

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, MADHYA MARG, SECTOR 16, CHANDIGARH.

Helpline No. 0172-2864100 ; Phone No-0172-2864120

Email: psic31@punjabmail.gov.in Visit us - www.infocommpunjab.com

Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Mohit Bansal, C/o Bansal Provision Store,
Village Adial, P.O. Shahpurkandi Township,
Shahpur, Tehsil and District Pathankot. (145029) Punjab

Appellant

V/s.

Public Information Officer,
O/o The Executive Engineer,
Department of Water Resources,
R S D, Shahpurkandi Township,
Tehsil and District Pathankot.

First Appellate Authority,
O/o The Superintending Engineer,
Admin. & Disposal Block,
R S D Shahpurkandi Township,
Tehsil and District Pathankot (Punjab)

Respondent

Appeal Case No. 2651 of 2020

Present : The Appellant, Sh. Mohit Bansal is absent.
Sh. Anurag Grover, XEN cum PIO, Personnel Division Number 02 along with
Sh. Janak Raj, SE Admin and Dam Security are present from the Department.

ORDER:

This case may be read with the reference of previous order dated 20.07.2021 vide which both the parties are called at the Commission for today's hearing.

In today's hearing, the XEN –cum- PIO, Sh. Anurag Grover states that they have brought the complete information relating to the Appellant's RTI. He further submits a letter number 955-56 dated 18.08.2021 along with copy of the annexure to the Commission which is taken on record.

On the other hand, the none is present from the Appellant's side but an email dated 19.08.2021 has been received from the representative of the Appellant, Sh. Varun Bansal, Advocate through which they have requested for an adjournment, as Sh. Mohit Bansal, Appellant has been infected with the Corona and the Advocate, Sh. Varun Bansal's mother is having bad health condition.

In view of above, the concerned PIO is directed to supply the requisite information (i.e. letter dated 955-56 dated 18.08.2021 along with annexure) to the Appellant by registered post or email before the next date of hearing positively, failing which an action would be taken against the concerned PIO.

The PIO is also directed to submit the copy of the postal receipts to the Commission vide which information would have been supplied to the Appellant, by the next date of hearing.

Also the concerned PIO is directed to appear in person on the next date of hearing i.e. 02.09.2021 at 12.00 Noon which is going to be heard at the Punjab State Information Commission, Sector 16, Chandigarh

Last opportunity is given to the Appellant, Sh. Mohit Bansal and he is directed to go through the supplied information, once he receives the same from the Respondent/PIO and point out deficiencies in written, **if any**, to the Respondent/PIO through registered post or through email, with a copy to the Commission. The Appellant or his representative is directed to appear in person on the next date of hearing i.e. 02.09.2021 at 12.00 Noon which is going to be heard at the Punjab State Information Commission, Sector 16, Chandigarh failing which it would be presumed that he has nothing to say and the case will be decided on merits.

This case is adjourned to **02.09.2021 at 12:00 Noon** and **both the parties** are directed to be present on the next date of hearing i.e. **02.09.2021** which is going to be heard in the Court Room at Punjab State Information Commission, Madhya Marg, Sector 16, Chandigarh.

Copy of the order be sent to the parties.

Dated: 19.08.2021

(Sanjiv Garg)
State Information Commissioner
Punjab

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Rajesh Aggarwal,
S/o Sh. Ram Saroop,
Sunam (Sangrur) Punjab

Appellant

V/s.

Public Information Officer,
O/o The Executive Officer,
Nagar Council, Sunam, Distt. Sangrur (Punjab)

First Appellate Authority,
O/o The Regional Deputy Director,
Urban Local Bodies, Punjab,
Mini Secretariat, Patiala.

Respondent

Appeal Case No. 4070 of 2020

Present : The Appellant, Sh. Rajesh Aggarwal is present.
Sh. Kirandeep Sahota, Clerk along with Sh. Anil Kumar, Clerk is present from the Department.

ORDER:

This case may be read with the reference of previous order dated 20.07.2021 vide which both the parties are called at the Commission for today's hearing.

In today's hearing, the Appellant, Sh. Rajesh Aggarwal states that no information has been supplied to him.

On the other hand, the Clerk, Sh. Kirandeep Sahota states that no action has been taken relating to point number 01 to point number 04 and in relating to point number 05 no information has been given to anyone under RTI.

In view of above, an opportunity is given to the respondent PIO concerned and he is directed to supply the information (i.e.**pointwise reply signed by the PIO as discussed above**) to the Appellant by registered post or email before the next date of hearing positively, failing which an action would be taken against the concerned PIO.

