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Sh. Laxman Singh, S/o Sh. Bhajan Singh, # 2773, Phase-2, Urban Estate, Patiala.

... Complainant

Versus

Public Information Officer, O/o Block Primary Education officer, Bhunerheri-2, Sanaur, Distt Patiala.

...Respondent

Complaint Case No. 625 of 2020

PRESENT: Sh.Laxman Singh as the Complainant

None for the Respondent

ORDER:

The complainant through an RTI application dated 22.01.2020 has sought information regarding details of employees working as BST and CST alongwith their phone numbers – details of schools visited from 01.04.2019 to 21.01.2020 alongwith visiting registers and other information as enumerated in the RTI application from the office of Block Primary Education Officer, Bhunerheri-2 Sanaur District Patiala. The complainant was not satisfied with the reply of the PIO dated 13.02.2020 after which the complainant filed a complaint in the Commission on 08.09.2020.

On the date of last hearing on 26.02.2021, the complainant claimed that the PIO hadd not provided the information.

The respondent present pleaded that the complainant was asked vide letter dated 28.02.2020 to deposit requisite fee of Rs.2500/- which he deposited vide demand draft dated 12.03.2020. However, since the demand draft was wrongly addressed and not in favour of the BPEO-Bhunerheri-2, the complainant was asked to get it rectified which the complainant did not. Further the information that was sought by the complainant was not readily available and had to be collected from different schools, and due to lockdown in the State on account of covid-19, the information got delayed.

The respondent handed back the demand draft to the complainant to rectify it. The complainant requested that the PIO be asked to raise the actual cost of the information from him to get a new draft made. The PIO was directed to raise the actual cost of the information within 5 days and once the complainant deposits the requisite fee, the PIO to provide information to the complainant within ten days.

Hearing dated 18.05.2021:

The case has come up for hearing today through video conferencing at DAC Patiala. The complainant is present and informed that he was asked by the PIO to deposit Rs.1350/- as the actual cost of information which he deposited but he has received only 352 pages of information which is also incomplete whereas they should have been 675 pages. The complainant further informed that he has already pointed out the discrepancies to the PIO but the discrepancies have not been sorted out.

Complaint Case No. 625 of 2020

The respondent is absent nor has sent any legitimate reasons for the absence.

The PIO is directed to sort out the discrepancies as pointed out by the complainant and also clarify the details of the fee raised.

I direct the PIO to be personally present at the next hearing with all the documents.

To come up for further hearing on **31.08.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh Dated:18.05.2021

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Sh. Bhupinder Singh, S/o Sh.Gurjail Singh, Village Bahmna Basti, Tehsil Samana, Distt.Patiala.

...Appellant

Versus

Public Information Officer, O/o DC, Patiala.

First Appellate Authority,

O/o Commissioner, Patiala Division, Patiala

Respondent

Appeal Case No. 411 of 2019

PRESENT: Sh.Bhupinder Singh as theAppellant

Sh.Harpreet Singh, SDO- PWD(B&R) Patiala for the Respondent

ORDER:

This order should be read in continuation to the earlier order.

The case has already been heard on 13.03.2019, 29.07.2019, 04.11.2019,15.01.2020, 28.05.2020, 20.07.2020, 24.09.2020 & 04.11.2020

On the date of hearing on 04.11.2019, Sh.Harbans Sharma, Advocate and Sh.Sandeep Singh, Tehsildar Samana appeared and informed that the information relating to point-2 may be available in PWD office. The PIO-PWD(B&R) was impleaded in the case and directed to provide the information within 10 days and send a compliance report to the Commission.

On the date of hearing on 15.01.2019.the PIO-PWD(B&R) was absent nor had provided the information.

On the date of hearing on 28.05.2020.the PIO-PWD(B&R) was absent. Sh.Harpreet Singh O/o PWD appeared and informed that they had not received the copy of RTI application, a copy of which was provided to him and the PIO-PWD (B&R) was directed to look at the RTI application and provide the information whatever available in the record.

On the date of hearing on 20.07.2020 and 24.09.2020, the PIO-PWD (B&R) was absent nor had complied with the order of the Commission to send the information to the appellant. The PIO-PWD(B&R), Patiala was issued a **show cause notice on 24.09.2020 under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit. The** PIO was again directed to provide the information within 10 days of the receipt of the order.

On the date of hearing on 04.11.2020, the PIO-PWD(B&R), Patiala was again absent nor had filed a reply to the show cause notice.

