

Sh.Parminder Singh,
H No-422, Palam Enclave,
Morinda, DisttRoopnagar.

... Appellant

Versus

Public Information Officer,
O/o EO, PUDA,
Mohali.

...Respondent

Complaint Case No. 277 of 2019

PRESENT: None for the Complainant
Mrs.SukhvinderKumari, PIO-cum-EO PUDA for the Respondent

ORDER:

The case was first heard on 24.07.2019. The complainant claimed that the PIO has not provided the information even after a reminder issued to them on 23.02.2019.

The respondent was absent. The Commission observed that there has been an enormous delay of 7 months in attending to the RTI application. 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 to the appellant within 10 days.

The case was again heard on **23.10.2019**. The Commission received a letter on 26.08.2019 from the PIO stating that the information has been sent to the complainant vide letter dated 22.07.2019. The appellant claimed that he has not received the information.

The respondent was absent nor had sent any reply to the show cause notice. The PIO was given one last opportunity provide the information and be present on the next date of hearing alongwith reply to the show cause notice on an affidavit.

The case was further heard on 13.02.2020. The complainant informed that the PIO has not provided the information. The PIO was absent on 3rd consecutive hearing nor had sent any reply to the show cause notice. Available warrant of the PIO-cum-Estate Officer, PUDA was issued Under Section 18(3) of the RTI Act through Senior Superintendent of Police, Mohali for his presence before the Commission on **03.03.2020**.

On the date of hearing on **03.03.2020**, Mrs.SukhvinderKumari, EO-PUDA appeared but did not file reply to the show cause notice. The PIO-EO PUDA was directed to bring written reply to the show cause notice on the next date of hearing.

The case was again heard on 08.06.2020 through video conferencing at DAC Mohali. The respondent pleaded that since the information relates to GMADA, the RTI application was transferred to them. The PIO however, did not file reply to the show cause notice. The appellant was absent. The PIO was given one last opportunity to file reply to the show cause notice on an affidavit and appear before the Commission on the next date of hearing alongwith the reply.

Complaint Case No. 277 of 2019

The case was last heard on **27.07.2020** through video conferencing at DAC Mohali. Due to internet problem, the video conferencing could not take place. As per information from DC office Mohali, the appellant was absent. Mrs.SukhvinderKumari, PIO-cum-EO PUDA was present on Whatsapp and informed that she had brought the reply to the show cause notice on an affidavit. The PIO was directed to send reply to the show cause notice to the Commission via post or via email.

Hearing dated 18.08.2020:

The case has come up for hearing today through video conferencing at DAC Mohali. Mrs.SukhvinderKumari, PIO-EO PUDA is present and informed that she has sent reply to the show cause notice to the Commission. The Commission has received reply of the PIO which has been taken on the file of the Commission.

In the reply the PIO has mentioned that the RTI application was filed by the appellant in the office of PUDA which was never presented before the respondent for necessary action and since the information was related to GMADA, the APIO-cum-Suptd(Coordination) PUDA transferred the RTI application to GMADA on 16.01.2019. The PIO-cum-Assistant Estate Officer, GMADA supplied the information to the complainant on 22.07.2019. Hence the delay had happened on the part of PIO-cum-Assistant Estate Officer, GMADA.

Given the facts above, the show cause issued against Mrs.Sukhvinder Kumar, PIO-EO PUDA is dropped and the PIO-GMADA of that time is being warned to be careful in performing his/her duties while disposing the RTI applications.

The complainant is continuously absent nor has communicated any discrepancies. It is presumed that the complainant has received the information and is satisfied.

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

Chandigarh
Dated:18.08.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Narinder Kumar, S/o Sh Sham Lal Gupta,
R/o B-25/648, Street NO-2, Near Sheesh Mehal,
DewanKhana Road, Malerkotla, DisttSangrur.

....Appellant

Vs

Public Information Officer,
O/o EO, GMADA,
Mohali.

First Appellate Authority,
O/o GMADA,
Mohali.

