

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - Psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh. Devan Munjal,
Ward No-13, Near Usha Nursing Home,
Gidderbaha.

... Complainant

Versus

Public Information Officer,
O/o Tehsildar, Gidderbaha,
Distt Sri Mukatsar Sahib.

First Appellate Authority,
O/o SDM, Gidderbaha,
Sri Mukatsar Sahib.

...Respondent

Complaint Case No. 1099 of 2018

Present: None for the Complainant
Sh.Sunil Kumar Goyal O/o Pb Warehousing Corporation for the Respondent

ORDER:

The case was first heard on **09.01.2019**. The complainant stated that since the PIO provided the information only on point No.4 out of 9 points, he filed first appeal with the First Appellate Authority which marked the same to the Tehsildar Gidderbaha to adjudicate the appeal. The Tehsildar denied the information stating that it is in question form. The appellant further stated that the information has been delayed intentionally and with malafide and the First Appellate Authority had not properly handled the RTI application, for the decision cannot be taken by the PIO when the case has come to the First Appellate Authority.

The respondent was absent. The PIO was directed to relook at the RTI application and provide all the information which is available with the public authority, even it has been raised in question form. Information, even if asked in question form, but is in the possession of the public authority, should be provided. The PIO was also directed to be present on the next date of hearing alongwith the reasons for delay in providing the information.

The case was again heard on **26.02.2019**. The appellant informed that he has not received the information. The respondent was absent and vide email, sought exemption stating that as per order of the DC, Mukatsar Sahib, the respondent has to remain at the station during the leave period of SDM Gidderbaha from 26.02.2019 to 01.03.2019. The PIO further informed that the information has been sent to the complainant vide letter dated 25.02.2019 and a copy of the same sent to the Commission.

A copy of the information was provided to the complainant. The complainant was not satisfied with the information regarding points 6 & 7. The PIO was directed to allow the inspection of the concerned record regarding points 6 & 7 by fixing a mutually convenient date and time and provide the information before the next date of hearing. The PIO was also directed to be present on the next date of hearing and explain the reasons for not providing the information within the time prescribed under the RTI Act.

Complaint Case No. 1099 of 2018

The case again came up for hearing on **02.04.2019**. The appellant was absent and vide email informed that he visited the office of the PIO on 15.03.2019 and 20.03.2019 but the Tehsildar was not available in the office and nobody showed any concern. The respondent was absent. The PIO was directed to contact the appellant and fix a mutually convenient date & time for inspection within 10 days and provide the information to the appellant as per previous order which still stands.

The case was last heard on **21.05.2019**. The appellant claims that despite order of the Commission, the PIO has not provided the information, nor cooperated to inspect the record. The respondent was absent. The PIO was issued a **show cause notice under section 20 of the RTI Act and** directed to file reply on an affidavit. The PIO was also directed to bring the record regarding information relating to points 6 & 7 to the Commission on the next date of hearing.

Hearing dated 17.07.2019:

The appellant is absent and vide email has sought exemption. The respondent present from the office of Warehousing Corporation pleaded that the matter does not relate to them and he has been ordered to attend the hearing only.

The PIO is absent nor has sent any reply to the show cause notice. The Commission observes that the appellant has sought information from the revenue department whereas the PIO instead of complying with the order of the Commission has preferred to send an official from the office of Warehousing Corporation who knows nothing about the case. The Commission has taken a serious note of this scant regard of the PIO towards the RTI Act. The PIO is hereby granted one last opportunity to comply with the earlier order of the Commission which still stands and appear personally before the Commission on the next date of hearing alongwith written reply to the show cause on an affidavit, otherwise the Commission will be constrained to take action as per provision of the RTI Act.

The case is adjourned. To come up on **29.10.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 17.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Smt.Sukhvinder Kaur, W/o Lt. Sh.Baldev Singh,
VPO HardoJhande, Tehsil Batala.
Distt.Gurdaspur.

... Appellant

Versus

Public Information Officer,
SDO, PSPCL,
Batala.

