**PUNJAB STATE INFORMATION COMMISSION**

 **RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGRH**

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Sh. Gurdip Singh, President,

North Valley Residential Welfare Society,

Landran – Kharar Highway Sector-127,

Kharar Distt. S.A.S.Nagar. Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council,

 Kharar

First Appellate Authority

O/o Regional Deputy Director,

Local Govt. Punjab,

Mini Sectt. Patiala Respondents

 **APPEAL CASE NO.3778/2017**

Date of RTI application : 22.09.2017

Date of First Appeal : 07.11.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :19.12.2017

**Present:** Sh. Gurdip Singh, Appellant in person.

 None on behalf of the Respondents.

**ORDER**

 The Respondents are absent despite the issue of notice. No reply has also been filed. The appellant submits that his repeated efforts to procure the information has been
stonewalled. The Commission takes a strong exception to the indifference of the respondents.

 The PIO is directed to ensure that the requisite information complete in all respects is provided to the appellant and a written statement to this effect explaining the delay in providing the information is filed immediately failing which penal consequences shall follow.

 To come up on **27.02.2018 at 11.30 AM.**

 **Sd/-**

**18.01.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Vaneet Garg, (Advocate),

House No.204/2, Royal Estate Zirakpur

Distt. S.A.S. Nagar. Appellant

Versus

Public Information Officer,

O/o RMSA, Vidya Bhawan, (PSEB ), Block –E,

Phase VIII, S.A.S. Nagar.

First Appellate Authority

O/o RMSA, Vidya Bhawan, PSEB , Block E,

Phase VIII, S.A.S. Nagar. Respondents

 **APPEAL CASE NO.3779/2017**

Date of RTI application : 02.01.2017

Date of First Appeal : 21.03.2017

Date of Order of FAA : Reply: 31.05.2017

Date of 2nd Appeal/complaint :19.12.2017

**Present:** Adv. Vaneet Garg, Appellant in person.

 Smt. Preety Puri, Assistant Manager, RMSA – for Respondents.

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**ORDER**

 The second appeal has been filed by the appellant having failed to procure the information from the PIO in response to the original application filed on 02.01.2017. The appellant had enquired about the outcome of an application filed by one Smt. Kulwinder Kaur for the post of Hindi Teacher in the category of OBC and handicapped persons.

 The Commission finds that the respondents are evasive. Their stance in asking the appellant to reveal the purpose of information is not valid and is rejected. They are directed to provide the information asked for by the appellant immediately and explain the reason for such an inordinate delay in providing the information by filing a written statement.

 To come up on **27.02.2018 at 11.30 AM.**

 **Sd/-**

**18.01.2018 (Yashvir Mahajan)**

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Sh. Ajeet Singh

S/o Late Sh. Babu Singh,

Rampur Sainian, Tehsil Dera Bassi,

Distt. S.A.S. Nagar. Appellant

Versus

Public Information Officer,

O/o Tehsildar,

Dera Bassi. Distt. S.A.S. Nagar.

First Appellate Authority

O/o Sub Divisional Magistrate,

Dera Bassi Distt. S.A.S. Nagar Respondents

 **APPEAL CASE NO.3788/2017**

Date of RTI application : 25.09.2017

Date of First Appeal : 09.11.2017

Date of Order of FAA : Reply 04.12.2017

Date of 2nd Appeal/complaint :20.12.2017

**Present:** Sh. Ajeet Singh, Appellant in person.

 1. Sh. Rajiv Kumar, Reader, O/o SDM, Dera Bassi, and

 2. Sh. Mahi Pal Sharma, Reader to Tehsildar – for Respondents.

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**ORDER**

 The appellant has a grudge against the office of the Tehsildar having misled him about the receipt of a communication from the BDPO. He asserts that the memos about the demarcation of a passage sent by the BDPO to the Tehsildar office were duly received by it. He has also submitted a proof of having received it by pointing out the minutes of the Tehsildar on it.

 The respondents submit the marked memos were sent directly to Kanungo and having not been entered in the receipt register of the office could not be traced. The respondents further state that the appellant has been duly informed of the information asked for and nothing has been withheld by them. The appellant also admits the receipt of information to his satisfaction. He pleads for imposition of penalty on the respondents for the delay.

 The Commission has looked into the issue. The plea of the respondents that the information could not be traced for want of its entry in the receipt register invites credulity. No malafide is attributable to the suppression of information by the appellant. As the information has Contd…page…2

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**APPEAL CASE NO.3788/2017**

finally reached him the Commission is inclined to dispose of the appeal, however with caution to the respondents to be careful in future.

 **Disposed.**

 **Sd/-**

**18.01.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Mewa Singh Mehla, Advocate,

Lalwyers’ Chamber No.40, District Court,

Kaithal. (HARYANA) Appellant

Versus

Public Information Officer,

O/o Station House Officer,

Police Station, Zirakpur Distt. S.A.S. Nagar.

