



Sh. Jatinder Kumar,
S/o Sh. Ram Saroop,
R/o House No. 162, Hill View Enclave,
Sharma Store, Nangal Township,
Tehsil-Nangal, District-Ropar.

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council, Kharar,
Distt. SAS Nagar.

First Appellate Authority,
O/o Deputy Director,
Local Government,
Patiala.

Respondents

Appeal Case No.1146/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
12.11.2018	Nil	31.12.2018	Nil	25.03.2019

Present: Appellant- Sh. Jatinder Kumar;
Respondents- Sh. Rajesh Sharma, Executive Officer – cum – PIO, O/o
Municipal Council, Kharar.

ORDER

On the request of the parties, the matter is adjourned to be heard on

01.10.2019 at 11.30 AM.

20.08.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner



Sh. Balwinder Singh,
S/o Sh. Hari Ram,
R/o House No.-42/2,
Sector-41-A, Chandigarh.

Complainant

Versus

Public Information Officer,
O/o Director,
Rural Development and Panchayat Department,
Vikas Bhawan, Sector-62, SAS Nagar.

Respondent

Complaint Case No.298/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
07.02.2019	Nil	Nil	Nil	20.03.2019

Present: Complainant- Sh. Balwinder Singh.
Respondent- None.

ORDER:

The following order was made by the Commission on 18.07.2019:

“The respondents have endorsed a copy of the memo 23.05.2019 to this Commission originally sent to the complainant, enclosing therewith the certified copies of documents. They have sought adjournment of the hearing. The complainant says that the documents sent to him do not relate to his requisition. The Complainant is advised to convey as to what is the discrepancy, in writing, to which the respondents are desired to respond.”

The matter has come up today. The respondent is absent. The complainant asserts that the information pertaining to his representation dated 18.12.2018 has not been provided till date.

The Commission takes an exception to the non-chalant and callous conduct of the respondents and directs them to file a satisfying response commensurate with the application of the complainant.

Simultaneously, the PIO will explain the delay in providing the information.

To come up on **01.10.2019 at 11.30 AM.**

20.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



By Registered Post

Sh. Jasvir Singh,
S/o Sh. Swarn Singh
R/o Village-Rasulra,
Tehsil-Khanna, Distt. Ludhiana.

Versus

Complainant

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block-Khanna, Ludhiana.

Respondent

Complaint Case No.299/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
02.01.2019	Nil	Nil	Nil	28.02.2019

Present: Complainant- Sh. Jasvir Singh along with Sh. Ramesh Sharma, Advocate;
Respondent- None.

ORDER:

The Commission has made following observations on 18.07.2019:

“The complainant is seeking the details of arrears pending recovery on the basis of which the complainant was rendered ineligible to contest the Panchayat election having been held in December, 2018. Smt. Anuradha, Supdt. O/o BDPO Khanna says that the documents to the complainant have been provided. She submits before the Commission that they have examined the record, no such arrears are pending recovery against the complainant. The respondents are advised to inform him in writing under intimation to the Commission.”

The case has come up today. The respondents are absent. Nothing in writing has been received from them. The complainant submits that he was summoned in the office of respondent to collect the information as desired by the Commission. However, he had to return blank after a long wait. The Commission takes a serious view of the conduct of the respondent and considers it as a violation of section 7 (1) of the Right to Information Act, 2005 as well as defiance of the orders of the Commission.

Contd...pg...2



-2-

Complaint Case No.299/2019

The PIO is hereby 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 him for 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 10.10.2019 at 11.30 AM.

20.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



By Registered Post

Sh. Jagdev Singh,
S/o Sh. Gurmail Singh,
C/o Nikhil Batta, Advocate,
Chamber No. 543, Yadvindra Complex,
Patiala.

Complainant

Versus

Public Information Officer,
O/o Director,
Technical Education & Industrial Training Department,
Government of Punjab,
Sector-36, Chandigarh.

Respondent

Complaint Case No.138/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
18.10.2018	04.01.2019	Nil	Nil	29.02.2019

Present: Complainant- Sh. Jagdev Singh.
Respondent- None.

ORDER:

The following order was made by the bench on 02.07.2019:-

14.05.2019

"The complainant has sought information of leasing out the properties of the respondent for the establishment of ITIs and some allied information. He is alleging irregularities and misappropriation in the aforesaid exercise.

The respondents say that the information has been provided to the complainant. The complainant says that there are deficiencies on many scores. The respondents assure the Commission to make good the deficiencies. They are directed to ensure that complete information in all respects with reference to the application is provided to the complainant within 15 days positively.

02.07.2019

The matter has come up today i.e. 02.07.2019 at 11.30 AM. The status quo ante remains. It seems that the respondents are trying to evade the issue rather than being specific in providing the information. The crux is as to whether any recovery has been made from the lessees or not and what is the status of action being taken against them. The query

Contd...pg...2



-2-

Complaint Case No.138/2019

is being stone-walled

The Commission takes it as a willful attempt to conceal the information. Final opportunity is afforded to them to be candid in informing the appellant on the subject, failing which, penal consequences shall follow.”