...Respondent

Complaint Case No. 1143 of 2018

Present: Sh.Harvinder Singh for the Complainant
None for the Respondent

Order:

Facts of the case-

- 1) That the complainant Smt.Sukhvinder Kaur had filed an RTI application on 02.05.2018 seeking information regarding service book, salary certificate, latest attendance report of her deceased husband Sh.Baldev Singh who was working as workcharge employee with PSPCL Batala
- 2) That he was not provided the information within the stipulated time under section 7 of the RTI Act, after which he filed complaint in the Commission on 22.10.2018.
- 3) That the case came up for hearing before the Commission on 04.02.2019. On the date of the hearing the complainant informed that he has not received any communication from the PIO. The respondent was absent nor had sent any communication. The Commission observed that there has been an enormous delay of 9 months in attending to the RTI application, the PIO-SDO, PSPCL Batala was issued a show **cause why penalty be not imposed on the PIO under section 20 of the RTI Act for not supplying the information within the statutorily prescribed period of time**, He was directed to file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission alongwith the written replies. The PIO was again directed to provide the information within 10 days.
- 4) That on the next date of hearing which was held on 19.03.2019, the complainant informed that no information has been provided. The respondent was again absent nor had sent any reply to the show cause notice. The PIO was given one last opportunity to comply with the earlier order of the Commission which still stands and be present on the next date of hearing alongwith the reply to the show cause notice on an affidavit. The case was adjourned to 15.05.2019.
- 5) That the case came up for hearing again on 15.05.2019. Since both the parties were absent, one more opportunity was granted and the case was adjourned. The PIO was directed to comply with the earlier order of the Commission and be present on the next date of hearing alongwith reply to the show cause notice .

Complaint Case No. 1143 of 2018

6) That on the same day (15.05.2019), a copy of the order was sent to the Xen-PSPCL, Batala to determine the PIO under whose custody the information exists and to direct the concerned PIO to provide the information and appear before the Commission on the next date of hearing which was fixed for 17.07.2019.

The case has come up for hearing today. The PIO however in spite of the orders of the Commission to be personally present has not turned up nor has sent any reply to the show cause notice.

Order. Keeping the above facts of the case in mind, this is a fit case to invoke section 20 of the RTI Act and impose a penalty on the PIO. Section 20 reads as follows-

20.Penalties. – (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complain or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect , incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be give a reasonable opportunity of being heard before any penalty is imposed on him:

Provide further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be.”

The onus and responsibility lies on the PIO to ensure the transmission of the complete information to the appellant. The PIO-SDO, PSPCL is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of **Rs.25,000/-** is hereby imposed upon the PIO-SDO PSPCL, Batala which be deposited in the Govt. Treasury. The PIO-SDO PSPCL, Batala is 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 PIO is again directed to provide the information within 10 days and send a compliance report to the Commission.

Further, the Commission is 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.

Complaint Case No. 1143 of 2018

The PIO-SDO PSPCL, Batala is 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 is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

A copy of the order is being sent to the Xen, PSPCL Batala to get the order served to the concerned PIO and to ensure compliance of this order, as well as ensure that the concerned PIO to provide the information and appears personally at the next date of hearing.

To come up for further hearing on **28.08.2019 at 11.00 AM.**

Chandigarh
Dated: 17.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to 1. The Xen, PSPCL, Batala.

2. Sr. Xen, PSPCL Batala



Sh.Jaswinder Singh, S/o Sh.Kartar Singh,
Village Chak Bhaike, Tehsil Budhlada,
Distt. Mansa.

.... Appellant.

Versus

Public Information Officer,
EO, Nagar Council,
Budhlada, Distt Mansa.

First Appellate Authority,
Deputy Director, Local Bodies,
Bathinda.

...Respondent

Appeal Case No. 1521 of 2018

Present: None for the Appellant
Sh.Ravi Kumar, EO Nagar Panchayat, Joga for the Respondent

ORDER:

The case was first heard on **09.07.2018**. The respondent was absent. The appellant informed that against the deposit of fee of Rs.2000/-, he received only one page of information. The PIO was directed to be present personally on the next date of hearing and explain that why the appellant was asked to deposit Rs.2000/- at the first instance and also to explain the rationale behind Rs.2000/- fee for one page of information.

The case was again heard on **07.08.2018**. Sh.Amrit Pal Singh Accountant was present on behalf of the PIO. The respondent pleaded that the information has been provided and the amount has been refunded to the appellant. The appellant pleaded that the information is incomplete as in point No.2, qualification has not been mentioned.

The Commission found that the information has been provided as per RTI. However, the respondent could not explain the reason why the appellant was asked to deposit Rs.2000/- for a single page information. It was a clear indication of harassment and malafide intention of the PIO to ask the appellant to deposit Rs.2000/-. The PIO was directed to explain why appropriate action under the RTI Act should not be taken against him and why he should not be penalized for not providing the information in time and for charging exorbitant fee in violation of the section 7(1) of the RTI Act. The reply to be submitted by way of an affidavit.

