



Sh Prithipal Singh, S/o Sh Sadhu Singh,
R/o Flat No-910, Top Floor,
J.T.P.L Township, Sector-115,
Landran Road, Kharar, Mohali.

... Complainant

Versus

Public Information Officer,
O/o SGPC,
Teja Singh Samundri Hall,
Sri Darar Sahib Complex,
Amritsar.

...Respondent

Complaint Case No. 258 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The complainant through RTI application dated 09.01.2021 has sought information regarding the copy of a resolution passed by Executive Committee SGPC Amritsar with regard to financial relief of Rs.50000/- to be extended annually to each of 222 Dharmi Fujiz of 1984 dismissed from army service by way of a general court-martial and not getting any govt pension – a copy of the resolution passed by EC SGPC for relief of Rs.50000/- to be extended to each of 43 Dharmi faujis of 1984 dismissed by way of summary court and other information as enumerated in the RTI application concerning the office of SGPC Teja Singh Samundri Hall Amritsar. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 01.03.2021.

The case last came up for hearing on 12.07.2021 through video conferencing at DAC Amritsar/Mohali. Both the parties were absent.

The PIO was directed to provide the sought information as per record, within fifteen days.

It was also observed that the SGPC is not being duly represented in any of the cases which have come for hearing before this bench in the past, nor has its PIO been filing any reasonable reasons for absence or exemption. The PIO was directed to ensure that the SGPC is well represented during the hearings at PSIC.

On the date of the last hearing on **11.11.2021**, the appellant claimed that the PIO has not supplied the information.

The respondent is absent and vide email has sought adjournment on the plea that this case is fixed for argument in the Hon'ble Supreme Court of India on 11.11.2021 (SLP-22350).

Hearing dated 20.04.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar/Mohali. Both the parties are absent.

The PIO vide email has sought exemption stating that he has to appear in a court case before Commissioner Faridkot Division. In the said email, the PIO has also informed that the information has been supplied to the complainant vide letter dated 17.11.2021.

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The appellant is absent nor is represented.

The case is adjourned. To come up for further compliance on **05.09.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar. The complainant to appear at Chandigarh.

Chandigarh
Dated: 20.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Vivek Baghla,
B-2857, Bank Colony,
Badha Road, Fazilka.

... Complainant

Versus

Public Information Officer,
O/o Sr. Medical Officer,
Civil Hospital, Fazilka.

...Respondent

Complaint Case No. 215 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The complainant through an RTI application dated 23.12.2020 has sought information regarding the implementation of section 4 of the RTI Act – inspection of Attendance record/CCTV footage of Dr.Simi Jasuja and Ranjana Gupta from 08.01.2019 – total number of ultrasounds conducted for pregnant women/patients from 08.01.2019 and payment collected therefrom - and other information as enumerated in the RTI application concerning the office of SMO Civil Hospital, Fazilka. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 16.02.2021.

The case last came up for hearing on 12.07.2021 through video conferencing at DAC Fazilka. The complainant informed that the PIO has not provided the information.

Having gone through the RTI application and hearing both the parties, the following was concluded:

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|-----------|---|---|
| - Point-A | - | I am marking this to the Civil Surgeon to take necessary steps for implementation of section 4 (b) of the RTI Act and file a progress report at the next date of hearing. |
| - Point-B | - | The appellant does not want to pursue the information as enumerated in point 2 of the RTI application. |
| - | | |
| - Point-C | - | The PIO to invoke section 10 and provide only the total number of ultrasounds and collections made. No names are to be provided. |
| The | | |
| | | appellant has agreed to the same. |
| - Point-D | - | PIO to send appropriate reply |

On the date of last hearing on **11.11.2021**, the PIO was absent. The Commission received a copy of a letter dated 15.07.2021 from the PIO via an email in which the PIO claimed to have sent the information to the appellant.

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The appellant claimed that he has received the information on point-B & D but the PIO has not supplied the information on points A & C.

The PIO was given one more opportunity to provide information on point-A & C to the appellant within 10 days with a copy to the Commission otherwise the Commission will be constrained to initiate action against the PIO under the provisions of section 20 of the RTI Act.

Hearing dated 20.04.2022:

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

Earlier order stands. The case is adjourned.

To come up for further hearing on **13.09.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Fazilka.

Chandigarh
Dated : 20.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Vinod Kumar, S/o Sh Mulkh Raj,
70, Shingar Avenue, Opposite Post Office,
Chheharta, Amritsar.

... Complainant

Versus

Public Information Officer,
O/o Director,
Social Security Women & child Welfare,
Pb, Chandigarh.