....Respondent

Appeal Case .No. 4468 of 2019

PRESENT: None for the Appellant
Sh.Gurvinder Singh, PIO-GMADA and Sh.Vikramjit Singh, JE-Building
Branch for the Respondent

ORDER:

The case first came up for hearing on 08.06.2020 through video conferencing at DAC, Mohali. The respondent pleaded that the information relates to APIO-EO GMADA. The appellant was absent.

The PIO was directed to provide the information to the appellant as per the RTI application and explain the reasons for delay in attending to the RTI application.

The case was last heard on **27.07.2020** through video conferencing at DAC Mohali. Due to internet problem, the video conferencing could not take place. As per information from DC office Mohali, the appellant was absent. The respondent PIO was present on Whatsapp and informed that the information on points 1,2 & 3 has been provided to the appellant and since the information regarding points 4 to 10 relates to the SDO-Building Branch, they have been asked to provide the information. The respondent assured to provide the remaining information within 10 days.

The respondent was directed to procure the information regarding points 4 to 10 from the concerned branch and send it to the appellant within 10 days with a copy to the Commission.

Hearing dated 18.08.2020:

The respondent present has brought the information. The appellant is absent. The respondent is directed to send the information to the appellant through registered post. The appellant is directed to point out the discrepancies if any and appear before the Commission to pursue his case on the next date of hearing.

To come up for further hearing on **12.10.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated 18.08.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

Smt. BalwinderKaur,
H No-195/2, Sec-45-A,
Chandigarh.

....Appellant

Vs

Public Information Officer,
O/o Divisional Engineer,
Public Health-1, GMADA,
Mohali.

First Appellate Authority,
O/o Divisional Engineer,
Public Health-1, GMADA,
Mohali.

....Respondent

Appeal Case .No. 4700 of 2019

PRESENT: Sh.Krishan Kumar Singla husband of Mrs.BalwinderKaur for the Appellant
Sh.Gurvinder Singh, PIO GMADA for the Respondent

ORDER:

The case was first heard on 08.06.2020 through video conferencing at DAC, Mohali. Both the parties were absent. The case was adjourned.

The case came up again for hearing on **27.07.2020** through video conferencing at DAC, Mohali. Due to internet problem, the video conferencing could not take place.

The respondent was present on Whatsapp and informed that the information has been provided to the appellant. Sh.Krishan Kumar Singla representing the appellant informed that the information was incomplete. The appellant was directed to point out the discrepancies to the PIO in writing with a copy to the Commission. The PIO was directed to remove the discrepancies and provide complete information to the appellant within 15 days from the receipt of discrepancies. If the information is not available, the PIO to give in writing on an affidavit.

Hearing dated 18.08.2020:

The case has come up for hearing today through video conferencing at DAC Mohali. The respondent is present at Chandigarh and informed that they have sent reply to the discrepancies pointed out by the appellant vide letter dated 29.07.2020 and a copy of the same submitted to the Commission.

The appellant is present at DAC Mohali. A copy of the reply submitted by the PIO is being attached with the order for the appellant.

The PIO is directed to explain the reasons for delay in providing the information

To come up for further hearing on **12.10.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated 18.08.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

ShJatinder Singh, S/o ShBakhsish Singh,
R/o 5777-B, Sector-38 (West),
Chandigarh.

... Appellant

Versus

Public Information Officer,
O/o GMADA, Sector-62,
Mohali.

First Appellate Authority,
O/o GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 1504 of 2019

PRESENT: Sh.Jatinder Singh as the Appellant
Sh.Gurvinder Singh, PIO - GMADA Mohali for the Respondent

ORDER:

The case was first heard on 09.07.2019. The respondent present pleaded that this case came to his knowledge a day before the hearing only and asked for a copy of the RTI application. The respondent further assured to supply the information within 15 days. A copy of the RTI application was provided to the respondent. The PIO was directed to look at the RTI application and provide the information within 15 days.

The case was again heard on **11.09.2019**. The appellant informed that the PIO has not provided the complete information. The respondent was absent. The PIO was given one more opportunity to relook at the RTI application and provide the complete information as per the RTI application and explain the reasons for not complying with the order of the Commission.

