**STATE INFORMATION COMMISSION, PUNJAB**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

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Sh. Opneet Singh,

322, Lal Bagh, Freozepur Road,

Ludhiana Complainant

Versus

Public Information Officer,

O/o Addl. Director (Finance & Accounts), Pb.

SCO No.95-98, Secto17-B,

Chandigarh Respondent

**COMPLAINT CASE NO.398/2017**

**Date of RTI Application : 01.09.2016**

**Date of First Appeal : Nil**

**Date of Order of FAA : Nil**

**Date of Second Appeal : 20.03.2017**

**Present:** Sh. Opneet Singh, Complainant in person.

1. Sh. Yash Pal Sharma, Clerk, Sub Treasury, Jagraon, Distt., Ludhiana, and

2. Sh. Bhupinder Singh, Sr. Assistant, O/o Director, Treasury & Accounts, Punjab, Chandigarh – for Respondent.

**ORDER**

The Commission passed the following order on 13.06.2017:

*“The complainant had sought to know the outcome of an enquiry which the respondent was directed to conduct vide an order of the Commission dated 24.07.2015. After hearing the parties it transpires that a malfeasance was detected in the office of the Sub Treasury, Jagraon, District Ludhiana. The Complainant had sought to procure copies of documents on the basis of which he was charge-sheeted. The documents reportedly are missing.*

*The Commission suspects it to be a foul play. It takes a strong exception to the fact that an express order of the Commission has been ignored. The respondent is hereby directed to clinch the enquiry about the missing of the record at the earliest under intimation to the Commission else it shall be taken as a defiance of an order duly passed under law and the necessary consequences shall follow.”*

The case has come up for consideration today. The respondents’ response continues to be the same. They ascribe the delay in inquiry due to shifting of their office. The plea of the respondents is not convincing. It is strange that an official has been charge-sheeted on the basis of

Contd…page…2

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**COMPLAINT CASE NO.398/2017**

documents which they are supporting along to prove the allegations against the delinquent official. However, they have been able to supply it despite a lapse of four years. The fate of the official is hanging in balance ever since.

The Commission is constrained to believe that a deliberate obstruction is being made to cause the free flow of the information for the successful clinching of the inquiry. Taking cognizance under Section 7 (2) and 20(1)(2) of the Act a show cause notice is issued to Sh. M.L.Sharma, PIO – cum – Additional Director, Treasury & Accounts Department 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 himfor causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant 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 **02.11.2017 at 11.30 AM.**

**Sd/-**

**19.09.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Director,**

**Treasury & Accounts, SCO No. 95-98, Sector 17 – B,**

**Chandigarh, for information and necessary action.**

**CC: Sh. M.L.Sharma,**

**PIO – cum - Additional Director, Treasury & Accounts Department,**

**SCO No.95-98, Sector 17 – B, Chandigarh.**

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Sh. H.S. Hundal,

Chamber No.82, District Courts,

Phase 3 B-1, S.A.S Nagar, 160059 Complainant

Versus

Public Information Officer,

O/o Tehsildar, Mini Secretariat,

Moga. Respondents

**CC: 27of 2016**

**Date of RTI Application : 05.10.2015**  **Date of First Appeal : 21.12.2015**

**Date of Order of FAA : Nil**

**Date of Second Complaint : 28.12.2015**

**Present:** None on behalf of the Complainant.

Sh. Mangaljit Singh, Clerk, O/o Tehsildar, Moga – for Respondent.

**ORDER**

The complainant is absent.

Sh. Mangaljit Singh, Clerk, appearing on behalf of the respondent says that information comprised in 1470 pages has been handed over to the complainant. The complainant though present in the office complex of the Commission chooses not to attend the Court. We do not have any reason to doubt the contention of the respondent that the information has been handed over to him. In the absence of any counter submission of the complainant the Commission presumes that he is satisfied with the information thus handed over to him. No further adjournment shall serve any purpose. We feel that sufficient information has been provided to the complainant.

**Disposed.**

**Sd/-**

**19.09.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. H.S. Hundal,

Chamber No.82, District Courts,

Phase 3 B-1, S.A.S Nagar, 160059 Complainant

Versus

Public Information Officer,

O/o Tehsildar, Mini Secretariat,

Moga.

First Appellate Authority,

O/o Sub Divisional Magistrate,

Moga. Respondents

**AC:576 of 2016**

**Date of RTI Application : 20.11.2015**  **Date of First Appeal : 21.12.2015**

**Date of Order of FAA : Nil**

**Date of Second Complaint/**

**Appeal : 03.02.2016**

**Present:** None on behalf of the Appellant.

Sh. Mangaljit Singh, Clerk, O/o Tehsildar, Moga – for Respondents.

**ORDER**

On 23.05.2017 the Commission had observed as under:-

*“Sh. Rakesh Kumar appearing on behalf of the respondents reiterates that the documents were handed over to the appellant in original. However, the same have been retained by him with ill intention. For want of the same the information cannot be supplied to him. The respondents are directed to file an affidavit enabling the Commission to proceed further in the matter.”*

The respondents have submitted an affidavit from Sh. Harinder Pal Singh, Kanungo duly attested by the Executive Magistrate, Moga wherein he has stated that he had handed over the concerned files to the appellant for information in good faith. However, the appellant did not return the same to him. The same have not been returned back despite his various requests. Similar Contd…page…2

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**AC:576 of 2016**

submission has been made by the Tehsildar, Moga as well.

The appellant has not refuted the aforesaid contention of the respondents. In the face of the affidavit filed by the respondents the Commission is inclined to believe that the original record is in the custody of the appellant. He is directed to return it to the Public Authority forthwith as it is the property of the State. As the information is already with the appellant, the appeal is **disposed.**

**Sd/-**

**19.09.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Shankar Dass alias Ravi Shankar,

531/9, Kishan Chand Colony, Narwana,

Distt. Jind (Haryana) Complainant

Versus

Public Information Officer, **(Regd.)**

O/o Naib Tehsildar,

Khanauri, Distt. Sangrur Respondent

**COMPLAINT CASE NO.294/2017**

**Date of RTI Application : 21.10.2016** **Date of First Appeal : Nil**

**Date of order of FAA : Nil**

**Date of Second Appeal : Complaint: 15.03.2017**

**Present:** None.

**ORDER**

The respondent was issued a show cause notice on the last date of hearing on 12.07.2017,

The respondent is again absent. The complainant has informed in writing that he is yet to receive the information. It is strange that despite issue of a final show cause notice for imposition of penalty besides earlier communications the respondent is doggedly defying the Commission. Another opportunity is afforded to him to furnish complete information to the complainant under intimation to the Commission before the next date of hearing.

The Deputy Commissioner, Sangrur is desired to look into it and arrange to send a proper response to the Commission before the next date of hearing positively.

Be it noted that no further opportunity shall be afforded and his presence in the Commission shall be enforced by exercising its authority.

To come up on **02.11.2017 at 11.30 AM.**

**Sd/-**

**19.09.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**Regd.**

**CC: The Deputy Commissioner, Sangrur, for information and n/a.**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh.H.S.Hundal,

Chamber No.82, District Courts,

Sector-76, S.A.S.Nagar Appellant

Versus

Public Information Officer,

O/o Punjab Right to Service Commission,

MGSIPA Complex, Sector-26,

Chandigarh

First Appellate Authority

O/o Punjab Right to Service Commission,

MGSIPA Complex, Sector-26,

Chandigarh Respondents

**APPEAL CASE NO.1424/2017**

Date of RTI application : 22.12.2016

Date of First Appeal : 12.01.2017

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint : 22.05.2017

**Present:** None.

**ORDER**

None is present on behalf of the Parties.

The case is deferred for hearing on **02.11.2017 at 11.30 AM.**

**Sd/-**

**19.09.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Raman Gupta

S/o Late Sh. Madan Lal Gupta,

R/o Syndicate House, Ist Floor,

Lahori Gate, Patiala Complainant

Versus

Public Information Officer,

O/o Patiala Improvement Trust,

Patiala. Respondent

**COMPLAINT CASE NO.502/2017**

Date of RTI application : 22.02.2017

Date of First Appeal : Nil

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint :25.05.2017

**Present:** None on behalf of the Complainant.

Sh. Parbodh Kumar Bhatia, PIO – cum – E.O., Improvement Trust, Patiala – for Respondent.

**ORDER**

The following order was passed by this forum on 13.07.2017:

*“It is a complaint against the respondent for non-furnishing of an information asked for vide his application dated 22.02.2017. The complainant had sought a copy of a building plan and building byelaws operable in the respondent authority.*

*Sh. Parbodh Bhatia, PIO submits that he has recently joined and on his immediate knowledge of the pending application the information has been supplied. He has brought along the same and shown it to the Commission. Though the complainant is dissatisfied yet the Commission on its perusal finds it apparently to be in order. The complainant is insisting for imposition of penalty for the delay. He has also filed written arguments to strengthen his cause.*

*The respondent is directed to explain the delay beyond the permissible period before the next date of hearing. It goes without saying that the issue raised by the complainant be addressed to in the explanation thus asked for.”*

Sh. Parbodh Kumar Bhatia submits that he has joined the Improvement Trust as Executive Officer on 10.07.2017 and immediately on coming to his notice the information was Contd…page…2

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**COMPLAINT CASE NO.502/2017**

provided to the complainant. The delay if any according to him is attributable to his predecessor. The Commission finds that the delay is beyond one hundred days as the original application was filed during the month of February, 2017. It has taken almost seven months for providing the information.

Sh. Raj Kumar Kapoor, the then PIO – cum - Executive Officer, Improvement Trust, Patiala now at Rajpura 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 himfor causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant 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 **02.11.2017 at 11.30 AM.**

**Sd/-**

**19.09.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: Sh. Raj Kumar Kapoor,**

**Executive Officer, Improvement Trust, Rajpura.**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh.H.S.Hundal,

Chamber No.82, District Courts,

Sector-76, S,.A.S Nagar Appellant

Versus

Public Information Officer,

O/o State Information Commission, Punjab,

Chandigarh

First Appellate Authority

O/o State Information Commission, Punjab

Chandigarh Respondents

**APPEAL CASE NO.1425/2017**

Date of RTI application :22.02.2017

Date of First Appeal : 29.03.2017

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint :22.05.2017

**Present:** None on behalf of the Appellant.

1. Sudhir Kumar, APIO – cum – S.O., PSIC – for Respondents,

2. Sh. Sadhu Ram, PS/Secy.,PSIC on behalf of FAA.

**ORDER**

The appellant is absent.

The respondents say that he has asked the Commission to transfer the case to another bench. His request is denied for the reasons already described in Appeal Case Nos.30,378,478, 590 etc. decided on 24.08.2017. The respondent says that the complete information has been provided to him. The First Appellate Authority in the impugned order dated 04.07.2017 has observed that the available information stands supplied to the appellant. He has also mentioned that the appellant did not avail the opportunities afforded to him for personal inspection. The case was filed deeming that he was satisfied with the information provided to him.

The Commission has no reason to disagree with the order passed by the First Appellate Authority. He has failed to appear before the First Appellate Authority as well as the Commission. No specific infirmity in the submissions made by the PIO and the order passed in first appeal has been pointed. No intervention as such on the part of the Commission is called for.

**Disposed.**

**Sd/-**

**19.09.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. O.P.Mehta,

B-113, Vaishali Nagar,

Jaipur -302021 Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Patiala

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Patiala Respondents

**APPEAL CASE NO.1453/2017**

Date of RTI application :19.11.2016

Date of First Appeal : 21.01.2017

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint :26.05.2017

**Present:** Sh. O.P.Mehta, Appellant in person.

1. Smt. Sukhwinder Kaur, Planning Officer, O/o District Town Planning Officer, Patiala,

2. Sh. Tarun Kumar, Building Inspector, O/o MC, Patiala – for Respondents.

**ORDER**

The Commission had made the following observations on 13.07.2017:

*“The appellant has sought the details of khasra numbers allegedly belonging to him and having been encroached by the respondents. The respondent says that the details of khasra numbers are not available with them as it constitute a part of T.P. Scheme now. New plot numbers have been assigned to the plots carved out of the land in question.*

*Be that as it is, this forum believes that before appropriating the land there must have been some covenant/order with the respondents relating to acquisition of the land. Besides a lay-out plan depicting khasra numbers over which the plot numbers have been superimposed must be available. The respondents are directed to liaise with the Town & Country Planning Authority in the District to apprise the appellant of the information sought positively before the next date of hearing.*

*Contd….page…2*

*-2-*

***APPEAL CASE NO.1453/2017***

*The District Town & Country Planning Officer, Patiala is simultaneously directed to apprise the appellant of the information sought by him failing which he shall be impleaded as a necessary party to secure a rightful information to the appellant.”*

Smt. Sukhwinder Kaur, Planning Officer has brought along the original ownership record, the certified copies of which have been handed over to the appellant on spot. The Commission has also perused it. Seemingly, it conforms to the application. No further intervention of the Commission is called for.

The case is **closed.**

**Sd/-**

**19.09.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The District Town & Country Planning Officer,**

**Patiala.**

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Sh. Neeraj Kumar Sharma,

S/o Sh. Om Parkash Sharma

R/o Gali No.9, Kishan Bagh Colony,

Sangrur Appellant

Versus

Public Information Officer,

O/o Financial Commissioner (Rur. Dev. & Panchayats), Punjab,

Vikas Bhawan, Sector-62, S.A.S. Nagar.

First Appellate Authority

O/o Financial Commissioner (Rur. Dev. & Panchayats), Punjab,

Vikas Bhawan, Sector-62, S.A.S. Nagar Respondents

**APPEAL CASE NO.1409/2017**

Date of RTI application : 22.10.2016

Date of First Appeal : 18.01.2017

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint : 24.05.2017

**Present:** Sh. Neeraj Kumar Sharma, Appellant in person.

Sh. Sarbjeet Singh, Sr. Assistant, O/o Dir., Rur. Dev. & Panchayats, Pb. – for Respondents.

**ORDER**

The Commission had observed on 13.07.2017 as under :

*“The respondents have submitted a reply along with the information available with them which has been passed on to the appellant on spot in the Court itself. The appellant intends to go through it so as to satisfy its conformity with the application. He may like to study it and revert in writing to the Commission before the next date of hearing.*

*The reply sent to the Commission should also be transmitted to the Department as well.”*

The case has come up for consideration today. Having gone through the information thus provided by the respondents the appellant says that the respondents have failed to clarify the Contd…page…2

-2-

**APPEAL CASE NO.1409/2017**

manner of appointment of one Smt. Veena Rani mentioned at Point No. 4 of his application. In a similar way, no information has been provided with regard to the reasons for withdrawal of 55 posts of Steno-typists from the purview of the Punjab Subordinate Services Selections Board.

The respondents are directed to transmit the certified copies of the documents to the appellant relating to the above issues before the next date of hearing positively under intimation to the Commission.

The matter shall be heard through **video conference at Sangrur on 08.11.2017 at 11.30 AM.** The respondents shall appear in the office of the Commission at Chandigarh.

**Sd/-**

**19.09.2017 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Sadhu Ram Kusla

S/o Ram Chand Bansal,

House No.138, Indira Lodge,

Veer Colony, Maharaja Aggarsain Road,

Bathinda. Complainant

Versus

Public Information Officer,

O/o Max Super Specialty Hospital,

Nh 64, Near District Hospital,

Bathinda. Respondents

**COMPLAINT CASE NO.1031/2016**

**Date of RTI Application : 26.04.2016**  **Reply of PIO**  **: 28.04.2016**

**Complaint filed on : 26.11.2016**

**Present :** None on behalf of the Complainant.

Adv. Parminder Kaur, Counsel for the Respondent.

**ORDER**

None is present on behalf of the complainant.

The case is deferred. The order shall be pronounced on **10.10.2017 at 11.30 AM.**

**Sd/-**

**19.09.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh.Jasbir Singh,

Village Bholapur Jhabewal, P.O. Ramgarh,

Distt. Ludhiana -123455 Complainant

Versus

Public Information Officer,

O/o State Transport Commissioner,

SCO No.177-178, Sector-17-C,

Chandigarh Respondent

**COMPLAINT CASE NO.2175 /2015**

**Date of RTI Application : 07.08.2015 Date of First Appeal : Nil**

**Date of Order of FAA : Nil**

**Date of Second Appeal : 14.09.2015**

**Present:** None on behalf of the Complainant.

Sh. Gurpal Singh, APIO – cum –Superintendent, STC Office – for Respondents.

**ORDER**

On the request of the Parties the matter shall be reheard on **02.11.2017 at 11.30 AM.**

**Sd/-**

**19.09.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Secretary, Regional Transport Authority, Faridkot to ensure that the available information in his office is transmitted to the concerned without any further loss of time.**