...Respondent

Complaint Case No. 260 of 2021

PRESENT: Sh.Vinod Kumar as the Appellant
Ms. Indu Bala, APIO for the Respondent

ORDER:

The complainant through the RTI application dated 26.08.2020 has sought information regarding details of the total number of posts of Senior Assistants & Superintendents from the year 1996-97 to 2010-11 and the posts filled year wise and other information as enumerated in the RTI application concerning the office of Director, Social Security Women & Child Welfare, Pb Chandigarh. The PIO denied the information to the complainant vide letter dated 09.09.2020 stating that the information sought is creative and it cannot be provided. Thereafter the complainant filed a complaint in the Commission on 02.03.2021.

The case first came up for hearing on 12.07.2021 through video conferencing at DAC Amritsar. The complainant claimed that the PIO has not supplied the information.

The respondent was absent without any legitimate reasons for the absence. The PIO had refused the information on the grounds that it is 'creative information.' It was observed that this is an absurd term to use, and prima facie the PIO had not applied his/her mind in understanding the scope of information required and sent an arbitrary reply denying the information by claiming that it is creative. The Commission had taken a serious view of this, and issued a **show-cause notice to the PIO under Section 20 of the RTI Act 2005 for denial of information on flimsy grounds and not supplying the information within the statutorily prescribed period of time. The PIO was directed to file a reply on an affidavit in this regard**

On the date of the last hearing on **11.11.2021**, the PIO was absent nor had sent any reply to the show cause notice, as well as not provided the information. There was clear dereliction in handling the RTI application and there has been a delay of more than one year and three months in providing the information.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, and as per respondent, Sh.Charanjit Singh Mann is the PIO, a penalty of **Rs.10,000/-** was imposed on Sh.Charanjit Singh Mann-PIO-O/o Director, Social Security Women & Child Welfare, Pb with the direction to produce a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

The PIO- Director, Social Security Women & Child Welfare was also directed to pay an amount of **Rs.5,000/-** via demand draft as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time and submit proof of having compensated the appellant.

Hearing dated 20.04.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. As per the appellant, the PIO has not provided the compensation amount.

To come up for compliance on **05.09.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO to appear at Chandigarh.

Chandigarh
Dated : 20.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Gurmeet Singh, S/o Sh. Balwinder Singh,
R/o Village Jandwala Kharta,
Tehsil & Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o District Food and Supplies Controller,
DC Complex, Fazilka.

First Appellate Authority,
O/o Director,
Food and Supplies and Consumer Affairs,
Sector-39-D, Chandigarh.

...Respondent

Appeal Case No. 3998 of 2020

PRESENT: None for the appellant
Sh.Sukhwinder Kumar Inspector for the Respondent

ORDER:

The appellant through RTI application dated 27.07.2020 has sought information regarding the name of the officer handling the complaint dated 13.03.2020 filed against Jagtar Singh depot holder Jhandwala, Karam Chand Inspector & AFSO Simarjit Singh – action taken on the complaint - the time period for disposal of complaint – statement of witnesses and other information as enumerated in the RTI application concerning the office of District Food and Supplies Controller Fazilka. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 09.10.2020 which took no decision on the appeal.

The case last came up for hearing on 09.08.2021 through video conferencing at DAC Fazilka. The appellant claimed that the PIO has not provided the information.

The respondent present pleaded that since the enquiry is pending, the information cannot be provided.

The PIO however, did not reply to the RTI application. There has been a delay of more than one year in attending to the RTI application. The PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file a reply on an affidavit.**

On the date of last hearing on 13.12.2021, the respondent reiterated his earlier plea that since the enquiry is pending, the information cannot be provided.

The PIO however did not send any reply to the show-cause notice. The PIO was given one last opportunity to file a reply to the show cause notice and appear personally on the next date of hearing otherwise it will be presumed that the PIO has nothing to say in the matter and the decision will be taken ex-parte.

Appeal Case No. 3998 of 2020

Hearing dated 20.04.2022:

The case has come up for hearing today through video conferencing at DAC Fazilka. The respondent present informed that since the enquiry is pending, the information cannot be provided and the appellant has been informed verbally.

The Commission has also received reply to the show cause notice from the PIO through email which has been taken on record. In the said reply, it has been mentioned that the AFSSO Fazilka contacted the applicant personally and intimated that the information sought relates to the complaint and since the enquiry is pending, the information cannot be provided and that as soon as the enquiry completes, the information will be provided.

However, there is nothing on record which shows that the PIO has sent any written reply to the appellant which is the due procedure to attend the RTI application and provide information. Claiming relief by stating that there was an oral communication between the appellant and the PIO is not accepted, as this is pure diversion and dereliction in duty when handling an RTI application as prescribed under section 7 of the RTI Act. Hence the Commission does not accept this reply of the PIO, and a penalty of **Rs.10,000/-** is imposed on the PIO O/o District Food and Supply Controller, Fazilka which will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

To come up for compliance on **13.09.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Fazilka.

Chandigarh
Dated:20.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner