

**PUNJAB STATE INFORMATION COMMISSION**  
**RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**  
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ [www.infocommpunjab.com](http://www.infocommpunjab.com)  
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Sh. Avtar Singh,  
S/o Sh. Gurmail Singh,  
V.P.O Jand Mangholi, Tehsil-Rajpura,  
Patiala.

Appellant

Versus

Public Information Officer,  
O/o Panchayat Secretary,  
Gram Panchayat,  
Jand Mangoli, Block-Ghanaur, Patiala.

First Appellate Authority,  
O/o Block Development and Panchayat Officer,  
Block-Ghanaur, Patiala.

Respondents

**Appeal Case No.2592/2018**

Date of RTI application:	09.02.2018
Date of First Appeal :	28.03.2018
Date of Reply :	02.04.2018
Date of Order of FAA :	Nil
Date of 2 <sup>nd</sup> Appeal/complaint:	02.07.2018

**Present:** Sh. Avtar Singh, Appellant in person.  
Sh. Gurmeet Singh, Panchayat Secretary, BDPO Office, Block Ghanaur – for Respondents.

**Order**

The following order was passed by this forum on 27.09.2018:

*“The appellant intends to know the expenses incurred over a period of last fifteen years to get an area of about 3 – 4 sq.ft. of Khasra No.1348 evicted which allegedly is in the possession of the appellant. The appellant is alleging a continuous harassment by the respondents. Be that as it is, the respondents have not filed a written reply to the notice of the Commission. The BDPO, Block Ghannaur is hereby desired to file a written statement before the next date of hearing. Meanwhile he shall ensure that the available information is provided to the appellant.”*

The case has come up today. As directed the statement has been filed by the respondents. Instead of providing the information forthwith the BDPO has shifted the onus on the Panchayat Secretary who reportedly has recently joined. The conduct of the Block Dev.& Panchayat Officer has been apathetic and non-chalant. It further transpires that the respondents have received

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**Appeal Case No.2592/2018**

Rs.1,500/- on demand from the appellant as cost of providing information. The Commission finds that the provision of the RTI Act has been observed in violation rather than in compliance. He has rendered himself liable for penalty and award of compensation to the appellant.

Sh. Akbar Ali, Block Dev. & Panchayat Officer, Ghanaur, 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 Appellant 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.

To come up on **04.12.2018 at 11.30AM.**

**Sd/-**

**18.10.2018**

**(Yashvir Mahajan)  
State Information Commissioner**

**CC: Sh. Akbar Ali, Block Dev. & Panchayat Officer, Ghanaur, Distt. Patiala,  
for n/a.**

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Ms. Baljeet Kaur,  
D/o Sh. Jang Singh,  
R/o House No. 369,  
Sector 10 A, Surjit Nagar,  
Mandi Gobindgarh, Distt. Fatehgarh Sahib.

Appellant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Bassi Pathana, Distt. Fatehgarh Sahib.

First Appellate Authority,  
O/o District Development and Panchayat Officer,  
Distt. Fatehgarh Sahib.

Respondents

**Appeal Case No.2593/2018**

Date of RTI application:	24.10.2017
Date of First Appeal :	25.05.2018
Date of Reply :	Nil
Date of Order of FAA :	Nil
Date of 2 <sup>nd</sup> Appeal/complaint:	01.08.2018

**Present:** **Smt. Baljeet Kaur, Appellant in person.**  
**None on behalf of the Respondents.**

**Order**

The following order was made by this forum on 27.09.2018:

*“The appellant is alleging misappropriation of MGNREGA funds by the Gram Panchayat by fudging the record and muster rolls in cahoot with the departmental authorities. She has sought the record relating to preparation of the job cards of the workers in the village by the concerned authority.*

*The respondents submit that the jurisdictional Panchayat Secretary was duly directed to attend the proceedings along with the original record. However, due to notice of an unscheduled hearing in the Hon'ble Punjab & Haryana High Court, Chandigarh he is unable to attend the proceedings in the Commission. As the application has been duly forwarded to Sh. Gurkanwal Singh Sandhu, Panchayat Secretary under Section 6(3) of the Act he is directed to file a written statement and explain his failure in providing the information. Meanwhile he shall ensure that the sought for information is transmitted to the appellant without further loss of time.”*

The case has come up today. Despite the express order of the Commission the respondents have failed to provide the information. No written reply has been filed also. The respondents are absent. The Commission takes a strong exception to their conduct and brazenness. The respondents render themselves

Contd...page...2

**Appeal Case No.2593/2018**

liable for penal consequences.