On the date of hearing on 01.12.2020 the PIO-PWD(B&R) was again absent nor had complied with the order of the Commission to file a reply to the show cause notice and to provide the information.

Since the PIO-PWD(B&R) was flouting the spirit of the RTI Act continuously, to secure an erring PIO"s presence before the commission, a bailable warrant Under Section 18(3) of the RTI Act of the PIO-PWD(B&R), Patiala was issued through Senior Superintendent of Police, Patiala for his presence before the Commission on **02.02.2021**. **The PIO** was also directed to provide information to the appellant within 10 days of the receipt of this order.

Appeal Case No. 411 of 2020

On the date of hearing on **02.02.2021**, the appellant claimed that the PIO has not provided the information. Sh.Naveen Mittal, Xen-cum-PIO PWD(B&R was present and informed that the land for rest house was provided by the Administration in the year 2005-06, however, no formal document is available in their record and the reply was sent to the appellant vide letter dated 17.07.2020.

The PIO-PWD(BR) was directed to give this in writing on an affidavit that no letter/document is available in their record regarding information relating to point-2.

The Commission further observed that the appellant to collect the information had to suffer undue inconvenience, the PIO-PWD(B&R), Patiala was directed to pay an amount of **Rs.2500/-** via demand draft drawn as compensation to the appellant and submit proof of having compensated the appellant. The PIO-PWD(B&R) was also directed to file a reply to the show cause notice.

Hearing dated 18.05.2021:

The case has come up for hearing today through video conferencing at DAC Patiala. As per respondent, the compensation amount of Rs.2500/- has been paid to the appellant and an affidavit relating to point-2 has also been provided to the appellant. The appellant has received the same.

The appellant has however, informed that the information regarding point-1 has not been provided by the PIO-Director-Land Records.

However, the Commission observes that in the order darted 28.05.2020, it has been recorded that as per letter received in the Commission on 31.01.2020 from the PIO-Director, Land Records, the information has been sent to the appellant vide letter dated 28.01.2020 with a copy to the Commission. Hence, a copy of the info4rmation received from the PIO-Land Records is being sent to the appellant alongwith the order.

With the above, the information stands provided and no further arguments will be taken up regarding the information.

The PIO-PWD(B&R) has however, not filed reply to the show cause notice. The PIO-PWD(B&R) given one last opportunity to file written reply to the show cause notice.

To come up for further hearing on **31.08.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh

Dated: 18.05.2021

Sd/-(Khushwant Singh) State Information Commissioner

CCto:1. PIO-Director Land Records, Kapurthala Road, Jalandhar

2. PIO-PWD(B&R), Patiala

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Sh.Gurinder Singh Sodhi, R/o 47, Bank Colony, Patiala

Appellant

Versus

Public Information Officer, O/o Principal Secretary, Local Govt. Department, Sector 35, Chandigarh.

First Appellate Authority, O/o Additional Director, Local Govt. Department, Sector 35, Chandigarh

Respondents

Appeal case No.2101 of 2020

PRESENT: Sh.Gurinder Singh as the Appellant

None for the Respondent

ORDER;

The appellant through RTI application dated 23.03.2018 has sought information regarding CPW No.19788 of 2015 Gora Lal Jindal v/s State of Punjab – document filed before the High Court and other information concerning the office of Principal Secretary, Local Govt. Department, Punjab Chandigarh. The appellant was not provided the information after which the appellant filed first appeal with the first appellate authority on 28.07.2018 which took no decision on the appeal.

On the date of first hearing on 09.11.2020, the appellant claimed that the PIO has not provided the information.

The respondent was absent. Having gone through the file, the Commission observes that the PIO has written a letter on 26.02.2020 to Sh.GoraLal for seeking his consent under section 11 (Third Party Information) of the RTI Act whereas as per copy of letter received by the Commission from the PIO on 06.11.2020, the PIO had denied the information under section 8(h) of the RTI Act.

Since in the communication to the Commission the PIO had applied Section 8 (h) for denial of information, the PIO was directed to explain why he has applied this particular section. Merely stating the section without citing any plausible reason is not an acceptable was to deny information.

On the date of hearing on 01.12.2020, the appellant claimed that the PIO has not provided the information.

Appeal case No.2101 of 2020

The respondent was absent on 2nd consecutive hearing. Since there had been an enormous delay of more than two years in providing the information. the PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.** The PIO was again directed to provide the information within 10 days of the receipt of this order.

On the date of last hearing on **02.02.2021**, the respondent submitted a reply to the show cause notice which was taken on the file of the Commission. In the reply, the respondent stated that since the court case is still pending, the information cannot be provided.