On the next date of hearing on **10.12.2019**, the appellant claimed that the PIO has not provided the information. The appellant was interested to inspect the record.

The respondent was absent. The appellant was directed to visit the office of PIO on **23.12.2019 at 11.00 AM** to inspect the record and get the relevant information. The PIO was directed to allow inspection of the record to the appellant on the given date and time and provide the relevant information as per the RTI application.

There has been an enormous delay of one year in providing the information. The PIO was issued a **show cause notice under Section 20 of the RTI Act and directed to file reply on an affidavit.**

On the last date of hearing on **30.06.2020**, The appellant informed that the PIO has not provided the information and neither did the PIO cooperate when he had gone to inspect the record on 23.12.2019 and 14.01.2020 as per the Commission's order dated 10.12.2019.

Appeal Case No. 1504 of 2019

The PIO was absent nor had sent any reply to the show cause notice. The respondent present pleaded that the information was ready but the signing authority was on leave. The respondent further informed that since the earlier PIO had been transferred and no fresh PIO was posted. The respondent however, assured to provide the information within a week.

The respondent was directed to comply with the earlier order of the Commission which still stands and provide the information to the appellant within a week.

Sh.Gulshan Kumar who was the PIO during the duration of these cases was directed to respond to the show cause.

Hearing dated 18.08.2020:

The respondent present pleaded that the information exists in the files but it is not available as required by the appellant and has to be created from 103 case files in which LOI were issued. The appellant may inspect the record and get the relevant information.

Under normal circumstances, this would be the ideal manner in which an applicant would collect the information that he/she seeks. However, in the present instance, the appellant is 73 years old, a cancer patient and there is his fear of contacting Covid-19, especially given the his age.

Given the above statement, I on humanitarian grounds direct the PIO to gether the information that the appellant has sought which he under normal circumstances would have inspected the record himself and collected it.

Under the powers vested in section 19(8) of the RTI Act, I hereby direct the PIO to provide the information, which should have been handy had the office been functioning more efficiently.

To come up for further hearing on **12.10.2020 at 11.00 AM.**

Chandigarh
Dated:18.08.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



ShJatinder Singh, S/o ShBakhsish Singh,
R/o 5777-B, Sector-38 (West),
Chandigarh.

... Appellant

Versus

Public Information Officer,
O/o GMADA, Sector-62,
Mohali.

First Appellate Authority,
O/o GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 1505 of 2019

PRESENT: Sh.Jatinder Singh as the Appellant
Sh.Gurvinder Singh, PIO GMADA Mohali for the Respondent

ORDER: The case was first heard on 11.09.2019. The appellant claimed that the PIO has given misleading and incorrect information. The respondent was absent. The PIO was directed to relook at the RTI application and provide whatever the document is available as per RTI application. The PIO was directed to bring the entire record at the next date of hearing.

ON the next date of hearing on **10.12.2019**, the appellant claimed that the PIO has not provided the complete information. The respondent was absent. The appellant was interested to inspect the record. The appellant was directed to visit the office of PIO on **23.12.2019 at 11.00 AM** to inspect the record and get the relevant information. The PIO was directed to allow inspection of the record to the appellant and provide the information as per the RTI application.

There has been an enormous delay of one year 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.**

On the date of last hearing on **30.06.2020**, the PIO was absent nor had sent any reply to the show cause notice. The respondent present brought the information and handed over to the appellant. The appellant was not satisfied with the information on point 4 & point-7. The respondent informed that the information regarding point-7 relates to CTP department. The respondent was directed to procure the information regarding point-7 from CTP and provide to the appellant. The respondent was also directed to provide information on point-4.

Regarding the show cause, Sh.Gulshan Kumar who was the PIO during the duration of these cases was directed to respond to the show cause.

Hearing dated 18.08.2020:

The respondent present pleaded that the information on point-4 has already been provided. The appellant has received the same and is satisfied.

The information stands provided. However, the reply to the show cause has not been received. Sh.Gulshan Kumar who was the PIO during the duration of these cases is given one last opportunity to file reply to the show cause notice otherwise the Commission will be constrained to take action under section 20 of the RTI Act against the PIO.