The Block Development & Panchayat Officer, Bassi Pathana and Sh. Gurkanwal Sandhu, Panchayat Secretary, O/o BDPO, Bassi Pathana are issued 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 them for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by her.

In addition to the written reply, they are 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. They may take note that in case they do not file their written reply and do not avail themselves of the opportunity of personal hearing on the date fixed, it will be presumed that they have nothing to say and the Commission shall proceed to take further proceedings against them ex parte.

Meanwhile Sh. Gurkanwal Sandhu, Panchayat Secretary is directed to bring along the entire record in the Commission on the next date of hearing failing which the Commission shall be constrained to invoke its authority under Section 18(3) to coerce his presence in the Commission.

To come up on **20.11.2018 at 11.30 AM.**

**18.10.2018**

**Sd/-  
(Yashvir Mahajan)  
State Information Commissioner**

**PS: Sarvshri Gurkanwal Sandhu, Panchayat Secretary and Sh. Jarnail Singh, Gram Rozgar Sahayak appeared after the hearing was over. They submitted their regret in delay as they were got hold in heavy jam in Landran. They informed that they have brought along the record. They have been directed to send across the record to the appellant.**

**CC: The Block Dev. & Panchayat Officer, Bassi Pathana, Distt. Fatehgarh Sahib, for n/a.**

**CC: Sh. Gurkanwal Singh Sandhu, Panchayat Secretary, O/o Block Dev. And Panchayat Officer, Bassi Pathana, Distt. Fatehgarh Sahib, for n/a.**

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Sh. Satya Paul Bansal,  
Flat No. 180/3, Tower No. 4,  
SBP Homes, Extn 3, Sector-126, Mohali.

Appellant

Versus

Public Information Officer,  
O/o Executive Officer,  
Municipal Council,  
Kharar, Mohali.

First Appellate Authority,  
O/o Executive Officer,  
Municipal Council,  
Kharar, Mohali.

Respondents

**Appeal Case No.2617/2018**

Date of RTI application:	16.04.2018
Date of First Appeal :	06.06.2018
Date of Reply :	Nil
Date of Order of FAA :	Nil
Date of 2 <sup>nd</sup> Appeal/complaint:	03.08.2018

**Present: Sh. Satya Pal Bansal, Appellant in person.**  
**None on behalf of the Respondents.**

**Order**

The following order was made by this forum on 27.09.2018:

*“The appellant had sought an information about the approved lay-out plan of a project namely; SBP Home, Extn. 3, Chhajju Majra, Tehsil, Kharar, District Mohali and connected information thereto. Having not received any reply from the PIO and FAA he has filed second appeal with the Commission as per chronology mentioned above.*

*Sh. Jaswinder Singh appearing on behalf of the respondents has produced a couple of memos purported to have been issued to the appellant. The appellant denies having received them even though one of it has been sent under registered cover. Their perusal leads us nowhere. They have denied the availability of the information.*

*It transpires during the discussion that more than six hundred flats duly inhabited exist on site. In the face of these facts the contention of the respondents cannot be accepted. The PIO – cum – EO, MC, Kharar is directed to file a written affidavit about the status of the aforesaid colony in the record and arrange to provide the information to the appellant before the next date of hearing. Meanwhile, he shall explain the delay in*

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**Appeal Case No.2617/2018**

*providing the information as well.”*

The case has come up today. The respondents seemingly have defied the directions passed in the aforesaid order in brazenness. The Commission takes strong exception and issues show cause notice to the PIO –cum- Executive Officer, Municipal Council, Kharar 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 Appellant 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.

He is also directed to bring along the information with a spare copy in the Commission on the next date of hearing.