The case again came up for hearing on **23.10.2018**. Since the information had already been provided, the appellant was exempted for further hearing. The respondent was absent. The PIO was given one more opportunity to comply with the earlier orders of the Commission and submit reply by way of an affidavit for not complying with the order of the Commission.

The case was again heard on **28.11.2018**. "The respondent was absent. Despite directions of the Commission on 07.08.2018 and 23.10.2018, the PIO failed to comply with the order of the Commission for not providing the information in time and for charging exorbitant fee in violation of the section 7(1) of the RTI Act. But preferred to be absent. The PIO was issued **show cause notice and was directed to** appear before the Commission along with the written replies on an affidavit.

Appeal Case No. 1521 of 2018

The case was further heard on **21.01.2019**. The PIO was absent and neither sent any reply to the show cause notice. The PIO was given one more opportunity to appear before the Commission on the next date of hearing alongwith the written reply on an affidavit otherwise the Commission will be constrained to take action as per the RTI Act.

The case again came up for hearing on **13.03.2019**. The respondent present submitted reply of the PIO, which was taken on the file of the Commission. In the reply, the PIO mentioned that he joined as PIO in the office of NC Budhlada only on 08.03.2019 while it was the previous PIO Sh.Ravi Kumar who had raised the amount of Rs.2000/-. The PIO further mentioned in the reply that the amount was raised in the assumption that the sought information might be voluminous and could take sufficient time in tracing the record. The respondent further pleaded that he information stands provided to the appellant and an amount of Rs.2000/- has been refunded vide cheque No.069261 dated 20.04.2018 since the information could be dwarfed to a single page.

However, the Commission observed that even having provided ample opportunities to the PIO to justify the rationale behind raising Rs.2000 for a single page information, which the respondent chose not to reply after which the PIO was show caused. The commission was also perplexed with the idea that how could 1000 (Rs.2 a page) pages of information be shrunk to one page, as is the matter in this case.

Given the observations, Commission found the new PIO's plea to file this appeal flaky, and impleaded the previous PIO Sh.Ravi Kumar ,who had been transferred as EO Nagar Panchayat, Joga, Distt.Mansa to appear personally before the commission and file a reply on an affidavit.

The commission also instructed the Deputy Director Local Bodies, the First Appellate Authority to look into its order and exercise a more diligent approach while hearing appeals.

The case was last heard on **15.05.2019**. The respondent was again absent. The PIO– Sh.Ravi Kumar was given one more opportunity and directed to appear before the Commission on the next date of hearing and file reply on an affidavit, otherwise the Commission will take action as per the RTI Act.

Hearing dated 17.07.2019:

Sh.Ravi Kumar, Estate Officer, Nagar Panchayat, Joga, Distt.Mansa (Earlier PIO-cum-EO NCBudhlada) appeared and pleaded that since the appellant had earlier sought complete record of regular and contractual employees for 3 years, they asked the appellant to deposit Rs.2000/- assuming that the information might be voluminous (more than 1000 pages) and could take sufficient time in tracing the record. However, thereafter, the appellant asked for only number of regular and contractual employees which was provided and the amount of Rs.2000/- was refunded to the appellant.

The plea is accepted and the show cause notice is dropped.

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

Chandigarh
Dated: 17.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: Sh.Ravi Kumar, Estate Officer,
Nagar Panchayat, JOGA, Distt.Mansa



Smt. Renu Bala, W/o Sh. Davinder Kumar,
H No-7, Chotta Chowk, Malerkotla..

... Appellant

Versus

Public Information Officer,
Principal, S.A Jain High School,
Malerkotla.

First Appellate Authority,
DEO (SE),
Sangrur

...Respondent

Appeal Case No. 1747 of 2018

Present: Renu Bala as the Appellant
None for the Respondent

ORDER:

Facts of the Case-

- 1) That the appellant had filed an RTI application on 13.02.2018 seeking information regarding copies of attendance register from 01.01.2016 to 31.12.2016 and 01.01.2017 to 13.02.2018 from the office of Principal, S.A.Jain High School, Malerkotla
- 2) That the information was not provided to the appellant after which he filed the first appeal with District Education Officer (SE) Sangrur on 19.03.2018 which took no decision on the appeal.
- 3) That the appellant on not being provided the information filed the 2nd appeal with the state information commission, which first came up for hearing on 30.08.2018.
- 4) That the PIO was absent on the first hearing and sought adjournment due to hearing before the Educational Tribunal in another case. The PIO was directed to explain the reasons for not responding to the RTI application within the time prescribed under the RTI Act.
- 5) That on the next date of hearing which was held on 09.10.2018, Sh.Varinder Sigh, PIO appeared and informed that the information is with the Management Committee. The PIO was directed to procure the information from the Management Committee and send the same to the appellant within 15 days.
- 6) That the case came up for hearing again on 21.11.2018. A counsel representing the PIO appeared and sought adjournment. The counsel assured to provide the information before the next date of hearing. The Commission observed that the Management is using delaying tactics to avoid the information and directed the PIO to comply with the previous order otherwise the Commission will be constrained to take action as per the RTI Act. The case was adjourned for 15.01.2019.
- 7) That on 15.01.2019, the PIO was again absent and sought exemption on medical ground. The case was adjourned.

8) That the case came up for hearing on 11.03.2019. The appellant informed that no information had been provided by the PIO. The appellant further informed that he has received a letter dated 08.03.2019 from the PIO stating that they have sent the RTI application to the School Management Committee for further action.

The respondent was absent. The PIO-Principal, S.A.Jain High School Malerkotla was issued a **show cause notice under section 20 of the RTI Act** and directed to file reply on an affidavit. The PIO was also directed to provide the information within 10 days and appear before the Commission alongwith the written reply on the next date of hearing.

The Commission also observed that the school appears to be an aided school and falls under the jurisdiction of DEO (Secondary Education), Sangrur. The PIO-DEO (SE) Sangrur was also impleaded as a party of the case and directed to ensure compliance of the order of the Commission and be present on the next date of hearing.

9) That on the next date of hearing which was held on 02.04.2019, Sh.Imran Farooqi Advocate on behalf of PIO-S.A.Jain High School and Sh.Raj Pal Singh, Dy.DEO Sangrur appeared. The respondent brought the information and handed it over to the appellant. The appellant was not satisfied and alleged that the copy of the attendance register, which is being handed to her is not a factual document and that the SA Jain High School management has tampered with the record to hide their discrepancies. The appellant pointed out that the register does not have her attendance, even though she had been paid a salary for that period where she has been marked absent, which itself is self-explanatory that the document is fudged.

Having gone through the merits of the case, it was found that the information was not provided on time and was denied at the first instance with an excuse that the information is with the Management Committee vide letter dated 18.04.2018. Further that the information was delayed time and again in spite of the various orders of the commission (30.08.2018, 09.10.2018, 21.11.2018 & 15.01.2019), which also proves the fact that the respondent was reluctant in sharing the information and kept dilly-dallying to part with the sought information.

The pretext largely by the PIO to deny the information was based on the claim that the custody of the information was with the management of the school and it had to be procured from them to provide the information, after which the PIO was directed to do the needful and hand out the sought information. The PIO on not following the directions of the commission repeatedly was finally show-caused under section 20 of the RTI Act on 11.03.

Given these above facts, and even though the commission found a grave error on the part of the PIO, it also observed that the designated PIO is a mere PT teacher in the school and cannot on his own, provide the information without the consent of the Management. The facts also lead to the inference that the delay happened at the end of the management. Hence, the show-cause against the PIO was dropped and President of the management Committee was declared as the deemed PIO and directed him to **show cause** why a maximum penalty should not be imposed on him for the reasons above. The President, S.A.Jain High School was directed to appear personally with his reasons on an affidavit.

Regarding the allegation by the appellant about the provided copies of the attendance register being fudged, President of SA Jain High School was directed to come with the original register from the period 01.01.2016 to 31.12.2016 and 01.01.2017 to 13.02.2018 to the commission, which will be corroborated with the record that must have been submitted to the District Education Officer's since it is a govt. aided school. The PIO-DEO Sangrur was directed to bring the original attendance record and all the relevant documents to the case, which were submitted by the school authorities at the next date of hearing which was fixed for 21.05.2019.

10) That on 21.05.2019, the appellant claimed that the PIO has not provided the information. The PIO-President, S.A.Jain High School, Malerkotla was absent nor sent any reply to the show cause notice issued to him on 02.04.2019. The PIO-President, S.A.Jain High School was again directed to be present on the next date of hearing alongwith the written reply on an affidavit as well as original record, otherwise the Commission will be constrained to issue Warrants u/s 18(3) of the RTI Act. The PIO-DEO(SE) Sangrur was also directed to be present on the next date of hearing alongwith relevant record to the case.

The case has come up for hearing today. The appellant claims that the PIO has not provided the information. The respondent is again absent.