To come up for further hearing on **12.10.2020 at 11.00 AM.**

Chandigarh
Dated:18.08.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

ShJatinder Singh, S/o ShBakhsish Singh,
R/o 5777-B, Sector-38 (West),
Chandigarh.

... Appellant

Versus

Public Information Officer,
O/o GMADA, Sector-62,
Mohali.

First Appellate Authority,
O/o GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 1506 of 2019

PRESENT: Sh.Jatinder Singh as the Appellant
Sh.Gurvinder Singh, PIO- GMADA Mohali for the Respondent

ORDER: The case was first heard on **11.09.2019**. The appellant claimed that the PIO has not provided the information. The respondent was absent. The PIO was directed to provide the information and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act. The PIO was also directed to bring entire record at the next date of hearing to the Commission.

The case was again heard on **10.12.2019**. The appellant claimed that the PIO has not provided the information. The respondent was absent. The appellant was interested to inspect the record. The appellant was directed to visit the office of PIO on **23.12.2019 at 11.00 AM** to inspect the record and get the relevant information. The PIO was directed to allow inspection of the record to the appellant and provide the information as per the RTI application.

The Commission however, observes that there has been an enormous delay of one year 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 case was last heard on 30.06.2020. The PIO was absent nor had sent any reply to the show cause notice. The respondent present pleaded that the information has been provided to the appellant. The appellant informed that the PIO has not provided the information on point-2. The respondent was directed to provide information on point-2 within a week.

Regarding the show cause, Sh.Gulshan Kumar who was the PIO during the duration of these cases was directed to respond to the show cause.

Hearing dated 18.08.2020:

The respondent present pleaded that the information regarding point-2 is not available in their record and can be provided by the Tehsildar Mohali.

I am making PIO-GMADA as the deemed PIO, and directing him to procure the information from Tehsildar Mohali and provide it to the appellant. The Tehsildar Mohali is directed to provide the information to the PIO-GMADA, enabling them to provide the same to the appellant.

To come up for further hearing on **12.10.2020 at 11.00 AM.**

Chandigarh
Dated:18.08.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
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ShJatinder Singh, S/o ShBakhsish Singh,
R/o 5777-B, Sector-38 (West),
Chandigarh.

... Appellant

Versus

Public Information Officer,
O/o GMADA, Sector-62,
Mohali.

First Appellate Authority,
O/o GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 1507 of 2019

PRESENT: **Sh.Jatinder Singh as the Appellant**
 Sh.Gurvidner Singh, PIO- GMADA and Sh.Balbir Singh-GMADA Mohali for
 the Respondent

ORDER:

The case was first heard on **11.09.2019**. The appellant claimed that the PIO has not provided the information. The respondent was absent.

The PIO was directed to provide the information and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act. The PIO was also directed to bring entire record at the next date of hearing to the Commission.

The case was last heard on **10.12.2019**. The appellant informed that the PIO has provided the partial information. The respondent was absent. The appellant was interested to inspect the record. The appellant was directed to visit the office of PIO on **23.12.2019 at 11.00 AM** to inspect the record and get the relevant information. The PIO was directed to allow inspection of the record to the appellant and provide the information as per the RTI application.

There has been an enormous delay of one year 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**.

On the date of last hearing on **30.06.2020**, the appellant pleaded that despite visiting the office of PIO on 23.12.2019 and again on 14.01.2020, the PIO has not provided the information. The PIO was absent nor had sent any reply to the show cause notice. The respondent present pleaded that the appellant has not specified the information. The respondent further informed that the earlier PIO has been transferred and no fresh PIO has been posted and that the file is in the custody of Sh.Balbir Singh.

The respondent was directed to be present alongwith Sh.Balbir Singh and entire record at the next date of hearing.

The appellant in the case is 73 years old and informed the Commission that he visited twice for inspection on 23.12.2019 and 14.01.2020, but the respondent did not cooperate. The Commission felt that in the given pandemic situation, it was not prudent for the appellant to go to the public authority, and hence directed the respondent to bring the record to the Commission at the next date of hearing.