To come up on **11.12.2018 at 11.30 AM.**

**18.10.2018**

**Sd/-  
(Yashvir Mahajan)  
State Information Commissioner**

**CC: PIO – cum – Executive Office, Municipal Council, Kharar, for n/a.**

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Sh. Major Singh Chahal,  
Junior Assistant,  
O/o SDM, Bassi Pathana,  
Distt. Fatehgarh Sahib.

Appellant

Versus

Public Information Officer,  
O/o Deputy Commissioner,  
Fatehgarh Sahib.

First Appellate Authority,  
O/o Deputy Commissioner,  
Fatehgarh Sahib.

Respondents

**Appeal Case No.2628/2018**

Date of RTI application:	15.05.2018
Date of First Appeal :	19.06.2018
Date of Reply :	Nil
Date of Order of FAA :	Nil
Date of 2 <sup>nd</sup> Appeal/complaint:	06.08.2018

**Present: Sh. Major Singh Chahal, Appellant in person.**  
**Sh. Paramjeet Singh, Clerk, DC Office, Fatehgarh Sahib,– for Respondents.**

**Order**

The following order was made on 27.09.2018:

*“The appellant has a grievance about his personnel matters. He apprehends his demotion from the post of Junior Assistant to Clerk and reduction in salary without any tangible fault on his part. The respondents deny such a proposition as there is nothing to suggest so in their record.*

*The Commission feels that the appellant seemingly has some mis-information about his seniority and pay scale which needs to be clarified to him by the Establishment Wing of the DC Office in Fatehgarh Sahib. They should convey a lucid reply to his RTI application.”*

The case has come up today. Sh. Paramjeet Singh, Clerk appearing on behalf of the respondents says that as directed by the Commission the appellant has been informed. A copy of it

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**Appeal Case No.2628/2018**

has been endorsed to the Commission also.

The Commission feels that sufficient information has been given. No further intervention is called for.

The appeal is **disposed**.

**18.10.2018**

**Sd/-  
(Yashvir Mahajan)  
State Information Commissioner**



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Sh. Sukhvir Singh,  
S/o Sh. Karnail Singh,  
R/o Village Dhianpur, Tehsil Chamkaur Sahib,  
Distt. Ropar.

Appellant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Block-Morinda.

First Appellate Authority,  
O/o District Development and Panchayat Officer,  
Ropar.

Respondents

**Appeal Case No.2640/2018**

Date of RTI application:	26.12.2017
Date of First Appeal :	19.03.2018
Date of Reply :	23.01.2018
Date of Order of FAA :	Nil
Date of 2 <sup>nd</sup> Appeal/complaint:	03.08.2018

**Present:** **Sh. Sukhvir Singh, Appellant in person.**  
**Sh. Lal Chand, Panchayat Officer, O/o BDPO, Morinda – for Respondents.**

**Order**

The Commission made the following order on 27.09.2018:

*“The appellant had sought information about the revenue generated, expenses incurred and resolutions passed by the Gram Panchayat, Village Dhianpura, Block Morinda from the year 2013 onwards.*

*Sh. Jagmohan Singh, Panchayat Secretary a deemed PIO says that the information could not be provided because of the confusion over the name of the applicant and his signatures. Obviously, it is a typographical error and should not have been taken as a ruse to withhold the information. Nonetheless he has brought along the information and assures to provide it to the appellant after getting its zerox copies and certifying them. Better, he does it today itself. Any further laxity shall invite serious consequences towards imposition of penalty and awarding of compensation to the appellant.”*

The case has come up today. Sh. Lal Chand, Panchayat Secretary appearing on

**Appeal Case No.2640/2018**

behalf of the respondents submits that Sh. Jagmohan Singh, PIO – cum – Panchayat Secretary of village Dhianpura was duly communicated under Section 5(4) of the RTI Act to provide the information to the appellant. The aforementioned order of the Commission is also self-speaking. Sh. Sukhvir Singh appellant says that despite the express order of the Commission the respondent Panchayat Secretary Sh. Jagmohan Singh while talking disparagingly about the Commission has refused to part with the information. The Panchayat Secretary's brazenness and defiance is reprehensible. Obviously he has rendered himself liable for the penal consequences.

Accordingly, Sh. Jagmohan Singh, Panchayat Secretary is 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 Appellant 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.

