



Sh. Shakti Bhushan, S/o Sh. Krishan Kaushal,  
Street Bhaini Sahib, Ward NO-8,  
Dhanola,  
Distt. Barnala.

...Appellant

Versus

**Public Information Officer,**  
O/o SDM-cum- Licensing & Registration Authority,  
Sri Mukatsar Sahib.

**First Appellate Authority,**  
O/o State Transport Commissioner,  
Punjab,  
Sector-17, Chandigarh..... Respondent

**Appeal Case No. 1977 of 2019**

**PRESENT: None for the Appellant**  
**Sh. Rajinder Singh, Superintendent for the Respondent**

**ORDER:**

The case was first heard on 21.10.2019. Both the parties were absent. The case was adjourned.

The case was again heard on **08.01.2020**. The respondent present pleaded that since the information is 3<sup>rd</sup> party, it cannot be provided and the reply has been sent to the appellant. The appellant was absent and vide email has sought exemption due to illness.

Having gone through the record, the Commission observed that there is no document which establishes that the disclosure of information has a larger public interest. The appellant was directed to appear and convince the Commission that there is a larger public interest involved in the disclosure of information.

The case came up for hearing last on **15.06.2020** through **video** conference facility available in the office of Deputy Commissioner, Sri Mukatsar Sahib. The respondent present pleaded that since the information is 3<sup>rd</sup> party, it cannot be provided. The appellant was absent nor had sent any documents which established that the disclosure of information has a larger public interest.

The appellant appeared late via phone and requested that he may be given one more opportunity to plead his case. The case was adjourned and the appellant was given one more opportunity to appear and plead his case.

On the date of last hearing which was held on **19.08.2020** through video conferencing at DAC Sri Mukatsar Sahib, as per information by DC office, due to strike, no staff of SDM office had appeared.

The appellant claimed that the information has been denied by PIO O/o SDM Sri Mukatsar Sahib whereas the PIOs of other districts have supplied the information on the order of State Information Commissioners.

Having gone through the RTI application and hearing the appellant, invoking section 10 of the RTI Act, the Commission directed the PIO to provide copies of all the bill after severance of the record containing information which is exempt from disclosure i.e. names and addresses of the customers not to be disclosed.

**Hearing dated 18.11.2020:**

The case has come up for hearing today through video conferencing at DAC Sri Mukatsar Sahib.

The respondent has not provided the information yet.. The appellant is absent.

Earlier order stands. (Having gone through the RTI application and hearing the appellant, invoking section 10 of the RTI Act, the Commission directed the PIO to provide copies of all the bill after severance of the record containing information which is exempt from disclosure i.e. names and addresses of the customers not to be disclosed).

The PIO is given one last opportunity to comply with the earlier order of the Commission which still stands.

To come up for further hearing on **19.01.2021 at 11.00 AM** through **video** conference facility available in the office of Deputy Commissioner, Sri Mukatsar Sahib. The appellant may appear at Chandigarh.

**Chandigarh**  
**Dated 18.11.2020**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.**  
**Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in**  
**Visit us: - www.infocommpunjab.com**



Sh. DevenMunjhal,  
Ward No-19, Street NO-4, Roop Nagar,  
Gidderbaha, Distt SriMukatsarSahib.

...Appellant

Versus

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

**First Appellate Authority,**  
O/o SDM, Gidderbaha,  
Distt. SriMukatsarSahib.

..... Respondent

**Appeal Case No. 1227 of 2019**

**PRESENT: Sh.PrinceGoyal, Advocate for the Appellant**  
**Sh.Jatinder Pal Singh ,NaibTehsildarGidderbaha for the Respondent**

**ORDER:** This order should be read in continuation to the earlier order.

The case was first heard on 31.07.2019. The appellant claimed that the PIO has not provided the information. The respondent was absent. The commission received an email from the PIO stating that the appellant has been asked to get copies of NOCs regarding point-1 from the Sewa Kendra by depositing requisite fee and the information regarding point-2 has been sent to the appellant.

Having gone through the reply, the Commission observed that information is incomplete since the appellant in point-2 has asked for RTI applications which were replied within the prescribed time of 30 days. The PIO had also not replied regarding points-3 & 4. The appellant was directed to inspect the record regarding point-1 by visiting the office of PIO by fixing a mutually convenient date and time and get the relevant information. The PIO was directed to allow inspection of record and provide the information regarding point-1, in the form it exists.

Due to an enormous delay of 10 months in attending to the RTI application, the PIO was issued a **show cause notice 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.