Keeping the above-mentioned facts of the case, it is clear that the PIO is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission, the Information Commission is empowered to issue warrants to Under Section 18(3) of the RTI Act. A bailable Warrant of the President, S.A.Jain High School, Malerkotla is hereby issued through Senior Superintendent of Police Sangrur for his presence before the Commission on 23.10.2019.

The PIO is also directed to provide the information within five days of receipt of this order. The PIO-DEO (SE) Sangrur is also directed to be present alongwith the relevant record.

To come up for further hearing on **23.10.2019 at 11.00 AM.**

Chandigarh
Dated: 17.07.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :1. President, SA Jain High School, Malerkotla
2. PIO- DEO(SE) Sangrur

**BAILABLE WARRANT OF PRODUCTION
BEFORE
SHRI KHUSHWANT SINGH
STATE INFORMATION COMMISSIONER, PUNJAB
AT CHANDIGARH**

In case:Smt.Renu Bala V/s Public Information Officer, President, S.A.Jain
High School, Malerkotla

APPEAL CASE NO. 1747 OF 2018

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing :23.10.2019

To

**The Senior Superintendent of Police,
Sangrur.**

Whereas Public Information Officer, O/o President, S.A.Jain High School, Malerkotla, has failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to the PIO-President, S.A.Jain High School, Malerkotla to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on 23.10.2019 at 11.00 AM.

**Chandigarh
Dated:17.07.2018**

**(Khushwant Singh)
State Information Commissioner**

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - Psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh.Sarabjeet Singh Gill,
H No-60/35-P/376-1, Street No-8,
Maha Singh Nagar, P.O Dhandari Kalan,
Ludhiana.

Appellant.

Versus

Public Information Officer
O/o CA-Cum-Director, PUDA,
Mohali.

First Appellate Authority,
O/o CA-Cum-Director, PUDA,
Mohali.

...Respondent

Appeal Case No. 2950 of 2018

Present: None for the Appellant
Sh.Harbhajan Singh, JE, MC Nayagaon for the respondent

Order:

The case was first heard on **13.11.2018**. The respondent present submitted a letter dated 12.11.2018 of the APIO vide which the appellant was asked to contact the Municipal Committee since the information relates to them. However, the respondent did not transfer the RTI application to the concerned PIO. The respondent was also without any authority letter and had no clue of complete case file.

The PIO was directed to forward the RTI application to the PIO of the concerned Municipal Committee and the PIO concerned was directed to send the information to the appellant before the next date of hearing as per RTI application. The PIO- PUDA was also directed to explain the reasons for not forwarding the RTI application to the concerned PIO within the time prescribed under the RTI Act and be present on the next date of hearing.

The case was again heard on **08.01.2019**. The respondent present pleaded that since the information relates to the office of MC Nayagaon, the RTI application has been transferred to them vide letter dated 22.11.2018.

The PIO-MC Nayagaon was absent. The PIO-MC Nayagaon was directed to provide the information to the appellant as per RTI application forwarded by the PIO-PUDA on 22.11.2018, within 15 days and be present personally on the next date of hearing.

The PIO-PUDA was also directed to explain the reasons for delay in forwarding the RTI application to the concerned PIO within the time prescribed under the RTI Act. The explanation be sent to the Commission within a week by registered post.

Appeal Case No. 2950 of 2018

The case was further heard on **25.02.2019**. The respondent present informed that they have transferred the RTI application to MC Nayagaon. The PIO-MC Nayagaon was absent. The PIO-MC Nayagaon was directed to appear personally before the Commission on the next date of hearing failing which the Commission will be constrained to take action as per the RTI Act.

Regarding delay in transferring the RTI application, the respondent pleaded that since the information relates to MC Nayagaon, the appellant was informed vide letter dated 12.11.2018 to contact the concerned authority. However, inadvertently, the RTI application was not sent to the concerned authority. The RTI application has now been transferred to the concerned PIO-MC Nayagaon. The plea was accepted and PIO-PUDA was exempted.

The case was again heard on **02.04.2019**. The appellant was absent and vide email informed that no information has been provided by the PIO.

The PIO-MC Nayagaon was absent. The PIO-MC Nayagaon was granted one more opportunity to provide the information to the appellant as per the RTI application forwarded by the PIO-PUDA on 22.11.2018 and be present on the next date of hearing otherwise the Commission will be constrained to take action under the RTI Act.

The case was last heard on **21.05.2019**. The representative present on behalf of the appellant informed that the PIO has not provided the information. The respondent present from the office of GMADA informed that they have already transferred RTI application to MC-Nayagaon.