To come up on **29.11.2018 at 11.30 AM.**

**18.10.2018**

**Sd/-  
(Yashvir Mahajan)  
State Information Commissioner**

**CC: The Block Dev. &Panchayat Officer, Block Morinda, for n/a.**

**CC: Sh. Jagmohan Singh, Panchayat Secretary, Vill: Dhianpura, O/o Block Dev. & Panchayat Officer, Morinda, for n/a.**

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Sh. Nahar Singh,  
S/o Sh. Mukhtiar Singh,  
R/o Village Sangatpura,  
Tehsil Nabha, Distt. Patiala.

Appellant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Nabha, Distt. Patiala.

First Appellate Authority,  
O/o District Development and Panchayat Officer,  
Patiala.

Respondents

**Appeal Case No.2645/2018**

Date of RTI application:	09.04.2018
Date of First Appeal :	10.05.2018
Date of Reply :	Nil
Date of Order of FAA :	Nil
Date of 2 <sup>nd</sup> Appeal/complaint:	03.08.2018

**Present: Sh. Nahar Singh, Appellant in person.**  
**Sh. Sukhwinder Singh, Panchayat Secretary, Gram Panchayat**  
**Sangatpura – for Respondents.**

**Order**

The following order was made by this forum on 27.09.2018:

*“The appellant is seeking copies of the record connected with the various grants received, revenue generated and expenditure incurred by the gram panchayat of village Sangatpura, Distt. Patiala from the respondents. Having failed to procure it in stipulated period he has filed a second appeal with the Commission.*

*Sh. Sukhwinder Singh, Panchayat Secretary appearing on behalf of the respondents says that the record sought is quite voluminous. The appellant was timely desired to make a payment of Rs.6,000/- as a cost of providing information. As the appellant has not deposited the cost he is not entitled to the information.*

*The appellant denies the receipt of such communication. The appellant submits that the communication received by him is unsigned and obviously has no legal standing. He adds that as*

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**Appeal Case No.2645/2018**

*the respondents have failed to communicate the cost of information in time they should be directed to provide him the complete information free of cost. The commission takes the plea of appellant with a grain of salt. The respondents have produced a postal receipt for the dispatch of the information. The Commission believes that the cost of providing such a massive information has been duly conveyed to the appellant.*

*The Commission observes that the provision of the information constituting thousands of pages is wastage of resources. It is desirable that the record is allowed to be inspected. An appropriate time and date for it shall be intimated by the respondents to the appellant not later than fifteen days from the receipt of the order. The BDPO, Nabha shall ensure the arrangement of inspection and provide him certified copies of documents but not beyond two hundred pages. In case the appellant is not satisfied with the numbers, he shall convince the Commission with the reasons for further requisition. “*

The case has come up today. There seems a communication gap between the appellant and the Public Authority due to which the inspection could not mature. The Commission holds that the inspection of the record shall be held on 08.11.2018 at 11.00 AM in the o/o the Block Development & Panchayat Officer, Nabha. The concerned Panchayat Secretary shall ensure that the record is made available. The BDPO shall monitor that this order is complied. The rest of the directions as passed in the aforesaid order shall also be complied.

To come up on **29.11.2018 at 11.30 AM.**

**18.10.2018**

**Sd/-  
(Yashvir Mahajan)  
State Information Commissioner**

**CC: The Block Development and Panchayat Officer, Nabha, Distt. Patiala, for n/a.**

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Sh. Ranjeet Singh (ASI),  
R/o B-1-1004,  
Old No. 4626, Prem Nagar, Machhiwara,  
Tehsil-Samrala, Distt. Ludhiana.

Appellant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Block Sri Machhiwara Sahib, Distt. Ludhiana.

First Appellate Authority,  
O/o Additional Deputy Commissioner (Development),  
D.R.D.A, Ludhiana.