The Commission also observed that the appellant had to suffer undue inconvenience to get the information, the case was found fit for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act. The PIO was 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 was directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

Hearing dated 18.08.2020:

The respondent present pleaded that the information has been provided to the appellant. As per appellant, the information is incomplete. If the information is not available, the PIO is directed to give in writing on an affidavit.

At the last hearing, the PIO was directed to pay compensation amount of Rs.5000/- via demand draft and inform the commission of the compliance of the order. As per appellant, the PIO has not paid the compensation.

Since the PIO has failed to comply with the order of the Commission, the compensation amount is enhanced from Rs.5000/- to Rs.10000/- and the PIO is directed to duly comply with the order of the Commission and submit proof of having compensated the appellant. The PIO is also directed to file reply to the show cause notice.

To come up for further hearing on **12.10.2020 at 11.00 AM.**

Chandigarh
Dated:18.08.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

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ShJatinder Singh, S/o ShBakhsish Singh,
R/o 5777-B, Sector-38 (West),
Chandigarh.

... Appellant

Versus

Public Information Officer,
O/o GMADA, Sector-62,
Mohali.

First Appellate Authority,
O/o GMADA, Sector-62,
Mohali.

...Respondent

Appeal Case No. 1508 of 2019

PRESENT: Sh.Jatinder Singh as the Appellant
Sh.Gurvinder Singh, PIO-GMADA and Sh.BalbirMasih-APIO for the
Respondent

ORDER:

The case was first heard on 11.09.2019. The appellant claimed that the PIO has not provided the information. The appellant further informed that the PIO sought consent of 3rd party and the 3rd party has already given its consent for disclosure of information, but the PIO had not supplied the information.

The respondent was absent. The PIO was directed to provide the information and explain the reasons for not providing the information within the time prescribed as per the RTI Act. The PIO was also directed to bring entire record at the next date of hearing to the Commission.

The case was again heard on **10.12.2019**. The appellant informed that the PIO has provided the partial information. The respondent was absent. The appellant was interested to inspect the record. The appellant was directed to visit the office of PIO on **23.12.2019 at 11.00 AM** to inspect the record and get the relevant information. The PIO was directed to allow inspection of the record to the appellant and provide the information as per the RTI application.

The Commission however, observed that there has been an enormous delay of one year 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 case was last heard on **30.06.2020**. The appellant informed that the PIO has not provided the information and neither did the PIO cooperate when he had gone to inspect the record on 23.12.2019 and 14.01.2020 as per the Commission's order dated 10.12.2019.

The PIO was absent nor had sent any reply to the show cause notice. The respondent present pleaded that the appellant has not specified the information. The respondent further informed that the earlier PIO has been transferred and no fresh PIO has been posted and that the file is in the custody of Sh.Balbir Singh.

Appeal Case No. 1508 of 2019

The respondent was directed to be present alongwith Sh. Balbir Singh and entire record at the next date of hearing.

Regarding the show cause, Sh. Gulshan Kumar who was the PIO during the duration of these cases was directed to respond to the show cause.

Hearing dated 18.08.2020:

The respondent present informed that the plot was not allotted earlier and the information does not exist.

The PIO is directed to relook at the RTI and send reply on an affidavit. The reply be sent within 15 days.

To come up for further hearing on **12.10.2020 at 11.00 AM.**

Chandigarh
Dated: 18.08.2020

Sd/-
(Khushwant Singh)
State Information Commission



ShJatinder Kumar,
C/o SachkhandMishthanBhandar,
Nehru Gate, Nawanshehar.

... Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Local GovtDeptt, Sector-35-A,
Chandigarh.

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

...Respondent

Appeal case No.1064 of 2020

Present: Sh.Jatinder Kumar as the Appellant
None for the Respondent

Order:

The appellant through RTI application dated 22.08.2019 has sought information regarding action taken on the application dated 11.06.2019 for appointing some other officers of the rank of Retired Session Judge/Chief Vigilance Officer in place of earlier enquiry officer 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 before the First Appellate Authority on 27.11.2019 which took no decision on the appeal.