The respondent from the office of MC-Nayagaon was absent. The PIO-MC Nayagaon was issued a show cause notice and directed to file reply on an affidavit. The PIO-MC, Nayagaon was again directed to provide the information to the appellant within 10 days.

Hearing dated 17.07.2019:

The appellant is absent and vide email has sought exemption. The appellant has further informed that the PIO has provided information on point-1 only.

The respondent present from the office of MC Nayagaon pleaded that since they did not receive the RTI application, they collected a copy of RTI application from the office of the Commission and sent the information to the appellant vide letter dated 18.06.2019, a copy of which was submitted to the Commission.

Having gone through the RTI application and the information provided by the PIO, I find that the information on points-1 & 2 stands provided to the best possible extent. The information sought regarding points 6 & 7 is ambiguous. The information regarding point-3 relates to PUDA and point-5 relates to the revenue department. The PIO-PUDA Mohali and PIO-DRO Mohali are directed to look at the RTI application and provide information to the appellant concerning them.

With the above order, the case is **disposed off and closed**.

Chandigarh
Dated: 17.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to 1. PIO-MC Nayagaon.

2. PIO-DRO, SAS Nagar, Mohali



Sh.Satnam Singh,
R/o Village Sadakwala 2FDM, PO-3FDM,
Panchayat Smiti Suratgarh,
Distt.Shri Ganga Nagar.

Appellant.

Versus

Public Information Officer
O/o SSP,
Fazilka..

First Appellate Authority,
O/o IGP, Ferozpur Zone,
Ferozpur..

...Respondent

Appeal Case No. 3246 of 2018

Present: None for the Appellant
None for the Respondent

ORDER:

The case was first heard on **05.12.2018**. The respondent present pleaded that the reply was sent to the appellant vide letter dated 29.05.2018 and the appellant was asked to specify for which branch of the SSP office, he has sought information but the appellant has not specified.

The appellant was absent. The appellant was directed to specify the particular branch from where he wants information and be present on the next date of hearing otherwise the case will be decided ex-parte.

The case was again heard on **11.02.2019** through video conference facility available in the office of the Deputy Commissioner, Fazilka. The respondent present informed that the appellant has not specified the information that he wants. The appellant was absent and vide email informed that he wants the copy of dak dispatch register containing the entry of dak sent from SP Office Abohar to SSP Fazilka. The appellant was directed to inspect the record and specify the information of maximum 5 pages. The PIO was directed to allow the appellant to inspect the record and provide the information of maximum 5 pages.

The case was last heard on **20.05.2019**. The respondent present pleaded that, the appellant has not come to inspect the record. The appellant says that he has asked for the copy of that register which contains the entry of dak sent from the office of SP Fazilka to the office of SSP Fazilka.

The respondent further pleaded that the dak register maintained for the entry of dak also contain the dak received from other offices/public and no separate dak register is maintained for the entry of dak received from the office of SP Fazilka. The plea was accepted. The appellant was directed to inspect the record and specify the information for not more than 25 pages. The PIO was directed to allow the appellant to inspect the record on the date fixed i.e. **27.05.2019 at 11.00 AM**. The respondent was also directed to ensure that if he has to be present else-where, a substitute be available with the document for inspection and provide the information.

Appeal Case No. 3246 of 2018

Hearing dated 17.07.2019:

The respondent is absent. The Commission has received a letter diary No.10821 on 31.05.2019 from the PIO vide which the PIO has informed that in compliance with the order of the Commission, they have provided the information to the appellant on 27.05.2019 after getting the record inspected and the appellant has acknowledged having received the information.

The appellant is absent nor has sent any communication regarding receipt of the information. It is presumed that the appellant has received the information and is satisfied.

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

Chandigarh
Dated: 17.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Naresh Kumar,
H No-2795, Street No-3,
Jammu colony, Ludhiana.

Appellant.

Versus

Public Information Officer

O/o Deputy Chief engineer,
Operational Urban (West) Division,
PSPCL, Ludhiana.

First Appellate Authority,

O/o Chief Engineer, Central Zone,
PSPCL, Ludhiana.