Respondents

**Appeal Case No.2646/2018**

Date of RTI application:	07.04.2018
Date of First Appeal :	09.05.2018
Date of Reply :	Nil
Date of Order of FAA :	Nil
Date of 2 <sup>nd</sup> Appeal/complaint:	03.08.2018

**Present: Sh. Ranjeet Singh (ASI), Appellant in person.**  
**Smt. Sarbjeet Kaur, BDPO, Sri Machhiwara Sahib – for Respondents.**

**Order**

The following order was made on 27.09.2018:

*“The appellant desired to know about the status of reservation for a Scheduled Caste member in the Panchayat of Village Akalgarh, Block Sri Machhiwara Sahib over a period of last fifteen years. Though the respondents in the office of BDPO has replied besides providing a copy of a notification dated 08.06.2018 issued on the subject, it does not completely meet the requirement of the application.*

*According to Sh. Sukhwinder Singh, Panchayat Secretary, the notifications issued earlier on the reservation and ward-bandi for the purpose of Panchayat Elections are available in the office of the Deputy Commissioner only. He should have forwarded the application under Section 6(3) of the Act to the concerned Public Authority. He is directed to liaise with the office of the Deputy Commissioner, Ludhiana and arrange to provide him the information before the next date of hearing positively.”*

The case has come up today. Smt. Sarbjeet Kaur, BDPO has brought along the

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**Appeal Case No.2646/2018**

copies of the notifications issued on the subject as mentioned in the aforesaid order which have been transmitted to the appellant on spot in the Court itself. He is seemingly satisfied. The Commission feels that sufficient information has been given. No further intervention is desirable.

**Disposed.**

**18.10.2018**

**Sd/-  
(Yashvir Mahajan)  
State Information Commissioner**

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Sh. Bhupinder Singh  
S/o Sh. Gurjail Singh,  
VPO: Bahmna, Tehsil Samana,  
District Patiala.

Appellant

Versus

Public Information Officer,  
O/o Deputy Commissioner,  
Patiala, Mini Sectt. Patiala

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

Respondents

**APPEAL CASE NOS 325 and 326 of 2018**

Date of RTI application : 06.11.2017/16.10.2017

Date of First Appeal : 20.12.2017/20.11.2017

Date of Order of FAA : Nil

Date of 2<sup>nd</sup> Appeal/complaint : 10.01.2018

**Present:** **None on behalf of the Appellant.**  
**Sh. Gurdhian Singh, Sr. Assistant, Tehsil Office, Patiala – for Respondents.**

**ORDER**

The following orders were passed by this forum on 31.05.2018, 05.07.2018 and 28.08.2018:

**Order dated 31.05.2018**

“Since the appellant and the respondents, and the information sought is almost identical the single order shall dispose both the appeals.

The following order was made by this forum on 12.04.2018:

*“The appellant had asked from the respondents the conditions under which some provincial Government land in Village Fatehpur the details of which has been mentioned in his application was allotted in favour of Sh. Gobind Ram during the year 1981. He says that the land was alienated through the Mutation Nos.943, 944 and 945.*

*The Commission understands that the land should have been allotted to the beneficiaries under a policy of the government. He is only interested to know the terms and*

*Contd....page...2*

**APPEAL CASE NOS 325 and 326 of 2018**

*conditions of the allotment of this land. The respondents are advised to provide him a certified copy of the allotment letter before the next date of hearing positively.”*

*“The case has come up today. Sh. Vinod Kumar, Patwari, appearing on behalf of the respondents has brought along a reply which has been taken on record. The respondents have gone completely off tangent. Their reply is wayward and has no bearing on the original application as well as the order passed by the Commission. They were advised to provide him a copy of the allotment letter vide which the provincial land as described in the application was allotted and mutated in favour of beneficiaries.*

*Sh. Ram Kishan, PIO – cum - Tehsildar, Samana, is hereby directed to come present in person on the next date of hearing and explain his conduct in ducking the issue and willfully suppressing the information.”*

**Order dated 05.07.2018**

*“Sh. Ram Krishan, Tehsildar is present. He has brought along the information in Appeal Case No.326 of 2018 which has been handed over on spot to the appellant.*

*As regards Appeal Case No. 325 of 2018 he submits that the documents as has been discussed in the order passed by the Commission on 31.05.2018, relate to the office of the Tehsildar (Sales), Patiala. He assures the Commission that by liaising with that officer, the requisite information shall be provided to him. He is cautioned to comply with the instructions scrupulously before the next date of hearing positively failing which he shall be held responsible for the violation under the RTI Act and dealt accordingly.*

*The Deputy Commissioner, Patiala is hereby desired to arrange to provide the information to the Tehsildar, Samana for onward transmission to the appellant.”*