The case was adjourned.

Hearing dated 18.05.2021:

The case has come up for hearing today through video conferencing at DAC Patiala. As per appellant, the PIO has not provided the information .

The respondent is absent.

The case is adjourned. To come up for further hearing on **31.08.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner Patiala. The PIO to appear through VC at DAC Mohali.

Chandigarh Dated: 18.05.2021





Sh. Bhupinder Singh, S/o. Sh Gurjail Singh, VPO Bahmana Basti, Tehsil Samana, Distt Patiala.

... Appellant

Versus

Public Information Officer, O/o DC, Patiala.

First Appellate Authority,O/o Commissioner Patiala Division,
Patiala.

...Respondent

Appeal Case No. 2724 of 2020

PRESENT: None for the Appellant

None for the Respondent

ORDER:

The appellant through RTI application dated 25.01.2020 has sought information regarding action taken report on the complaint filed on 10.12.2019 against Surinder Kumar Vasika Navish and other information as enumerated in the RTI application from the office of DC Patiala. The appellant was not provided the information after which the appellant filed first appeall before the first appellate authority on 14.08.2020 which took no decision on the appeal.

The case first came up for hearing on 26.02.2021 through video conferencing at DAC Patiala. Both the parties were absent. The case was adjourned.

Hearing dated 18.05.2021:

The case has come up for hearing today through video conferencing at DAC Patiala. The appellant is absent on 2^{nd} consecutive hearing. It appears that the appellant is not interested to pursue this case. The appellant is directed to appear before the commission at the next date if interested in pursuing the case.

It has been observed that the respondent is also not appearing at the hearings nor has sent any legitimate reason for the absence. The Commission has taken a serious view of this and hereby directs the PIO to show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time as well as for non-appearance. He/she should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

To come up for further hearing on **31.08.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh Dated:18.05.2021

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Sh.Vikarm Vaid, H No-1527, Gali No-2, Bagh Rama Nand, Amritsar.

... Appellant

Versus

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

First Appellate Authority, O/o Addl, Director, Deptt of Local Govt, Pb Sector-35-A, Chandigarh.

...Respondent

Appeal Case No. 1336 of 2020

PRESENT: Sh.Vikram Vaid as the Appellant

None for the Respondent

ORDER:

The appellant through RTI application dated 05.11.2019 has sought information regarding details of funds allotted to Mehatpur Nagar Panchayat after 01.09.2006 in Nakodar – objective plan for which funds were allotted – bank details of Mehatpur Panchayat – internal audit report – AG Punjab audit report – deficiency found in audit report and other information concerning the office of Director of Local Govt. Department, Pb Chandigarh. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 22.12.2019 which took no decision on the appeal.

On the date of first hearing on 07.10.2020, the respondent present pleaded that the information has been sent to the appellant vide letter dated 03.10.2020 and a copy of the same submitted to the Commission. The appellant claimed that he has not received the information.

Since as per respondent, the information was sent on 03.10.2020, the appellant was directed to point out the discrepancies to the PIO once the information is received and the PIO was directed to remove the same.

On the date of last hearing on 09.03.2021, due to non functioning of VA at DAC Amritsar, the appellant could not be heard.

The Commission received an email from the appellant in which the appellant has pointed out deficiencies, which was taken on the file of the Commission. The respondent had brought the information and claimed that all deficiencies have been redressed.

A copy of the additional information was sent to the appellant alongwith the order.

The case was adjourned.

Hearing dated 18.05.2021:

The case has come up for hearing today through video conferencing at DAC Amritsar. The appellant claims that the PIO has not sorted out the discrepancies relating to point-4 since the audit reports for the year 2012 to 2015 are unattested, the audit reports for the years 2015-16 are not legible and audit report for the year 2018 has not been received.

The respondent is absent. The PIO is directed to sort out the discrepancies and provide attested legible copies of the information. The PIO is also directed to provide the remaining information relating to point-4 and be present at the next date of hearing.

To come up for further hearing on **31.08.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO to appear through VC at DAC Mohali.

Chandigarh Dated:18.05.2021

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Sh. Surjit Singh, Village.Aujla Dhak, P.O Lidhar Kalan, Distt. Jalandhar.

... Appellant

Versus

Public Information Officer,

O/o XEN, Water Supply and Sanitation Division-2, Amritsar.

First Appellate Authority,

O/o SE, Water Supply and Sanitation Circle, Amritsar.