...Respondent

Appeal Case No. 3249 of 2018

Present: Sh.Naresh Kumar as Appellant
Sh.Brij Mohal Mittal, AAO(Revenue) O/o Sr Executive Engineer, City
Central Div/Op.(Spl) PSPCL Ludhiana for the Respondent

Order:

The case was first heard on 28.01.2019. The respondent present pleaded that the handover/takeover report is not available in their record. The respondent claimed that the concerned Police Division No.4 Ludhiana was asked vide letter dated 21.06.2018 to provide the handover/takeover list. The respondent further pleaded that as per report of the Police Division No.4, the Police Division No.4 has been changed to Police Station Daresi and they have requested the concerned SHO Police Station Daresi vide letter dated 30.07.2018 and again on 30.11.2018 to provide the information but their response is awaited.

The Commission directed the PIO to respond to the RTI application as per facts on an affidavit. The PIO, Police Station, Daresi Ludhiana was also directed to send response.

The case was again heard on **19.03.2019**. The respondent present submitted an affidavit stating that handover/takeover report is not available in their record and the appellant has already been informed vide letter dated 25.05.2018. The respondent further pleaded that the SHO Police Station Daresi has not sent any reply.

The SHO Police Station Daresi Ludhiana was directed to look into the matter and send response as per facts of the case. The PIO Police Station Daresi Ludhiana was also impleaded as a party in the case and directed to appear before the Commission regarding this particular case on the next date of hearing.

The case was last heard on **15.05.2019**. The appellant claimed that he has not received the information. The respondent present pleaded that hand-over/take-over report was not available in their record. The SHO Thana Daresi Ludhiana was absent. The SHO Police Station, Daresi, Ludhiana was again directed to provide hand-over/take-over list and be present on the next date of hearing otherwise the Commission will take action as per the RTI Act. The PIO-PSPCL is also directed to send a certified copy of the affidavit to the appellant.

Hearing dated 17.07.2019:

The appellant informed that the PIO has not provided the information. The respondent present informed that the SHO Police Station Daresi has not sent any reply. The SHO Police Station, Daresi, Ludhiana is given one last opportunity and directed to provide hand-over/take-over list and be present on the next date of hearing otherwise the Commission will take action as per the RTI Act.

A copy of the order is being sent to the SSP Ludhiana to get the order served to the concerned PIO and to ensure compliance of this order, as well as ensure that the concerned PIO to provide the information and appears personally at the next date of hearing.

The case is adjourned. To come up for further hearing on **03.09.2019 at 11.00 AM** through video conference facility available in the office of **Deputy Commissioner, Ludhiana**. Copies of the order be sent to both the parties **through registered post**.

Chandigarh
Dated: 17.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :1. PIO-SHO, Police Station,
Daresi, Ludhiana.

2. Senior Superintendent of Police
Ludhiana.



Lt. Col Hardev Singh,
506, Army Base Workshop,
C/o 56 APO.

...Appellant.

Versus

Public Information Officer
O/o District Magistrate,
Amritsar.

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

...Respondent

Appeal Case No. 3288 of 2018

Present: None for the Appellant
None for the Respondent

ORDER: The case was last heard on **18.12.2019**. The respondent present informed that they have sent fresh information to the appellant vide letter dated 11.12.2018. The appellant was absent. The Commission could not arrive at a decision whether the appellant had got complete information or not. The appellant was afforded one more opportunity to point out the discrepancies if any in the information provided on 11.12.2018, a copy of which was sent to the appellant alongwith the order.

The case was last heard on **20.05.2019**. The respondent was absent. The appellant was absent and vide email informed that he has not received the information.

The PIO was directed to resend the information to the appellant through registered post and send a compliance report to the Commission.

Hearing dated 17.07.2019:

The respondent is absent. In the hearing on 18.12.2018, the respondent informed that they have sent the information to the appellant. The appellant was absent and a copy of the information was enclosed with the order for the appellant. The appellant was directed to point out the discrepancies, if any. However, in the hearing on 20.05.2019, the appellant was again absent and vide email informed that he has not received the information. The Respondent was directed to resend the information to the appellant through registered post.

The appellant is again absent nor has pointed out any discrepancies. It is presumed that the appellant has received the information and is satisfied.

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

Chandigarh
Dated: 17.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - Psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh. H.S Hundal,
82, Distt Court, SAS Nagar,
Mohali

...Appellant

Versus

Public Information Officer,
O/o PUDA,
Mohali.

First Appellate Authority,
O/o PUDA,
Mohali.

...Respondent

Appellant Case No. 3543 of 2018

Present: None for the Appellant
Sh.Gulshan Kumar, PIO PUDA for the respondent and Sh.K.S.Rupal
Advocate & Sh.Sarvanand Saini, representing WWICS

ORDER:

The case was first heard on 14.01.2019. Since both the parties were absent, the case was adjourned.

The case was again heard on **26.02.2019**. The respondent present pleaded that since the information sought by the appellant is 3rd party information, it cannot be provided. The respondent further pleaded that the RTI application was received by the concerned department on 18.06.2018 which issued a letter to the 3rd party on 10.07.2018 for seeking their consent. The 3rd party vide letter dated 31.07.2018 did not give its consent stating that the disclosure of information would harm the interest of the company and is protected under section 8 & 11(1) of the RTI Act.

The appellant said that there has been large scale building violations in the plot and claimed that the revealing of this information will be in the larger public interest.

Before adjudicating the case, a reasonable opportunity was granted to the 3rd party under section 19(4) of the RTI Act and M/s WWICS Estates Pvt Ltd. Plot No.A-12, Industrial Area, Phase-VI, Mohali was impleaded as a party to the case and directed to appear before the Commission on the next date of hearing to plead their case.

The case was again heard on **02.04.2019**. The respondent present from WWICS Estates Pvt Ltd. Mohali submitted his reply. In the reply, the respondent stated that the information sought by the appellant has got no relevance and the appellant may use the said information against the interest of the company or its directors and disclosure of information may harm the interest of the company. Moreover, the information has no larger public interest and the appellant may use the same to malign and harm the competitive position of the company as the appellant was once engaged in the company for immigration to Canada but was declared disqualified based on the eligibility parameters by the Technical Assessment Team of the Company and since then, the appellant is filing frivolous applications before the different authorities.

The reply of the respondent was taken on the file of the Commission and the case was adjourned for adjudication.

Appellant Case No. 3543 of 2018

The case was last heard on **21.05.2019**. The appellant was absent and vide email has sent reply. The reply of the appellant was taken on the file of the Commission. The case was adjourned for adjudication on the next date of hearing.

Hearing dated 17.07.2019:

The respondent from the office of PUDA Mohali is present. The advocate representing WWICS reiterated their earlier plea that the information sought by the appellant has got no relevance and the disclosure of information has no larger public interest.

The appellant is absent. The case is adjourned.

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

Sd/-

**Chandigarh
Dated: 17.07.2019**

**(Khushwant Singh)
State Information Commissioner**

**CC to: M/s WWICS Estates Pvt Ltd. Plot No.A-12,
Industrial Area, Phase-VI, Mohali.**



Sh. Tejinder Singh,
R/o Village Bholapur, P.O Ramgarh,
Chandigarh Road, Ludhiana

...Appellant

Versus

Public Information Officer,
O/o SDM,
Fazilka.

First Appellate Authority,
O/oSDM,
Fazilka.

...Respondent

Appellant Case No. 4278 of 2018

Present: None for the Appellant
None for the Respondent

ORDER: The case was first heard on **18.03.2019**. The respondent present pleaded that the information available with them has been provided to the appellant vide letter dated 06.07.2018 and a copy of the same submitted to the Commission. The respondent also provided the information regarding point-4 to the appellant at the hearing. The PIO in his letter further mentioned that the information regarding point 3 relates to the RTA Ferozepur and the information regarding point -7 relates to the office of STC Punjab, Chandigarh.

The PIO-RTA Ferozepur and the PIO-STC Punjab, Chandigarh were impleaded as a party in the case and directed to provide the information concerning them. However, if the information is in the custody of any other department, the PIO-STC, Punjab Chandigarh was directed to procure the information from that department and send it to the appellant. The PIO-RTA Ferozepur and the PIO-STC were also directed to appear personally or through their representative on the next date of hearing.

The case was last heard on **15.05.2019**. The representative present on behalf the appellant informed that the PIO has not provided the information. The respondent was absent. The PIO-RTA Ferozepur and PIO-STC Punjab, Chandigarh were given one more opportunity and directed to comply with the earlier order of the Commission which still stands and appear personally on the next date of hearing.

Hearing dated 17.07.2019:

The appellant is absent and vide email has sought exemption. The respondent is also absent nor has sent any compliance to the order of the Commission.

The PIO-RTA Ferozepur and PIO-STC Punjab, Chandigarh are given one last opportunity and directed to comply with the earlier order of the Commission which still stands and appear personally on the next date of hearing otherwise the Commission will be constrained to take action as per the RTI Act.

To come up for further hearing on **28.08.2019 at 11.00 AM.**

Chandigarh
Dated: 17.07.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : 1. PIO-Regional Transport Authority, Ferozepur
2. PIO-State Transport Commissioner, Pb
Sector 17, Chandigarh.