First Appellate Authority

O/o Senior Supdt. of Police,

S.A.S.Nagar Respondents

 **APPEAL CASE NO.3791/2017**

Date of RTI application : 07.07.2017

Date of First Appeal : 31.08.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :24.11.2017

**Present:** Sh. Ranvir Prashar, Counsel for the Appellant.

 1. ASI Harjinder Singh, Police Station, Zirakpur.

 2. HC Maninder Singh, O/o SSP, Mohali – for Respondents.

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**ORDER**

 The respondents have failed to file a reply despite the issue of notice. The respondents are directed to file their written statement forthwith with a copy to the appellant. They shall also explain the delay in having failed to convey the information to the appellant so far.

 To come up on **28.02.2018 at 11.30 AM.**

 **Sd/-**

**18.01.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Manish Tonk,

House No.2961, Ward No.9,

Sector-8, Kharar Complainant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council, Kharar

Distt. S.A.S.Nagar. Respondent

 **COMPLAINT CASE NO.1403/2017**

Date of RTI application : 14.08.2017

Date of First Appeal : Nil

Date of Order of FAA : Reply 25.09.2017

Date of 2nd Appeal/complaint :14.12.2017

**Present:** Sh. Manish Tonk, Complainant in person.

 Sh. Mahesh Chander, Clerk, NC Office, Kharar – for Respondent.

**ORDER**

 The respondent represented by Sh. Mahesh Chander, Clerk, Municipal Committee, Kharar, says that the complainant was duly informed vide their memo dated 11.08.2017. However, he is asking some counter questions on the reply sent to him. As the concerned official was busy in some other important work his communication could not be attended to. It shall be duly responded shortly.

 To come up on **27.02.2018 at 11.30 AM.**

 **Sd/-**

**18.01.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Pritam Singh Swaitch,

Advocate Chamber No.4, Civil Court Complex,

Amloh,Tehsil Amloh, Distt. Fatehgarh Sahib. Complainant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

Amloh, Distt. Fatehgarh Sahib. Respondent

 **COMPLAINT CASE NO.1067/2017**

Date of RTI application : 20.05.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :04.10.2017

**Present:** Adv. Kulwinder Kaur, Counsel for the complainant.

 1. Sh. Jaspreet Singh, IAS, SDM, Amloh,

 2. Smt. Bimla Rani, PIO – cum – Superintendent, O/o SDM, Amloh,

 3. Sh. Rakesh Ranchan, SDO, PWD, (B&R), Sub Div. No. 3, Patiala – for Respondent.

**ORDER**

 The Commission made the following observations in the order passed on 26.12.2017:

 *“The Commission had passed the following order on 30.11.2017:*

*“Heard.*

*The complainant had sought an information about the encroachments made on some vital roads in the Sub Division of Amloh and the action having been taken by the respondents to remove them.*

*Sh. Khushwinder Singh, Panchayat Secretary appearing on behalf of the respondents is oblivious to the facts of the case. It can be made out that the application has been attended to in a very slip-shod manner. An attempt has been made to pass the buck to various departments. No attempt has been made to identify the departments to which the information belongs and forward the application to them accordingly.*

*The Commission takes a strong exception to the indifferent conduct of the PIO in the office of the Sub Divisional Magistrate, Amloh. Being a Nodal Officer he/she is directed to ensure that the appropriate information/replies are obtained from the concerned departments and are transmitted to the complainant within fifteen days positively from the receipt of this order. Simultaneously, he/she shall file a reply before the Commission for the inordinate delay in passing on the information showing cause as to why penal action should not be taken against him/her.”*

 *Contd…page..2*

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**COMPLAINT CASE NO.1067/2017**

*“The case has come up today. Despite having conveyed its displeasure, PIO in the office of the SDM, Amloh is absent. Nothing has been heard from him also. The defiance on the part of the respondent cannot be taken lying down.*

 *The PIO, O/o SDM, Amloh is, thus, issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.*

 *It transpires that the road under consideration is under the superintendence and maintenance of the Public Works Department and the information provided by them to the SDM office is very sketchy. The Commission is not inclined to accept the same. The PIO – cum – XEN, Public Works Department, Fatehgarh Sahib is thus directed to give candid information to the complainant under intimation to the Commission. He is also directed to attend the hearing on the next date in person.”*

 The case has come up today.

 Sh. Jaspreet Singh, IAS, SDM, Amloh, Sh. Rakesh Ranchan, SDO, PWD (B&R), Patiala and Smt. Bimla Rani, Superintendent, O/o SDM, Amloh are present.

 It has been submitted that the information concerning all the points mentioned in the original application has been sent to the complainant by post. The complainant denies having received it. A copy of the same has been arranged to be handed over to the counsel of the complainant on spot.

 About the issues raised in the complaint, it transpires that the cycle-stand which allegedly has been established on public land, has been removed and the complainant has been Contd…page…3

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**COMPLAINT CASE NO.1067/2017**

informed accordingly.

 A religious structure which has come up on two marla of panchayat land of village Salani has been endorsed by passing a resolution by gram panchayat and the complainant has been duly informed about it.

 The encroachments referred to in the subsequent part of the complaint have either been removed or the matter has been taken up under the Public Premises Act for appropriate decision.

 Thus being the case the Commission finds that the sufficient information has been provided to the complainant. No more action is called for. The complaint is **disposed** with the caution to the respondents to be watchful in future towards early transmission of information under RTI Act.

 **Sd/-**

**18.01.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The PIO – cum – XEN, Public Works Department, Fatehgarh Sahib.**