...Respondent

Appeal Case No. 2141 of 2020

PRESENT: None for the Appellant

None for the Respondent

ORDER:

The appellant through RTI application dated 16.03.2020 has sought information regarding details of tenders issued for work got done from 01.03.2019 to 15.03.2020 in sub subdivisions under Amritsar Division2 –copy of bills passed for the work done for annual maintenance - copy of cash books – copy of quotation registers – name of SDOs alongwith monthly travelling allowance bills and other information as enumerated in the RTI application from the office of Xen Water Supply and Sanitation Division No.2 Amritsar The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 28.04.2020 which took no decision on the appeal.

The case last came up for hearing on 25.02.2021 through video conferencing at DAC Amritsar. Due to technical fault in VC at Amritsar, the hearing could not take place. The case was adjourned.

Hearing dated 18.05.2021:

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

The case is adjourned. To come up for further hearing on **31.08.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Amritsar. The appellant to appear through VC at DAC Jalandhar.

Chandigarh Dated:18.05.2021

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Sh.Sudhir Mahajan, S/o Sh Om Parkash, # 1438/39, Ka04.06.202tra Jaimal Singh, Amritsar.

... Appellant

Versus

Public Information Officer, O/o Principal Secretary, Department of Local Govt,

Department of Local Govt Sector-35-A, Chandigarh.

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

...Respondent

Appeal Case No. 2726 of 2020

PRESENT: None for the Appellant

None for the Respondent

ORDER:

The appellant through RTI application dated 04.06.2020 has sought information regarding record relating to change of cadre of Sh.Rajinder Sharma and Sh.Sanjeev Devgan from Junior Engineer to Building Inspector (Technical) and other information as enumerated in the RTI application from the office of Principal Secretary Department of Local Govt. Pb Chandigarh. The appellant was not provided the information after which the filed first appeal before the first appellate authority on 23.07.2020 which took no decision on the appeal. After filing first appeal, the PIO sent a reply to the appellant vide letter dated 28.08.2020 stating that they were tracing the record, and if traced the information would be provided.

The case first come up for hearing on 25.02.2021 through video conferencing at DAC Amritsar. Due to technical fault in the VC at DAC Amritsar, the appellant could not be heard. The Commission received a representation from the appellant on 18.02.2021 in response to the reply of the PIO which was taken on the file of the Commission.

Sh.Harjit Singh, PIO was present at Chandigarh. He informed the commission that since the record relating to the sought information was very old, it had been misplaced due to continuous shifting of office space. As per him, since the record was untraceable the department has already filed a DDR and a reply alongwith a copy of DDR has been sent to the appellant vide letter dated 28.08.2020 and again on 04.01.2021.

After hearing the PIO's plea, the Commission was not convinced with the reply. The commission made it clear that it does not accept the plea that the record is missing or misplaced until an enquiry is conducted and an enquiry report is submitted which establishes that the record is missing and the responsibility has been fixed for the person under whose custody the record was found missing.

Appeal Case No. 2726 of 2020

The concerned department was directed to conduct an enquiry into the matter by constituting a committee, and submit a complete enquiry report which establishes that the record is missing, and appropriate action has been taken against the person as per service rules under whose custody the record went missing.

The PIO was also directed to send a reply on an affidavit.

Hearing dated 18.05.2021:

The case has come up for hearing today through video conferencing at DAC Amritsar. The appellant vide email has informed that the PIO has not provided the information.

The respondent is absent and vide email has sought some more time to complete the final enquiry report on the missing record due to pandemic situation of Covid-19.

The case is adjourned. To come up for further hearing on **31.08.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO to appear through VC at DAC Mohali.

Chandigarh Dated:18.05.2021

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Versus



Sh. Tarsem Singh, S/o Sh.Nishan Singh, Roj Avenue, Chamiari Road, Ajnala, Amritsar .

...Appellant

Public Information Officer

O/o Addl, SE (Operational), PSPCL, Division Ajnala, Distt Amritsar.

First Appellate Authority,

O/o Chief Engineer, Border Zone,

Amritsar. ...Respondent

Appeal Case No. 3057 of 2019

PRESENT: Sh.Harjit Singh s/o Sh.Tarsem Singh for the Appellant

Sh.Aneeshdeep singh, Sr.Xen for the Respondent

ORDER:

The appellant through RTI application dated 30.04.2019 sought information regarding copy of application form/request dated 25.08.2015 for electric connection No.A11SA441492M alongwith copy of bills issued and other information from the office of Addl. SE (Operational), PSPCL Division Ajnala. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 20.05.2019 which took no decision on the appeal. After filing first appeal, the PIO sent a reply to the appellant vide letter dated 27.06.2019. On being not satisfied with the information, the appellant filed 2nd appeal in the Commission on 21.08.2019.