On the date of hearing on **28.11.2019**, the respondent pleaded that the information has been supplied to the appellant vide letter dated 02.09.2019. The appellant claimed that despite order of the Commission as well as direction of the First Appellate Authority, the PIO has not allowed the inspection of record pertaining to the information regarding point-1. The PIO had also sent wrong and misleading information regarding points-2, 3 & 4.

Hearing both the parties, the Commission directed the PIO to relook at the RTI application and provide complete information on points 2,3& 4. Regarding point-1, the PIO to bring original record to the Commission at the next date of hearing. The PIO was also directed to appear personally and file detailed reply to the show cause notice.

On the date of hearing on 25.02.2020, the appellant claimed that the PIO has not supplied the information on points 2 & 3. The PIO was absent. The representative appeared on behalf of PIO brought some record which was not as per the information sought in point-1. The PIO had not provided the information on points 2 & 3.

Since the PIO was not appearing before the Commission despite various orders, to secure the erring PIO's presence before the Commission, a bailable warrants Under Section 18(3) of the RTI Act of the PIO-TehsildarGidderbaha was issued through Senior Superintendent of Police, Sri Mukatsar Sahib for his presence before the Commission on **08.04.2020. The PIO was** also directed to provide information on all three points and allow the inspection of record to the appellant regarding point-1. The First Appellate Authority, SDM, Gidderbaha was also directed to ensure compliance of this order.

Due to lock down in the State of Punjab on 08.04.2020, the case was postponed and fixed for further hearing on 16.06.2020.

On the date of hearing on 16.06.2020, the PIO-TehsildarGidderbaha was absent nor had sent any reply to the show cause notice. To secure the PIO's presence before the Commission, a fresh bailable warrant of PIO-TehsildarGidderbaha was again issued through Senior Superintendent of Police, Sri Mukatsar Sahib for his presence before the Commission on **15.07.2020 which** date was postponed to 07.09.2020.

On the date of last hearing on **07.09.2020**, both the parties were absent. The PIO vide email has informed that due to the staff of SDM office having been found corona positive, the SDM Gidderbaha had ordered all the staff of SDM office and Tehsil Office to remain home quarantined from 05.09.2020 to 08.09.2020 and hence he was unable to appear before the Commission. The appellant vide email sought exemption for personal appearance due to one of his nearest contacts suffering from high fever.

**Hearing dated 18.11.2020:**

The case has come up for hearing today through video conferencing at DAC Sri Mukatsar Sahib. Sh. Jatinder Pal Singh, Naib Tehsildar, Gidderbaha is present on behalf of the respondent. The respondent pleaded that the information on points 2, 3 & 4 has been provided to the appellant and regarding information on point-1, the appellant may get the information from the Suidha Kenra by depositing requisite fee.

The counsel for the appellant claims that in the earlier order of the Commission, the PIO was directed to provide information on all three points and allow the inspection of record to the appellant regarding point-1 but the PIO has not allowed inspection of record.

The respondent is directed to allow inspection of records relating to point-1 to the appellant on 14.12.2020 at 10.00 AM and provide the relevant information as per RTI Act but not more than ten sale/transfer deeds. The PIO is further directed to give ample time to the appellant to inspect the record. Should the appellant want information on more than ten sale/transfer deeds, he should avail the alternate source for procuring the same i.e. via the Suidha Kendra.

The Commission has received a reply to the show cause notice from the PIO which has been taken on the file of the Commission. The decision on show cause will be taken on the next date of hearing.

The case is adjourned. To come up for further hearing **19.01.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, **Sri Mukatsar Sahib**.

**Chandigarh**  
**Dated: 18.11.2020**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**



Sh.DeepakBholewasia S/o Sh.Surinder Kumar,  
R/o Mamdot Uttar,  
Tehsil&Distt.Ferozepur.

...Appellant

**Vs**

**Public Information Officer,**  
O/o SDM  
-Cum- Registering & Licensing Authority,  
Sri Mukatsar Sahib.

**First Appellate Authority,**  
O/o State Transport commissioner,  
Punjab,Chandigarh.

Respondent

**Appeal Case .No. 30 of 2020**

**PRESENT: None for theAppellant**  
**Sh.Rajinder Singh, Suptd. for the Respondent**

**ORDER:**

The appellant through RTI application dated 18.08.2020 has sought information regarding registration numbers assigned to the vehicles which applied for registration coming from outside the State from 01.01.2018 to 15.08.2019, copies of old licenses on the basis of which new licenses were issued to LMV, Cabs, Buses, Road Rollers and other information concerning the office of SDM-cum-Registering & Licensing Authority, Sri Mukatsar Sahib. The appellant was provided the information after which the appellant filed first appeal before the First Appellate Authority on 30.09.2019 which took no decision on the appeal.

The case came up for hearing first on 19.08.2020 through video conferencing at Sri Mukatsar Sahib. Both the parties were absent. As per information by DC office, due to strike, no staff of SDM office had appeared. The case was adjourned.

The case has come up for hearing today through video conferencing at DAC Sri Mukatsar Sahib. The respondent present pleaded that since the information regarding point-2 does not relate to them and information regarding points 1 & 3 being 3<sup>rd</sup> party, it cannot be provided.

The appellant is absent. The appellant is directed to appear on the next date of hearing for the commission to take this forward otherwise the commission will take a decision ex parte.

The case is adjourned. To come up for furtherhearing**19.01.2021 at 11.00 AMAM**through **video** conference facility available in the office of Deputy Commissioner, Sri MukatsarSahib.

**Chandigarh**  
**Dated18.11.2020**

**Sd/-**  
**(KhushwantSingh)**  
**State InformationCommissioner**



Sh.Rajbir Singh. S/o Sh. Gurnam Singh,  
R/o Near Bharat Gas Agency,  
Faridkot Road, Sadik,  
Distt.Faridkot

.....Complainant

Versus

**Public Information Officer,**  
O/o Block Primary Education Officer,  
Block-3, Faridkot.

.....Respondent

**Complaint Case No. 296/2020and297/2020**

**PRESENT: Sh.Rajbir Singh as the Complainant**  
**None for the Respondent**

**ORDER:**

The complainant through RTI application dated 03.01.2020 has sought information regarding copy of record of committee members in which Sh.Nachhattar Singh s/o Darbara Singh was the member and other information concerning the office of Block Primary Education Officer, Block-3 Faridkot. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 27.05.2020 which took no decision on the appeal.

The case was last heard on 07.10.2020. The appellant claimed that the PIO has not provided the information. The respondent was absent. The Commission received a letter on 28.09.2020 from the PIO vide which the PIO has sent his reply alongwith the information, which was taken on the file of the Commission. In the said letter, the PIO had pleaded that since the subject matter of information sought by the appellant in appeal case No.296 and appeal case of No.297 was the same, both the cases be clubbed.

The plea of the PIO was accepted and both the cases were clubbed together. A copy of the information was attached with the order for the appellant and the appellant was directed to point out the discrepancies if any to the PIO with a copy to the Commission. The PIO was directed to remove the disappearances, if any.

**Hearing dated 18.11.2020:**

**The case has** come up for hearing today through video conferencing at DAC Faridkot. The appellant claims that the information has been provided but with a delay of more than ten months and has requested for penalizing the PIO and awarding compensation to the appellant.

The respondent is absent. Having gone through the record, the Commission observes that the RTI application was filed on 03.01.2020 whereas the information has been supplied on 28.09.2020 i.e. with a delay of more than eight months. 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.** 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 **19.01.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Faridkot.

**Chandigarh**  
**Dated:18.11.2020**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**



Sh. Karan Singh, S/o Sh. Shyam Singh,  
# 79, High Land Society, Baltana, Zirakpur.

...Appellant

Versus

**Public Information Officer,**  
State Transport Commissioner,  
Sector-17, Chandigarh.

**First Appellate Authority,**  
State Transport Commissioner,  
Sector-17, Chandigarh.

.Respondent

**Appeal Case No. 1751 of 2018**

**Present: None for the Appellant**  
**Sh. Payara Singh-PIO-STC for the Respondent**

**ORDER:**

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

The case has earlier been heard on 29.08.2018, 17.10.2018, 22.01.2019, 24.04.2019, 12.06.2019, 06.08.2019, 29.11.2019, 04.03.2020, 05.08.2020 & 02.09.2020.

At the hearing on 29.11.2019, **the** respondent PIO-STC, Punjab brought a reply in which they stated that the appellant had inspected the record on 05.09.2019. The appellant who was absent at the hearing turned up late and informed that he is yet to receive the information that he had detailed during the inspection.

The order of the Commission was in two parts. The first part of the order was regarding the logbooks, which had been settled as the appellant had inspected the record and the department was to send the detailed information to the appellant, which the department was directed to send within 10 days.

The second part of the order to the Transport Department was to proactively publish and upload the information available under its custody regarding monthly fuel expenses, kilometers, travelled of all the ministers of Punjab, in the format in which they are maintained by the public authority, subject to the proviso of the exemptions to be applicable to the vehicles used by the security wing as notified by the Govt. under section 24 of the RTI Act. The information was to be uploaded from 1st of January 2012 onwards to the present, with a provision to upgrade it every quarterly.

The department was ordered to provide a roadmap, which it failed to provide in the last two hearings. The Commission directed the State Transport Commissioner to ensure compliance of the order before the next date of hearing.

## Appeal Case No. 1751 of 2018

On the last date of hearing on **04.03.2020**, the respondent present informed that the complete information had been provided to the appellant and the appellant had acknowledged having received the information on 14.02.2020. The respondent submitted a copy of acknowledgement of the appellant. Regarding part-2 of the information, the respondent submitted a reply, which was taken on the file of the Commission for consideration.

The appellant was absent. The case was adjourned.

On the date of hearing on **05.08.2020**, the respondent was present. The appellant was absent. The case was adjourned.

On the date of last hearing on **02.09.2020**, the respondent PIO was present. The appellant was absent.

The hearing was done to consider the reply of the PIO of the State Transport Department citing reasons for not implementing part B of this bench's order of 12.06.2019. Part A of the order was implemented earlier, and was no longer a matter of consideration of this bench.

The part B of the order was reproduced. The latest communication dated 03.02.2020 the PIO in the office of the State Transport Commissioner, Punjab had endorsed a copy to the commission of the reply sent to the appellant. It enclosed a copy of the opinion procured by the respondent from their law officer. It was also reproduced.

Having gone through the reply of the PIO and the legal opinion of their law officer, which had been accepted by the respondent as an argument to escape the directions passed by the Commission, it was made clear to the respondent that the very denial to implement the order is a contempt of the order of the Punjab State Information Commission since the commission had clearly asked for the order to implemented and not sought reasons whether this order can be implemented ornot.

Further, the commission found; "that the legal opinion is totally off the mark and does not even tangentially consider upon the spirit and provisions under which the commission has passed the directions. The order has been passed by the commission suo-moto by invoking the powers vested in Section 19/8 of the RTI Act to ensure the disclosures under section 4 of the Act to promote transparency and accountability in public life. The information by no stretch of imagination attracts exemptions as envisaged in section 8 & 9 of the Act. The law officer has needlessly dragged it into the discussion.

The vital issue is as to whether the information pertains to a public authority which has been taken out of the ambit of Act under section 24 or not? The fact is that the repository of information is the office is State Transport Commissioner, which is not a security or an intelligence agency and cannot escape the obligations set forth in the RTI Act. The said information clearly does not pertain to the record prepared, maintained and held by the Intelligence wing, Armed Police, Commando & IRB, Security Wing etc. under the Department of Home Affairs and Justice but that which is held by the Punjab Transport Department."



**Appeal Case No. 1751 of 2018**

The logical corollary is that the legal opinion taken by the department is of no avail and was rejected accordingly.”

The respondent was directed to ensure the compliance of the directions passed earlier, else face the penal consequences.

Principal Secretary, Transport Department, Punjab and State Transport Commissioner were hereby directed to ensure the compliance of this order.

**Hearing dated 18.11.2020:**

The respondent is present and has sought adjournment. The appellant is absent.

Earlier order stands. The case is adjourned.

To come up for compliance on **05.01.2021 11.00AM.**

**Chandigarh**  
**Dated:18.11.2020**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

CC to:Principal Secretary,  
Deptt.ofTransport,Pb  
Chandigarh.



ShNitin Kumar Tayal,  
The Gats Urban Cooperative Thrift  
& Credit Society,  
1<sup>st</sup> Floor, Jandu Tower,  
MillerGanj,Ludhiana.

...Appellant

Versus

**Public Information Officer,**  
O/o Deputy Commissioner,  
District Administration Complex,  
Faridkot.

**First Appellate Authority,**  
O/o Deputy Commissioner,  
District Administration Complex,  
Faridkot

...Respondent

**Appeal case No.1769 of 2020**

**PRESENT: None for the Appellant**  
**Sh.Jagdeep Singh, RTI Clerk O/o DC Faridkot**

**ORDER:**

The appellant through RTI application dated 27.02.2020 has sought information regarding copy of the comments/notings/proceedings made/done on receipt of letter dated 04.12.2019, email dated 04.12.2019, 25.12.2019, 08.02.2020 and other information concerning the office of Deputy Commissioner, Faridkot. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority 22.05.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC, Faridkot. The respondent present pleaded that the information has been sent to the appellant vide letter dated 25.06.2020, 18.09.2020 and again on 26.10.2020.

The appellant is absent nor has communicated any discrepancies.

The appellant is directed to point out the discrepancies, if any in writing to the PIO with a copy to the Commission and the PIO is directed to remove the same.

To come up for further hearing on **19.01.2021** at **11.00 AM** through video conference facility available in the office of Deputy Commissioner, Faridkot.

**Chandigarh**  
**Dated 18.11.2020**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**