The case has come up today. The respondents are absent. No information has been provided by them to the appellant. The PIO 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 him for 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 **03.10.2019 at 11.30 AM.**

20.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. K.N.S Sodhi,
R/o #1634, Sector-70,
Mohali.

Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Mohali.

First Appellate Authority,
O/o Director,
Local Government,
Plot No.-3, Sector-35-A,
Chandigarh.

Respondents

Appeal Case No.979/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
10.07.2018	Nil	24.08.2018	Nil	11.03.2019

Present: Appellant- Sh. Ajay Kumar.
Respondents- Sh. Anil Kumar, XEN.

ORDER

The following order was passed on 18.07.2019:-

"The Appellant has sought detailed information about the tube-wells installed in the jurisdiction of Municipal Corporation, Mohali and some allied information about the overhead reservoir etc. The respondents have brought along the information and handed over on the spot to the Appellant. Meanwhile, the appellant is advised to go through the same and revert in case of any deficiency in the information supplied".

The case has again come up today.

None is present on behalf of the respondents. The appellant points out that the information sought at Sr.No.9 relating to Division No.2 of Water Supply & Sanitation Department, Mohali, is deficient. The concerned Executive Engineer has failed to provide him the status of the working of tubewells, overhead reservoirs and UGS reservoirs etc. Last opportunity is afforded to him to apprise the appellant of the information sought strictly in terms of his application and explain the delay in providing the information. Further delay shall invite penal consequences."

Contd....pg....2



-2-

Appeal Case No.979/2019

18.07.2019

The case has come up today.

The Commission, having perused the record and heard the appellant, had directed the Executive Engineer, Water Supply & Sanitation Department, Division No.2, Mohali to provide the information. It seems that the XEN is intentionally stalling the information and obstructing its flow in violation of Section 7(i) of the RTI Act. The delay is beyond 100 days.

Shri Anil Kumar, XEN is hereby issued 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 him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant 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.”

Smt. Navpreet Kaur is present on behalf of Respondent No.2. Since the record in contention is not under their control, respondent No.2 is exempted from appearance.”

The case has come up today. Sh. Anil Kumar, XEN, is present. He has filed a reply by way of an affidavit dated 19.08.2019. He explains that the information in question was supplied by them to Municipal Corporation, being the principal public authority for onward transmission to the appellant. Even so, they have delivered the information at the residence of the appellant as well. They have shown a copy of its acknowledgement to the Commission.

Cont. pg.3



-3-

Appeal Case No.979/2019

Having heard Sh. Anil Kumar, XEN of Water Supply Division No. 2 and perused the record, the Commission feels that the information has been provided to the appellant. Prima facie, there does not seem any intent to withhold the information. The delay probably is attributable to the fact that the Water Supply Department is separately located and functions independent of the Corporation. Taking holistic view, the Commission feels that the appellant has been adequately informed. Finding the lack of mala fide intent, the notice is filed and appeal is disposed.

20.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. Harjit Singh Dhillon,
S/o Late Sh. Gurbax Singh,
R/o 4072/3, Gobind Colony,
Jamalpur, Distt. Ludhiana.

Complainant

Versus

Public Information Officer,
O/o Municipal Corporation,
Zone-B, Ludhiana.

Respondent

Complaint Case Nos.128 &129 of 2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
24.12.2018	Nil	Nil	Nil	29.01.2019 & 30.01.2019

Present: Complainant - Sh. Harjit Singh Dhillon.
Respondent- None.

ORDER

As the appellant and the respondents are the same and the information sought essentially is identical, the single order shall dispose both the appeals.

The Commission had made following observations on 04.07.2019:

14.05.2019:-

“None is present today.
To come up on 04.07.2019 at 11.30 AM”.

04.07.2019

The case has come up today. The respondents are absent. The Commission takes strong exception to the indifference shown by the respondents.

The PIO in the office of the respondents is hereby issued show cause notice to explain 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 him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, the respondents are also given an opportunity under

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-2-

Complaint Case No.128/2019

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.”

The case has again come up today. The appellant submits that he was present on the last hearing, however, he has been shown absent in the orders issued. The office admits that same has happened inadvertently and marks him present.

It is strange and intriguing that respondent has not bothered to file a reply much less appearing in person. A final opportunity is afforded to the respondent to apprise the complainant of the status of the case and file a written explanation to the Commission on the show cause notice issued to it.

To come up on **01.10.2019 at 11.30 AM.**

20.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email:psic22@punjabmail.gov.in



Sh. Nonihal Singh
S/o Sh.Amarjit Singh
R/o Ward No.13, Sodhi Farm,
Zirakpur, District Mohali.

Complainant

Versus

Public Information Officer,
O/o Tehsildar, Dera Bassi,
Distt. Mohali.

Respondent

Complaint Case No.244/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
10.09.2018	Nil	Nil	Nil	08.03.2019

Present: Appellant- Sh.Nonihal Singh.
Respondent- Smt. Gurmeet Kaur, Reader to Naib Tehsildar, Zirakpur.

ORDER

On the request of the parties, the matter shall be heard on **10.10.2019** at

11.30 AM.

20.08.2019

(Yashvir Mahajan)
State Information Commissioner