

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Sh Pankaj Mittal,
22009/B,
Street NO-12/1, Power House Road,
Bathinda.

... Complainant

Versus

Public Information Officer,
O/o SSP,
Faridkot.

...Respondent

Complaint Case No. 607 of 2020

PRESENT: None for the Complainant
Sh.Ramesh Kumar, ASI O/o SSP Faridkot

ORDER:

The complainant through RTI application dated 25.05.2020 has sought information regarding log book of vehicle No.PB-03T-6492 from the office of DGP Punjab which transferred the same to AIG-cum-PIO-Vigilance Bureau, Punjab Mohali vide letter dated 16.06.2020 under section 6(3) of the RTI Act. The office of Joint Director Admn-cum-PIO Vigilance Bureau further referred the same vide letter dated 30.06.2020 to the office of SSP –Vigilance Bureau Bathinda. The SSP VB-Bathinda further transferred the same on 08.07.2020 to the office of SSP Faridkot u/s 6(3) of the RTI Act. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 02.09.2020.

The case has come up for hearing today through video conferencing at DAC Sri Muktsar Sahib. The respondent present pleaded that the vehicle for which the appellant has sought information, was allotted to Sh.Bhupinder Singh, PPS-Flying Squad Bathinda and after calling the report of Sh.Bhupinder Singh, they have sent reply to the complainant vide letter dated 02.09.2020 with a copy to the Commission.

The Commission has received a letter from the PIO-cum-SSP Faridkot stating that the information has already been provided to the appellant vide letter dated 02.09.2020.

Having gone through the letter, the Commission observes that the PIO has sent only the reply of Sh.Bhupinder Singh whereby Sh.Bhupinder Singh has stated that the said vehicle was used by him during his posting as DSP(Vigilance Bureau Bathinda) and on 17.07.01.2017, the said vehicle was deposited with MTO, CPO Punjab, Chandigarh and that the information relating to the log book of the vehicle be obtained from SSP, Vigilance Bureau, Bathinda.

Keeping the above, the PIO-SSP(Vigilance Bureau), Bathinda is impleaded in the case and directed to ascertain that under whose custody the log book of the vehicle exists and file a suitable reply at the next date of hearing.

To come up for further hearing on **17.02.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda

Chandigarh
Dated 19.01.2021

Sd/-
Khushwant Singh
State Information Commissioner

CC to : PIO-SSP(Vigilance Bureau),
Bathinda Range, Bathinda.



Sh Rohit Sharma,
Chamber No-320, Lawyers Chamber,
Second Floor, Distt. Courts, Bathinda.

... Complainant

Versus

Public Information Officer,
O/o SE, Water Supply & Sanitation Circle,
Kotakpura Road,
Sri Mukatsar Sahib.

...Respondent

Complaint Case No. 468 of 2020

PRESENT: None for the Complainant
None for the Respondent

ORDER:

The complainant through RTI application dated 26.05.2020 has sought information regarding certified copy of log book of car allotted to SE from 01.04.2019 to 26.05.2020 – certificate copy of attendance register for the period 20.03.2020 to 26.05.2020 – list of terminated work under world bank project-II from Jan.2018 till date and other information concerning the office of SE-Water Supply & Sanitation Circle Sri Mukatsar Sahib. The complainant was not satisfied with the reply of the PIO dated 30.06.2020 after which the complainant filed a complaint in the Commission on 21.09.2020.

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

Having gone through the file, the Commission observes that the reply of the PIO dated 30.06.2020, is vague and the PIO has not applied his mind to attend to the RTI application. There has also been an enormous delay in providing the information. 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 for not supplying the information within the statutorily prescribed period of time. The PIO is directed to file reply on an affidavit and 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 alongwith the written replies.**

The PIO is again directed to provide information to the appellant within 10 days and send a compliance report to the Commission.

To come up for further hearing on **24.03.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Sri Mukatsar Sahib.

Chandigarh
Dated 19.01.2021

Sd/-
Khushwant Singh
State Information Commissioner



Sh.Deven Munjal,
Ward No-19, Street NO-4, Roop Nagar,
Gidderbaha, Distt. Sri Mukatsar Sahib.

...Appellant

Versus

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

First Appellate Authority,
O/o SDM, Gidderbaha,
Distt. Sri Mukatsar Sahib.

Respondent

Appeal Case No. 1227 of 2019

PRESENT: Sh.Deven Munjal as the Appellant
Ms.Sukhbir Kaur, Tehsildar Gidderbaha 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.

Appeal Case No. 1227 of 2019

Since the PIO was not appearing before the Commission despite various orders, a bailable warrants Under Section 18(3) of the RTI Act of the PIO-Tehsildar Gidderbaha 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.

On 08.04.2020, due to lockdown in the State, the case was postponed.

On the date of hearing on 16.06.2020, the PIO-Tehsildar Gidderbaha was absent nor had sent any reply to the show cause notice. A fresh bailable warrant of PIO-Tehsildar Gidderbaha was again issued through SSP, Sri Mukatsar Sahib for his presence before the Commission on **15.07.2020** which date was postponed to 07.09.2020.

On **07.09.2020**, the PIO vide email 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.

On the date of hearing on **18.11.2020**, Sh..Jatinder Pal Singh, NaibTehsildar, appeared and informed 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 Suvidha Kenra by depositing requisite fee.

The counsel for the appellant claimed 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 was 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 was 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 Suvidha Kendra.

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

Hearing dated 19.01.2021:

The case has come up for hearing today through video conferencing at DAC Sri Mukatsar Sahib. The respondent present pleaded that after inspection of the record relating to point-1, the appellant has not specified the sale/transfer deeds. The appellant informed that the inspection could not be completed and the PIO did not allow inspection further.

The appellant further informed that the information on points 2 & 3 is also incomplete. Hearing both the parties, the Commission directs the PIO to allow the appellant to inspect the record relating to point-1 by allowing two more visits.

The PIO is also directed to relook at points 2 & 3 and provide complete information as per available record. If there is no further information available than what has been provided, the respondent to file an affidavit that the information provided is complete, truthful and no other information is available regarding this RTI.

The case is adjourned. To come up for further hearing **24.03.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, **Sri Mukatsar Sahib**.

Sd/-

Chandigarh
Dated:19.01.2021

(Khushwant Singh)
State Information Commissioner



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. 296/2020 and 297/2020

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

ORDER: Facts of the case:-

That the complainant Sh.Rajbir Singh 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.

That on the date of hearing on 07.10.2020, the complainant claimed that the PIO has not provided the information. The respondent was absent.

That the Commission received a letter on 28.09.2020 from the PIO vide which the PIO 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.

That 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.

That on the date of last hearing on 18.11.2020, the appellant claimed 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 was absent on 2nd consecutive hearing. Having gone through the record, the Commission observed that the RTI application was filed on 03.01.2020 whereas the information was supplied on 28.09.2020 i.e. with a delay of more than eight months.

That the Commission having taken a serious view of this directed the PIO to **show cause why penalty be not imposed on him under section 20 of the RTI Act for not supplying the information within the statutorily prescribed period of time. The PIO was** directed to file reply on an affidavit and if there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission alongwith the written replies.

Complaint Case No. 296/2020 and 297/2020

That the case has come up for hearing today through video conferencing at DAC Faridkot. The PIO is absent on 3rd consecutive hearing nor has sent any reply to the show cause notice.

Keeping the above-mentioned facts of the case, it is clear that the PIO-Block Primary Education Officer, Block-3, Faridkot is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders of the Commission.

To secure an erring PIO's presence before the commission the Information Commission is empowered to issue warrants to Under Section 18(3) of the RTI Act. A bailable Warrant of the **PIO-cum-** Block Primary Education Officer, Block-3, Faridkot is hereby issued through Senior Superintendent of Police, Faridkot for his presence before the Commission on **10.03.2021**.

To come up for further hearing on **10.03.2021 at 11.00 AM**.

Chandigarh
Dated:19.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

**BAILABLE WARRANT OF PRODUCTION
BEFORE SHRI KHUSHWANT SINGH
STATE INFORMATION COMMISSIONER, PUNJAB
AT CHANDIGARH**

**In case:Rajbir Singh V/s Public Information Officer-cum-Block
Primary Education Officer, Block-3, Faridkot**

APPEAL CASE NO.296/2020 and 297/2020

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing 10.03.2021

To

**The Senior Superintendent of Police,
Faridkot**

Whereas PIO-cum-Block Primary Education Officer, Block-3, Faridkot has failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to the PIO-cum-Block Primary Education Officer, Block-3, Faridkot to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on **10.03.2021 at 11.00 A.M.**

**Chandigarh
Dated:19.01.2021**

**(Khushwant Singh)
State Information Commissioner**