission.

The appellant was absent. A copy of the reply was sent to the appellant alongwith the order. The appellant was directed to point out the discrepancies in writing to the PIO with a copy to the Commission, otherwise the case will be decided ex-parte.

On the date of last hearing on **10.02.2021**, the respondent submitted a reply which was taken on the file of the Commission. In the reply, the PIO stated that since the matter is pending in the High Court, the information cannot be provided.

The appellant is absent. The case was adjourned.

Appeal Case No. 1025 of 2020

Hearing dated 17.05.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The respondent has stated that since the matter is pending in the High Court, the information cannot be provided. The respondent has again submitted a detailed reply which has been taken on the file of the Commission.

The appellant is absent. The case is adjourned.

To come up for further hearing on **24.08.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated:17.05.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sector 16, Chandigarh.
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Sh. Nitin Kumar Garg,
C/o Police Public Dairy,
Sector-15-A, Shastri Nagar,
Model Town, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o XEN, Water supply and Sanitation,
Division-1, Roopnagar,
Anandpur Sahib,

First Appellate Authority,
O/o SE, Water Supply and Sanitation Circle,
Sector-34-A, SCO-158-160,
Chandigarh.

... Respondent

Appeal Case No. 2429 of 2020

PRESENT: None for the appellant
None for the Respondent

ORDER:

The appellant through the RTI application dated 30.01.2020 has sought information regarding a copy of the sanction letter/like sports quotation issued for the work of CSR to all SDE in the division from 01.01.2019 to 31.01.2020 from the Xen Water Supply & Sanitation Division. No.1, Rupnagar Anandpur Sahib. The appellant was not provided the information after the appellant filed the first appeal before the first appellate authority on 01.06.2020 which took no decision on the appeal.

The case was last heard on 10.02.2021 through video conferencing at DAC Mohali. The appellant claimed that despite depositing the requisite fee of Rs.800/- as asked for by the PIO, the information has not been provided.

The respondent brought the information. The PIO was directed to send information to the appellant through a registered post within a week.

Hearing dated 17.05.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The appellant is absent and vide letter received in the Commission on 05.03.2021 has informed that even depositing the requisite fee of Rs.800/- on 08.03.2020 as raised by the PIO vide letter dated 19.02.2020 for 400 pages, the PIO has sent only 22 pages and has not provided the complete information.

The respondent is absent. From the letter of the appellant, there appears to be a mismatch between the fee raised by the PIO and the information that has been finally provided.

Appeal Case No. 2429 of 2020

The PIO is directed to file a suitable reply, otherwise, the Commission will be constrained to proceed as per provisions of section 20 of the RTI Act.

To come up for further hearing on **24.08.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Mohali. The appellant to appear through VC at DAC Ludhiana

Chandigarh
Dated:17.05.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Arvinder Singh Bedi,
HNo-593, Phas3B-1, Mohali.

...Appellant

Vs

Public Information Officer,
O/o PUDA,
Mohali.

First Appellate Authority
O/o PUDA,
Mohali.

...Respondent

Appeal Case .No. 4253 of 2019

PRESENT: None for the the Appellant
None for the Respondent

ORDER: This order should be read in continuation to the previous order.

The case has already been heard on 1.03.2020, 30.06.2020, 07.09.2020, 06.10.2020, 09.12.2020 & 10.02.2021.

On the date of the first hearing on 11.03.2020, the respondent informed that the information relates to the PIO-GMADA. The respondent had brought some information on behalf of the PIO-GMADA. However, the appellant was not satisfied with this information.

Since the GMADA was not being represented for a couple of months, the Commission directed the First Appellate Authority, GMADA to appoint a fresh PIO who can represent the organization at various hearings. A copy of the order was sent to the First Appellate Authority with the direction to ensure that this order is being complied with and the information is provided to the appellant as per RTI application.

On the date of the next hearing on **30.06.2020**, the respondent present pleaded that the information was ready but the signing authority was on leave. The respondent, however, assured to provide the information within a week.

On the date of hearing on **07.09.2020**, the respondent pleaded that since the earlier PIO had been transferred and he had joined as PIO recently as well as the information being voluminous, the appellant be asked to inspect the record and get the relevant information. The counsel for the appellant had agreed for the same. The appellant was directed to inspect the record by visiting the office of PIO on 17.09.2020 at 11.00 AM and get the relevant information. The PIO was directed to allow inspection of the record to the appellant and provide the relevant information as per the RTI Act.

On the date of hearing on 06.10.2020, due to the shut down of the VC, the hearing could not take place. The case was adjourned.

On the date of hearing on **09.12.2020**, the appellant informed that he inspected the record, however, the information supplied was not as per the RTI application. The respondent pleaded that the available information has been provided and no further information is available in the record.

Appeal Case .No. 4253 of2019

Hearing both the parties, the PIO was directed to provide whatever information is available on record, and if no other information than the provided one is available, to give in writing on an affidavit that the information that has been provided is true, complete and no further information is available on the record. The information be provided within 15days.

On the last date of hearing on **10.02.2021**, the advocate representing the appellant informed that no correspondence after the previous order had been made by the PIO.

The Commission received a copy of the letter from the PIO on 19.01.2021 stating that the information has been provided to the appellant on 10.11.2020 and 03.12.2020. However, as per the previous order, the PIO neither provided the information available on record nor gave an affidavit that the information that has been provided is true, complete and no further information is available. The respondent was absent nor had complied the order of the Commission.

The PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

Hearing dated 17.05.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The appellant is absent and vide email has sought adjournment due to the ongoing pandemic.

The respondent is absent nor has sent any reply to the show-cause notice. The PIO is given one last opportunity to submit a reply to the show-cause notice and appear before the commission on the next date of hearing.

To come up for further hearing on **24.08.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated:17.05.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: PIO-GMADA,Mohali

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Sh.Om Prakash, S/o Sh Dev Dutt,
R/o Village Chuhri Wala Dhanna,
Tehsil & Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o BDPO,
Khuiaan Sarwar Camp,
Abohar, Distt Fazilka.

First Appellate Authority,
O/o DDPO,
DC Complex, Fazilka.

...Respondent

Appeal Case No. 2401 of 2020

**PRESENT: None for the Appellant
None for the Respodent**

ORDER:

The appellant through the RTI application dated 04.06.2020 has sought information regarding advocate Sh.Mahavir Bhatiwala – cases allotted from 2013 to 2018 – cases attended in the courts – fees paid to the advocate along with the copy of bills – a resolution passed for deputing the advocate and other information concerning the office of BDPO Khuia Sarver Cap Abohar. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 17.07.2020 which took no decision on the appeal.

The case was last heard on 29.01.2021 through video conferencing at DAC Fazilka. Both the parties were absent.

The PIO was directed to provide the information to the appellant within 15 days and send a compliance report to the Commission.

Hearing dated 17.05.2021:

The case has come up for hearing today through video conferencing at DAC Fazilka. Both the parties are absent.

The case is adjourned. Earlier order stands. The PIO directed to comply with the earlier order of the Commission and send a compliance report to the Commission.

The case is adjourned. To come up for further hearing on **24.08.2021 at 11.00AM** through a video conference facility available in the office of Deputy Commissioner, Fazilka.

Chandigarh
Dated:17.05.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Aman Kumar Jain, S/o Sh.Bhagwan Dass,
R/o H NO-2164, Lakar Mandi, Abohar,
Distt.Fazilka.

... Appellant

Versus

Public Information Officer,
O/o Tehsildar, Abohar,
Distt.Fazilka.

First Appellate Authority,
O/o SDM, Abohar,

Distt.Fazilka.

...Respondent

Appeal Case No. 4426 of 2019

PRESENT: Sh.Aman Kumar as the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 30.08.2019 has sought information regarding attachment and stay of property as per DRT Chandigarh – case No.725 of 2000 – a copy of the register in which the said order was entered and other information concerning the office of Tehsildar Abohar. The appellant was not satisfied with the reply of the PIO dated 03.09.2019 vide which the appellant was asked to clarify the number and date on which the application was submitted in the office of Tehsildar Abohar, after which the appellant filed the first appeal before the First Appellate Authority on 09.10.2019 which took no decision on the appeal.

The case was first heard on 12.03.2020. The appellant pleaded that they have already mentioned the date and number of the application in the RTI application but the PIO has not provided the information. The PIO was directed to relook at the RTI application and provide appropriate information to the appellant within 15 days.

On the date of the hearing on **22.09.2020**, the appellant claimed that the PIO has not provided the information. The respondent stated that the copy of the bank letter is not available in their record and the appellant be asked to provide a copy of that letter. The appellant had provided a copy of the letter to the PIO.

The respondent assured to provide the information within a week. The respondent said that the appellant may collect the information by hand. The appellant had agreed for the same. The respondent was directed to provide the information within a week and send a compliance report to the Commission. The appellant was directed to collect the information by hand from the office of PIO on any working day.

On the date of the last hearing on **10.11.2020**, as per the respondent, the information has been provided. The appellant claimed that the PIO has not provided the information.

Appeal Case No. 4426 of 2019

The Commission received a copy of the letter from the PIO through email vide which the PIO had sent the following reply to the appellant:

- Point-1 - To get the information from the concerned patwari by depositing the
the Requisite fee.
- Point-2 - Information will be provided after receipt of verification from the
Bank.
- Point-3 - To get the information from the Sewa Kendra by depositing the
requisite fee

Since the appellant had asked for information under RTI Act, the PIO was directed to relook at the entire RTI application and provide the information to the clear satisfaction of both the parties under the RTI Act.

On the date of the last hearing on **29.01.2021**, the respondent present pleaded that the information has been provided to the appellant vide letter dated 25.01.2021 with a copy to the Commission. The appellant was not satisfied.

Hearing both the parties, the PIO was directed to procure the information on point-2 from the concerned bank and provide to the appellant. The PIO was also directed to sort out other discrepancies if any.

Hearing dated 17.05.2021:

The case has come up for hearing today through video conferencing at DAC Fazilka. The appellant claims that the PIO has not provided the complete information.

The respondent is absent. The appellant has not been able to get the information despite various interim orders and continuous assurances by the PIO, which has led to an enormous delay in providing the information regarding point-2.

Since there is a continuous delay in providing the information as well in compliance with Commission's order, I am marking this order to the Deputy Commissioner, Fazilka to ensure that the compliance of the order takes place within 15 days of receipt of this order. That the information regarding point-2 is provided as per the available record to the appellant. A copy of the RTI application is being attached with the order for the Deputy Commissioner's reference.

To come up for compliance on **24.08.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Fazilka.

Chandigarh
Dated:17.05.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: Deputy Commissioner, Fazilka.