On the date of hearing on 30.12.2019, the representative appeared on behalf of the appellant informed that the PIO has not provided the complete information. The respondent was absent. The PIO was directed to relook at the RTI application and provide the complete information to the appellant within 10 days.

On the next date of hearing which was held on **17.03.2020**, the appellant claimed that the PIO has not provided the information. The respondent was absent on the 2nd consecutive hearing. The PIO-Addl. SE(Operational), PSPCL Division Ajnala was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.** The PIO was again directed to provide the complete information within 10 days of the receipt of this order.

On the date of hearing again on 04.08.2020, the appellant claimed that the PIO has not provided the information. The PIO-Additional SE (Operational) PSPCL, Division Ajnala was absent on 3rd consecutive hearing nor had filed reply to the show cause notice. To secure an erring PIO's presence before the commission the Information Commission, a bailable Warrant under section 18(3) of the RTI Act of the PIO-Additional SE (Operational) PSPCL, Division Ajnala was issued through Senior Superintendent of Police, Amritsar for his presence before the Commission on15.09.2020.

Appeal Case No. 3057 of 2019

On the date of hearing on 15.09.2020, the respondent was present at Chandigarh and informed that the information has been provided to the appellant vide letter dated 03.09.2020 with a copy to the Commission. The Commission had received the copy of the information on 09.09.2020 which had been taken on the file of the Commission.

The appellant was not satisfied. Having gone through the information that had been provided and hearing both the parties, the following was concluded:

- Point-1 - Information provided

- Point-2 - Information provided. Appellant not satisfied. The PIO to give in

writing on an affidavit that the meter number was wrongly

entered

but the same has been corrected.

Point-3 - PIO to give reply on an affidavit
 Point-4 - PIO to give reply on an affidavit

The PIO submitted a reply to the show cause notice which was taken on the file of the Commission. The decision on the show cause to be taken on the next date of hearing.

A copy of the order was sent to the Superintending Engineer, PSPCL Sub-urban, Circle Amritsar with the direction to enquire into the matter of mismatch of meter serial number and submit detailed enquiry report to the Commission.

On the data of hearing on **09.11.2020**, as per appellant, the PIO had not provided the information. The PIO was absent nor had compiled the order of the Commission.

It was also observed that the respondent Sh.Gurmeet Singh was present in another appeal case No.909 of 2019 but had chosen not to appear in this particular case. Looking at the history of the case as well as non-compliance of last order and the attitude of the respondent while disseminating information, it was clear that the respondent had willfully denied the information.

Since the appellant to collect the information had to suffer undue inconvenience, the PIO-Addl.SE(Operational) PSPCL Division Ajnala was directed to pay an amount of **Rs.3000/-** via demand draft as compensation to the appellant and submit proof of having compensated the appellant. The PIO was again directed to comply with the earlier order of the Commission. The decision on the show cause notice will be taken at the next date of hearing.

On the date of last hearing on **09.03.2021**, **d**ue to non-functioning of the VC at DAC Amritsar, hearing could not take place. The case was adjourned.

Hearing dated 18.05.2021:

The case has come up for hearing today through video conferencing at DAC Amritsar. As per representative of the appellant, the PIO has neither provided the affidavit nor has paid compensation as per order of the Commission.

The respondent informed that he has already sent affidavit to the Commission on 07.01.2021 and is having a copy of the same. The respondent has now provided a copy of the affidavit to the representative of the appellant. The respondent has assured to pay the compensation amount to the appellant within 2-3 days.

Appeal Case No. 3057 of 2019

The respondent is directed to pay compensation amount to the appellant within a week and send compliance report to the Commission.

At the hearing, it also transpired that the respondent who has filed an affidavit to the show cause of 17.03.2020 is an APIO in this case.

The PIO, in this case, is Superintending Engineer (Operation), PSPCL, Sub-urban, Amritsar who has never appeared nor has filed a reply for delay in providing the information. Since the onus to provide the information is on the PIO, the PIO-SE(Operation) PSPCL is directed to show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time as well as for non-appearance. He/she should file an affidavit in this regard.

The PIO is also directed to appear personally on the next date of hearing.

The case is adjourned. To come up for further hearing on **31.08.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh Dated 18.05.2021 Sd/-(Khushwant Singh) State Information Commissioner

CC to: Superintending Engineer, PSPCL Suburban, Circle Amritsar