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

The notice issued by the Commission to the PIO O/o Principal Secretary, Local Govt. Punjab has been returned back with the remarks of the postal authorities "Refused by Under Secretary".

I hereby direct the Principal Secretary, Local Govt.Department, Punjab to look into the matter that why the notice of the Commission has been refused. A copy of the notice and a copy of the envelop with remarks of postal authority is being attached with the order for reference. The PIO is directed to look at the RTI application and provide the information to the appellant within 15 days. The PIO is also directed to appear personally on the next date of hearing.

To come up for further hearing on **23.09.2020 at 02.00 PM** through video conference facility available in the office of Deputy Commissioner, Nawanshahar. **The PIO to appear at Chandigarh.**

Chandigarh
Dated:18.08.2020

Sd/-
(Khushwant Singh)
State Information Commissione

PUNJAB STATE INFORMATION COMMISSION

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Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864114, Visit us @ www.infocommpunjab.com,

Email: psicsic30@punjabmail.gov.in



Sh. Hardeep Singh, S/o ShTarsemLal,
R/o Village Nupur, Tehsil Banga,
Distt SBS Nagar.

.....Appellant

Vs

Public Information Officer,
O/o SE, PSPCL, Sub Division-2,
Nawanshehar, Distt SBS Nagar.

First Appellate Authority,
O/o SE, PSPCL,
Nawanshehar, Distt SBS Nagar.

...Respondent

Appeal Case .No. 4560 of 2019

PRESENT: Sh.Hardeep Singh as the Complainant
Sh.NareshKumar, Addl. SE-Banga for the Respondent

ORDER:

The case was last heard through video conference facility available in the office of Deputy Commissioner Nawanshahar. The appellant claimed that the PIO has not provided the complete information and the information that has been provided was not legible. The respondent present pleaded that the available information has been provided and since the record being very old, was not traceable, the remaining information cannot be provided.

The PIO was directed to conduct an enquiry and submit a complete enquiry report which establishes that the record is missing, FIR has been lodged and suitable action has been taken as per procedure of the department against the person under whose custody the record was found missing. The PIO was also directed to provide legible and certified copies of the information to the appellant.

Hearing dated 18.08.2020:

The case has come up for hearing today through video conferencing at DAC Nawanshahar.

The respondent present informed that they have conducted enquiry regarding the untraceable record and have written to the higher authority for fixing the responsibility of the person under whose custody the record was found.

The PIO is directed to send a complete enquiry report which establishes that the record is missing, FIR has been lodged and suitable action has been taken as per procedure of the department against the person under whose custody the record was found missing.

To come up for further hearing on **23.09.2020 at 02.00 PM** through video conference facility available in the office of Deputy Commissioner, Nawanshahar.

Sd/-

Chandigarh
Dated 18.08.2020

(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

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Sh. Hardeep Singh. S/o ShTarsemlal,
R/o Village Nurpur, Block Aur,
Tehsil Banga, Distt SBS Nagar.

... Appellant

Versus

Public Information Officer,
O/o Punjab Pollution Control Board,
Hoshiarpur.

First Appellate Authority,
O/o Punjab Pollution Control Board,
Jalandhar.

...Respondent

Appeal Case No. 2700 of 2019

PRESENT: Sh.Hardeep Singh as the Appellant
Sh.Ashwinder Kumar, Agri, Dev.Officer, Aur for the Respondent

ORDER:

The case was first heard on 16.12.2019. The respondent present informed that the challan books are issued to the team constituted by the District Administration and they are collecting the challan books from the team members and on receipt of the challan books, the information will be provided to the appellant. The appellant was absent. The PIO was directed to provide the information to the appellant before the next date of hearing and send a compliance report to the Commission.

The case was again heard on **21.01.2020**. The respondent present pleaded that the information is available in the custody of the Agriculture officer, Aur who is the Nodal officer of the teams constituted by the District Administration to check the sites of the stubble burning and to fine the violators accordingly. The Nodal Officer, Department of Agriculture, Punjab, Block Aur is impleaded in the case and directed to look at the RTI application and provide the information to the appellant. A copy of the RTI application is being attached with the order for the PIO-Nodal Officer, Department of Agriculture Block Aur Distt. Nawanshahar.