The PIO is also directed to submit the copy of the postal receipts to the Commission vide which information would have been supplied to the Appellant, by the next date of hearing.

Also the concerned PIO is directed to appear in person on the next date of hearing i.e. 02.09.2021 at 12.00 Noon which is going to be heard at the Punjab State Information Commission, Sector 16, Chandigarh

The Appellant, Sh. Rajesh Aggarwal is directed to go through the supplied information, once he receives the same from the Respondent/PIO and point out deficiencies in written, **if any**, to the Respondent/PIO through registered post or through email, with a copy to the Commission. The Appellant or his representative is directed to appear in person on the next date of hearing i.e. 02.09.2021 at 12.00 Noon which is going to be heard at the Punjab State Information Commission, Sector 16, Chandigarh failing which it would be presumed that he has nothing to say and the case will be decided on merits.

This case is adjourned to **02.09.2021 at 12:00 Noon** and **both the parties** are directed to be present on the next date of hearing i.e. **02.09.2021** which is going to be heard in the Court Room at Punjab State Information Commission, Madhya Marg, Sector 16, Chandigarh.

Copy of the order be sent to the parties.

Dated: 19.08.2021

(Sanjiv Garg)
State Information Commissioner
Punjab

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Baljeet Singh,
64 – H, B.R.S. Nagar,
Ludhiana (141012) Punjab

Appellant

V/s.

Public Information Officer,
O/o The Principal Secretary to Govt. of Punjab,
Department of Local Government,
Municipal Bhawan, Sector 35-A, Chandigarh.

Public Information Officer,
O/o Superintendent,
Municipal Service Cell,
O/o The Director,
Department of Local Government,
Municipal Bhawan, Sector 35-A, Chandigarh.

Public Information Officer,
O/o Superintendent,
(Establishment Branch)
O/o The Commissioner,
Municipal Corporation, Ludhiana.

First Appellate Authority,
O/o The Principal Secretary to Govt. of Punjab,
Deptt. Of Local Govt., Municipal Bhawan, Sector 35-A,
Plot No. 03, Chandigarh.

Respondent

Appeal Case No. 872 of 2021

Present : The Appellant, Sh. Baljeet Singh is present.
Sh. Kuldeep Singh, Senior Assistant from Municipal Service Cell, Local Govt., Chandigarh along with Sh. Om Prakash Inspector -cum- APIO (Establishment Branch) from O/o MC, Ludhiana is present from the Department.

ORDER:

This case may be read with the reference of previous order dated 11.08.2021 vide which both the parties are called at the Commission for today's hearing for clarifying the facts of this case.

In today's hearing, the Appellant, Sh. Baljeet Singh states that no information has been supplied to him. He further mentions about his email dated 07.08.2021 which has been sent to the Commission and is taken on record.

On the other hand, Sh. Om Prakash from Municipal Service Cell states that the information relating to CDC charge has been supplied to the Appellant and further submits the copy of letter number 1241 dated 06.05.2020 to the Commission, which is taken on record.

Also, after discussing about the action taken report, to which Sh. Kuldeep Singh, Senior Assistant states that the information which has been demanded by Appellant is in process with the higher authorities and request for an adjournment (i.e. around a month).

In view of above, an opportunity is given to the respondent PIO concerned and he is directed to supply the information (i.e. **pointwise reply signed by the PIO**) to the Appellant by registered post or email before the next date of hearing positively, failing which an action would be taken against the concerned PIO.

The PIO is also directed to submit the copy of the postal receipts to the Commission vide which information would have been supplied to the Appellant, by the next date of hearing.

Also the concerned PIO is directed to appear in person on the next date of hearing i.e. 21.09.2021 through Cisco Webex Meeting Software.

The Appellant, Sh. Baljeet Singh is directed to go through the supplied information, once he receives

Appeal Case No. 872 of 2021
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the same from the Respondent/PIO and point out deficiencies in written, **if any**, to the Respondent/PIO through registered post or through email, with a copy to the Commission.

The Appellant or his representative is directed to appear in person on the next date of hearing i.e. 21.09.2021 at 11.00 A.M. which is going to be heard through Cisco Webex Meeting Software or it would be presumed that he has nothing to say and the case will be decided on merits.

This case is adjourned to **21.09.2021 at 11 A.M. to be heard through Cisco Webex Meeting Software and all the concerned parties** are directed to be present at Cisco Webex Meeting whose joining meeting number is 1589136034.

Copy of the order be sent to the parties.