**APPEAL CASE NOS 325 and 326 of 2018**

**Order dated 28.08.2018**

*"This should be read in continuation of the orders passed on 31.05.2018 and 05.07.2018.*

*Sh. Sandeep Singh, Tehsildar is present. He has filed an affidavit wherein he has taken a plea that they have made all-out efforts to trace the record without success. He further says that the record actually vests with the office of the Tehsildar (Sales), Patiala.*

*The Tehsildar (Sales), Patiala, is directed to file an affidavit keeping the submissions made by the Tehsildar, Samana in view about the availability and transmission of the information. No further opportunity shall be given."*

The case has come up today. The appellant has sought exemption from absence being un-well.

Sh. Gurdhian Singh, Sr. Assistant appearing on behalf of the respondents has produced an affidavit of Sh. Parmjeet Jindal, APIO – cum – Naib Tehsildar, Patiala before the Commission. It has been deposed that despite their best efforts they have not been able to trace the record. The record is about forty year old. It is also their contention that during the 1993 floods significant quantum of record was soiled due to inundation of the record room. The Commission does not have any reason to disbelieve or attach any malafide to their contention and drawing any adverse inference on the non-provision of the record in view of the aforesaid extenuating factors. The appeal is **closed**.

**Sd/-**

**18.10.2018**

**(Yashvir Mahajan)  
State Information Commissioner**

**Cc: The Deputy Commissioner, Patiala.**

**CC: The Tehsildar (Sales), Patiala.**

**CC: Sh. Sandeep Singh, PIO – cum – Tehsildar, Samana, Distt. Patiala.**

**PUNJAB STATE INFORMATION COMMISSION**  
**RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**  
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Sh. Rajesh Kumar,  
S/o Late Sh. Somi Ram,  
R/o House No. 186,  
VPO-Balongi, Distt. S.A.S Nagar.

Appellant

Versus

Public Information Officer,  
O/o Block Development and Panchayat Officer,  
Block-Kharar, S.A.S Nagar.

First Appellate Authority,  
O/o Block Development and Panchayat Officer,  
Block-Kharar, S.A.S Nagar.

Respondents

**Appeal Case No.2289/2018**

Date of RTI application: 06.03.2018  
Date of First Appeal : 23.04.2018  
Date of Order of FAA or Reply: Nil  
Date of 2<sup>nd</sup> Appeal/complaint: 10.07.2018

**Present:**

**None on behalf of the Appellant.**

1. Smt. Paramjeet Kaur, Superintendent, O/o BDPO, Kharar,
2. Sh. Supinder Singh, Panchayat Secretary, O/o BDPO, Kharar – for Respondents.

**ORDER**

The Commission had made the following observations on 25.09.2018:

*“None is present on behalf of the respondent. Simple information about the panchayat record of village Balongi under the custody of Panchayat Secretary, has been sought. Despite a lapse of five months the respondent is sitting over it. The Block Dev. & Panchayat Officer, Kharar is hereby required to explain in writing as to why penal proceedings should not be initiated against him. Be it noted that no further opportunity shall be afforded.”*

*“Sh. Supinder Singh, Panchayat Secretary is present. He says that ever since his joining he has not been provided with the record by the concerned sarpanch. The matter was duly brought to the notice of the Block Dev. & Panchayat Officer. He further says that as no record is available with him it cannot be provided. The reply of the respondent Sh. Supinder Singh is not*

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**Appeal Case No.2289/2018**

*palatable. It is understood that the gram panchayat under consideration has a significant chunk of land with a commercial potential and a handsome revenue is generated from the same in the process of its annual lease. The accounts have to be maintained transparently and disclosed on being asked for under RTI.*

*The BDPO, Kharar is liable to enlighten the Commission as to why the information has not been revealed to the information seeker despite being told in the previous order. He is hereby desired to arrange to furnish it to the appellant and explain his conduct as to why the penal proceedings should not be taken up against him.”*

The case has come up today. The appellant is absent on trot. The respondents say that the issue is in the knowledge of higher authorities. The alleged delinquent sarpanch is under suspension. Many criminal cases stand registered against him for the malfeasance on his part and the matter is likely to be taken to the logical ends. The Commission has no reason to disbelieve the contentions made by the respondents.

From the consecutive absence of the appellant the Commission feels that he is satisfied with the information provided to him. With these observations the appeal is **closed**.

**18.10.2018**

**Sd/-  
(Yashvir Mahajan)  
State Information Commissioner**

**CC: The Block Dev. & Panchayat Officer, Kharar, for n/a.**

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Sh. Hakam Parshad,  
S/o Sh. Hazari Lal,  
R/o #180, Sector 20-C,  
Subhash Nagar,  
Mandi Gobindgarh

Appellant

Versus

Public Information Officer,  
O/o Sub Divisional Magistrate,  
Kharar, S.A.S Nagar.

First Appellate Authority,  
O/o Deputy Commissioner,  
District Administrative Complex,  
Sector-76, S.A.S Nagar

Respondents

**APPEAL CASE NO.1201/2018**

Date of RTI application: 14.09.2017  
Date of First Appeal : 09.02.2018  
Date of Order of FAA : Nil  
Date of 2<sup>nd</sup> Appeal/complaint: 05.02.2018

**Present:**        **Sh. Vivek Kumar on behalf of the Appellant.**  
                      **Sh. Ramesh Lal, Sr. Assistant, Tehsil Office, Kharar – for Respondents.**

**ORDER**

The reproduction of an order dated 23.08.2018 shall appropriately retrace the history of the case.

**“Order dated 31.05.2018**

*“The appellant is seeking the outcome of an application made by him for the demarcation of a property the part of which reportedly has been acquired by the Land Acquisition Officer for the widening of the State highway. The appellant says that he is running from pillar to post without success to lay hand to the information.*

*The response of the respondents is evasive. Sh. Tarsem Singh Mittal, Tehsildar, Kharar is directed to file a written reply and explain the inordinate delay having been taken in disposing of the original application, failing which the penal action shall be taken.”*

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**APPEAL CASE NO.1201/2018**

**Order dated 05.07.2018**

*“Vide order dated 31.05.2018, the Tehsildar, Kharar was directed to file a written explanation for the inordinate delay in providing the information. He is neither present nor any communication has been received from him.*

*The Commission takes a serious note of it. While taking it as a case of willful defiance in providing the information the PIO is 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 appellant 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.”*

*“The case has come up today. It transpires that the noticee namely Sh. Tarsem Singh Mittal the then Tehsildar, Kharar has superannuated. The Commission deems it appropriate to call off the notice thus served on him as mentioned above. Meanwhile the new incumbent Sh. Ravinder Kumar Bansal is directed to look into the entire issue and arrange to provide the information to the appellant within fifteen days from the receipt of this order.”*

*“The case has again come up today. Sh. Ravinder Kumar, Tehsildar, Kharar who is present submits that as the property in question is in the joint ownership no demarcation is possible without partition of the same. Having discussed the issue the upshot is that the land belonging to the appellant to an extent of 1.4 biswas has been acquired and the possession taken thereof by the Land Acquisition Collector without the payment of the compensation.*

**APPEAL CASE NO.1201/2018**

*The Commission has been made to understand that this amount is payable only from its receipt from the Project Director of the National Highway Authority. Be that as it is the responsibility lies with the Land Acquisition Collector i.e. Sub Divisional Magistrate, Kharar to ensure the payment to its legitimate claimant. The SDM, Kharar is accordingly directed to inform the appellant about the status of the issue under intimation to the Commission."*

The issue has again come up today. The Sub Divisional Magistrate, Kharar vide his communication dated 17.10.2018 has intimated that having looked into the issue afresh and seeking report from field it transpires that no land of the appellant has been taken into possession by the National Highway Authority. They have enclosed a detailed demarcation report as drawn by the field Kanungo on spot. It has been provided to the appellant also.

The appellant thus has been duly informed and no cause of complaint sustains.

The appeal is **disposed**.

**18.10.2018**

**Sd/-**  
**( Yashvir Mahajan )**  
**State Information Commissioner**

**CC: The Sub Divisional Magistrate, Kharar.**

**Cc: Sh. Ravinder Kumar Bansal, Tehsildar, Kharar, Distt. Mohali.**