The Commission however observed that the Pollution Control Board has not handled the RTI application appropriately since it should have been transferred to the concerned department under section 6(3) of the RTI Act which they did not transfer. The PIO-Pollution Control Board was directed to be present personally on the next date of hearing and explain the reasons for not transferring the RTI application to the concerned department.

The case was last heard on 23.06.2020 through video conference facility available in the office of Deputy Commissioner Nawanshahar. The respondent present from the office of Pollution Control Board pleaded that the information is in the custody of Agriculture Officer, Aur. The PIO-Pollution Control Board directed to submit reply in writing on an affidavit for delay in transferring the RTI application to the concerned PIO.

The PIO-Department of Agriculture, Block Aur was absent nor had complied with the order of the Commission. The PIO-Nodal Officer, Department of Agriculture, Pb, Block Aur, District Nawanshahar was issued a **show cause notice under Section 20 of the RTI Act and directed to file reply on an affidavit.** The PIO was again directed to provide the information to the appellant within 10 days.

Hearing dated 18.08.2020:

The case has come up for hearing today through video conferencing at DAC, Nawanshahar. The respondent present pleaded that the information has been provided to the appellant. The appellant informed that he has received the information except the information regarding point-3. The respondent informed that the photo copy of the same has been provided to the appellant and the original is with Pollution Control Board. As per appellant, it is not legible. The PIO-Pollution Control Board is directed to provide legible copy of the information regarding point-3 to the appellant.

The respondent has submitted reply to the show cause notice which is taken on the file of the Commission. The reply is not from the PIO. The respondent is directed to submit reply to the show cause notice from the PIO.

At the earlier hearing, the PIO-Pollution Control Board was directed to appear personally before the Commission and submit reply on an affidavit for delay in transferring the RTI application to the concerned PIO. The PIO is absent nor has sent any reply.

The PIO-Pollution Control Board is directed to appear personally on the next date of hearing along with the reply on an affidavit.

To come up for further hearing on **23.09.2020 at 02.00 PM** through video conference facility available in the office of Deputy Commissioner, **Nawanshahar.**

Chandigarh
Dated 18.08.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: Nodal Officer, Department of Agriculture, Pb
Block Aur, Distt. Nawanshahar.

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

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Email: psicsic30@punjabmail.gov.in



Sh. Pal Singh, S/o ShPrakas Singh,
Village BadalThuha, P.O & Tehsil Amloh,
DisttFatehgarh Sahib.

....Appellant

Vs

Public Information Officer,
O/o XEN, PSPCL,
Operational Divison, Amloh,
DisttFatehgarh Sahib.

First Appellate Authority
O/o SE, Operational, PSPCL,
Circle Khannna, Distt Ludhiana

....Respondent

Appeal Case .No. 4549 of 2019

PRESENT: Sh.Pal Singh as the Complainant
Sh.Sumer Singh, Addl. SE Amloh for the Respondent

ORDER:

The case last came up for hearing on 23.06.2020 through video conferencing at DAC Fatehgarh Sahib. The representative appeared on behalf of the appellant informed that the PIO has not provided the information.

The respondent was absent without intimation to the Commission. The PIO was directed to provide the information as per order of the First Appellate Authority within a week.

Hearing dated 18.08.2020:

The case has come up for hearing today through video conference facility available in the office of Deputy Commissioner, Fatehgarh Sahib. The respondent present pleaded that the information has been provided to the appellant. The appellant stated that the information is incomplete since the information of one of the employees has not been provided.

As per respondent, the information is not available in their record since the record stand destroyed.

The Commission however, will not accept that the record stands destroyed or missing until an enquiry is conducted and the enquiry report is submitted which establishes that the record stands destroyed or missing.

The PIO is directed to conduct an enquiry into the matter and submit complete enquiry report at the next date of hearing.

To come up for further hearing on **13.10.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, **Fatehgarh Sahib.**

Chandigarh
Dated 18.08.2020

Sd/-
(Khushwant Singh)
State Information Commissioner