Dated: 19.08.2021

(Sanjiv Garg)
State Information Commissioner
Punjab

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Munish Kaushal,
S/o Sh. N.D. Kaushal,
H. No. 13 -D, Passi Road,
Patiala (147001) Punjab

Appellant

V/s.

Public Information Officer,
O/o The Deputy Secretary,
Punjab State Power Corporation Limited (P.S.P.C.L.),
Patiala (Punjab)

First Appellate Authority,
O/o The Chief Engineer, / H.R.D.,
Punjab State Power Corporation Limited (P.S.P.C.L.),
Patiala (Punjab)

Respondent

Appeal Case No. 385 of 2020

Present : The Appellant, Sh. Munish Kaushal along with his daughter, Ms. Rashmi Kaushal is present.
Sh. Bahadur Singh, Deputy Secretary,
Sh. Sanchit Tewatia, AMHR along with
Sh. Jasbir Singh, Advocate and
Sh. Amrinder Singh, Lower Division Clerk is present from the Department.

ORDER:

This order may be read with the reference of the previous order dated 26.07.2021 , 27.01.2021, 24.11.2020, 28.10.2020, 23.09.2020, 26.08.2020, 06.08.2020, 08.06.2020 and 04.03.2020.

In today's hearing, an objection has been raised by the representative of the Appellant, Ms. Rashmi Kaushal if an Advocate, Sh. Jasbir Singh has authority to represent this case from the department in front of the Commission. On asking the same to the Advocate, Sh. Jasbir Singh, to which he states that he is from the panel and further shows a letter dated 513 dated 25.01.2021 signed by Deputy Secretary ENG 1 and submits a copy of the same to the Commission, which is taken on record. To which, the representative of the Appellant, Ms. Rashmi Kaushal states that either the Director Administration or the HRD department has authority to authorize the person for representing this case as the Deputy Secretary cannot authorize a person to appear in the Commission on behalf of the department, to which, Sh. Sanchit Tewatia, AMHR and Advocate, Sh. Jasbir Singh states that the authority can be given by Deputy Secretary and above all the officials. Sh. Bahadur Singh, Deputy Secretary states that he is fully authorize to appoint Sh. Jasbir Singh, Advocate.

On further discussion, the representative of the Appellant, Ms. Rashmi Kaushal states that they did not receive any information relating to Cadre change and further requests the court to go through order of the Commission dated 27.01.2021 in which Advocate, Sh. Jasbir Singh states that it is a fresh appointment but the Appellant receives a reply on dated 28.04.2021 relating to point number 01 in which it has been written that it is a special case adjustment and this appointment / posting as Sports Officer has been treated as Special Promotion case. On going through the case file, it has been found that this reply relating to point number 01 has been received in the Commission vide email dated 29.04.2021 and the same has been taken on record.

Also, it has been observed that in the order of the Commission dated 24.11.2020 Sh. K.S. Bhatia, Deputy Chief Engineer (Personnel Branch) (Retired now) stated that it is a fresh appointment.

On asking the same to the Advocate, Sh. Jasbir Singh, to which Sh. Jasbir Singh, Advocate states that he himself gave a verbal assertion on the 27.01.2021 and further mentions about a letter number 7566 dated 15.12.2020 signed by Sh. K.S. Bhatia, PIO (retired now) on dated 27.11.2020 in which it has been written that in *point number 02* “*That although the reply to the same query was submitted in the status report prepared in response to the State Information Commissioner order dated 28.10.2020 by Deputy Secretary / Services- 2 vide memo no. 7324 dated 27.10.2020 where it was stated that **there is no record available with the office which states that there was a cadre change involved in her appointment as Sports Officer from the post of Foreman.***”

From above letter and discussing with Sh. Jasbir Singh, Advocate it is found that it is neither the fresh appointment nor cadre change to which Sh. Jasbir Singh states that it is case of a special promotion as per the instruction received from the CMO office (i.e. relating to out of turn). On this, he further shows a copy of letter number 234/237 dated 23.02.2004 along with a copy of letter which has been sent from the Chief Minister's Office, Punjab to the Chairman, PSEB, Patiala. He also mentions about a letter dated 2183/86 dated 28.04.2021 which has been sent to the Commission.

Also, it is found with the discussing with Sh. Jasbir Singh, Advocate that a verbal statement could be differ from a written statement, as done by Sh. K.S. Bhatia PIO (retired now).

Further, Ms. Rashmi Kaushal (representative of the Appellant) states that in order dated 23.09.2020 a show cause notice was also issued to the concerned PIO for not supplying the requisite information and she also states that there are three names coming now i.e. first in the PSPCL's cover letter relating to point number 1 is writing Smt. Madhuri Saxena, second in the Chief Minister's office letter it is written as Ms. Madhuri A Singh and third in the award which has been given in 14th Asian Games Busan 2002 Athletics 800 meter Women , she is awarded as Madhuri A Singh Jee Saxena.

On asking the department if there is any document which proves that her name has been changed at any stage. On this, the Advocate, Sh. Jasbir Singh states that at the time of promotion it was Madhuri A Singh before that it was Smt. Madhuri Saxena.

On asking the name of the employee who is working, to which Sh. Sanchit Tewatia, AMHR states that it is Smt. Madhuri Saxena and then on asking to how we will be able to know if it is a same person who got the promotion or not.

In relating to above, Sh. Jasbir Singh requests the Court to go through their reply in relating to point number 02, in which it has been written that both names i.e. Smt. Madhuri Saxena and Smt. Madhuri A. Singh (after marriage) are of a same lady and both her names were used during the short period of time from 2002 to year 2004. Sh. Jasbir Singh, Advocate also states that in relating to this an affidavit has also been taken from the Smt. Madhuri Saxena to which the Court denies it is duty of department i.e. Personnel Department to prove how the name has been changed.

To which, Sh. Sanchit Tewatia, AMHR states that they can only provide the documents which are available in their office, as they do not know what has happened at that time. He also states that they have brought the file and Appellant can inspect whatever they require. Also, they have brought the service book in the Court which is in the name of Smt. Madhuri Saxena.

On further discussion, the PIO is directed to submit an affidavit in writing that there was no employee named Smt. Madhuri A Singh, their employee was Smt. Madhuri Saxena and is now regular employee of PSPCL.

From the above, it has also been observed that the RTI was relating to Madhuri Saxena but the information which has been provided to the Appellant is partially in the name of Madhuri Saxena and Madhuri A Singh but the department has nothing to prove that she is a same person.

On this, the representative of the Appellant, Ms. Rashi mentions about a letter dated 29.11.2002 in which it has been signed as Saxena in the name written/ typed as Madhuri Saxena / Madhuri A Singh, Sports Officer. To which Sh. Jasbir Singh, Advocate states that she is a same person and both the names are written there. Also, mentions about an office order number 7 dated 23.02.2004 in which both names are same and further states that two names are used for the same person.

In relating to this, Ms. Rashi mentions about a letter number 1694 dated 28.11.2002. She states that in the cover letter of the Department relating to point number 01 it has been written that Madhuri Saxena was firstly joined the services in PSEB as Adhoc-Foreman on 03.09.1996..... and here in letter number 1694 dated 28.11.2002 Smt. Madhuri A Singh is working as Adhoc Foreman working under Op. Circle Hoshiarpur is hereby appointed as Sports officersigned by Dy. Secy. /Estt.1.

In view of above, neither Sh. Bahadur Singh, Deputy Secretary and Advocate, Sh. Jasbir Singh states that the documents are not available vide which they are able to prove when Smt. Madhuri Saxena was allowed to use the name of Smt. Madhuri A Singh.

From the last hearings, it could be understood that the employee is Smt. Madhuri Saxena but the promotion was given to the Smt. Madhuri A Singh. On asking about a document if they can relate or prove the same, to which Sh. Sanchit Tewatia, AMHR states that they do not have such document of the same. To which, the PIO is directed to write the same in the form of affidavit that they do not have any document which proves how the name has been changed from Madhuri Saxena or Madhuri A Singh. Also, under which order Madhuri A Singh whose name was recommended by the Chief Minister but Madhuri Saxena was deemed to be Madhuri A Singh for promotion.

In relating to point number 03, Ms. Rashi Kaushal (representative of the Appellant) states that the enquiry was done by Sh. Rakesh Kokria, Superintendent Engineer is false in nature and is challenged by us as we received the documents that were tempered and in some cases doubling was used in attendance or in approved leaves.

In relating to point number 03, Sh. Amrinder Singh, Lower Division Clerk who appear to hand over the record to Sh. Bahadur Singh.

Sh. Amrinder Singh, Lower Division Clerk was present and he was asked to submit the authority letter to which he shows the letter in his phone to the undersigned. After going through the letter in the phone, it has been observed that this letter has been given from Smt. Madhuri Saxena to which Sh. Amrinder Singh states that Sh. Rajesh Kokeria, Superintendent Engineer sent a letter and asks Smt. Madhuri Saxena to look into this.

In view of above, Sh. Rajesh Kokeria should send a authorized person to which Sh. Amrinder Singh, LDC further states that he just came to hand over the documents to Sh. Bahadur Singh, Deputy Secretary.

Also, on this, Ms. Rashi Kaushal representative of the Appellant states that no action has been taken after submitting the enquiry report.

Ms. Rashi Kaushal representative of the Appellant states that my mother i.e. Smt. Yogita Sharma went to the Sh. Rakesh Kokeria, Superintending Engineer to submit the record because Sh. Rakesh Kokeria clearly stated in his report that:

“..... It has been noticed by the undersigned that the information provided to the applicant is correct as per the original record of the office of Sports Cell, Patiala. However, while preparing the information the copies of attendance sheets pertaining to Sports Cell, Patiala were inadvertently attested by the Ms. Yogita Sharma earlier which were later on cancelled by her as stated by Ms. Yogita Sharma and the information was supplied after getting it attested from Ms. Madhuri Saxena, Sr. Sports officer –cum- APIO. On enquiry from Sr. Sports Officer regarding the cancelled attested copies by Yogita Sharma she informed that the same has been destroyed as are not required. However one photocopy of attested attendance sheet for the month of 04/2016 signed by Ms. Yogita Sharma and on which it was written cancelled was produced by Yogita Sharma on dated 13.08.20 and she was allowed to compare and examine with the already supplied copy of attendance sheet to Mr. Munish Kaushal through RTI and she shown no objection.....”

On this representative of the Appellant, Ms. Rashi Kaushal, states that the original record was not shown to her mother while Smt. Yogita Sharma was signing the same and she had a word with the SE, Technical on phone that she has not been shown the original record to which the SE, Technical stated that the record will come at her home then she could check. Therefore, while signing, Smt. Yogita Sharma clicked the photos into her mobile phone.

Further Ms. Rashi Kaushal representative of the Appellant states that there are 12 attendance mistakes done by Smt. Madhuri Saxena and marked her present in the 13 availed station leaves and also there are 8 double attendances made. She further states that there are two registers, out of which one is Register of Football Court at Hoshiarpur and another is Sports Cell, Patiala in PSPCL.

On this, Sh. Amrinder Singh states that she has duty for two days (i.e. Thursday and Friday) at Hoshiarpur to check the game practice of PSPCL Football team. Also, on the above report, Sh. Amrinder Singh states that the earlier record which was signed by Ms. Madhuri to which Ms. Yogita Sharma states that she will not sign that documents as Ms. Yogita Sharma has not to sign on them. Also, Sh. Amrinder Singh, LDC shows copy of the

register on which the sign has been cut by her and a note at the bottom has been written that Smt. Yogita Sharma, Sports Officer has declined to sign the papers, that why Sh. Amrinder Singh, LDC will sign it additionally. He further states that record was signed by Smt. Yogita Sharma was destroyed as it was not in any record. Both i.e. Advocate, Sh. Jasbir Singh and Sh. Amrinder Singh, LDC state that the record which is destroyed is only signed by Smt. Yogita Sharma. He assures that there is no tempering in any attendance registers and if the Commission would find any then the Commission could take action against them.

Ms. Rashi requests the Court to check the attendance register of the Sports Cell and on the mentioned dates 24.11.2017, 08.03.2018 and 09.03.2018 to which she claims that the tempering has been done in the original register.

To which, Sh. Amrinder Singh, LDC clarifies that there is no financial benefit to Smt. Madhuri Saxena behind this and assures that there is no tempering in the attendance register.

To which, Ms. Rashi Kaushal, representative of the Appellant, raised the objection and request the Court that it should be checked or go through forensic.

The Department is asked to hand over the attendance register i.e. of year 2017 and of year 2018 to the undersigned.

The Department handed over the original attendance register i.e. year of 2017 and year of 2018 to the Commission in the sealed envelope and on the closed edge of the envelope a sign has been done by Sh. Bahadur Singh, Deputy Secretary and the Appellant, Sh. Munish Kaushal, in front of the undersigned.

Both the parties also state that the handwriting expert would be called by the Hon'ble Commissioner i.e. undersigned so that the decision should not be biased.

In view of above, all the present parties are directed to appear in the Commission on the next date of hearing i.e. 02.09.2021 and on the same date of hearing the handwriting expert would be called to check the tempering of record and the fees would be paid by the Appellant.

Also, the envelope consisting of attendance registers of year 2017 and year 2018 would be opened in front of both the parties.

Copy of the order be sent to the parties.

Dated: 19.08.2021

**(Sanjiv Garg)
State Information Commissioner
Punjab**