



Sh. Surinder Singh, S/o Sh.Harbans Singh,
R/o H NO-81, Phase-1, Urban Estate,
Dugri Road, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o DEO (EE),
Ludhiana.

First Appellate Authority,
O/o DEO (EE),
Ludhiana.

...Respondent

Appeal Case No. 1868 of 2020

PRESENT: None for the Appellant
Sh. Swaranjit Singh, Sr.Assistant, O/o DEO(EE) Ludhiana for the
Respondent

ORDER:

The appellate through the RTI application dated 12.03.2020 has sought information on 25 points regarding demolition of walls in District Education Offices Ludhiana – the name of the branch – date and time of demolition – inspecting officer – names and number of labourers deployed and other information as enumerated in the RTI application concerning the office of DEO(EE) Ludhiana. The appellant was not provided the information after the appellant filed the first appeal before the First Appellate Authority on 27.05.2020 which took no decision on the appeal.

The case was first heard on **08.02.2021** through video conferencing at DAC Ludhiana. The appellant claimed that the PIO has neither provided the information nor has responded to the RTI application. The respondent was absent. The PIO was directed to provide whatever information is available on record point-wise and send a compliance report to the Commission.

Since there has been an enormous delay of more than ten months 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 reply on an affidavit.**

The PIO was again directed to provide information to the appellant within 15 days of the receipt of this order.

The case came up for hearing again on **25.05.2021**. Due to a network problem in the VC, the hearing could not take place and the case was adjourned.

On the date of last hearing on **26.05.2021, as per** appellant, the information was not provided. As per respondent, the information was not available in their record and the reply was sent to the appellant vide letter dated 19.04.2021 with a copy to the Commission.

Having gone through the RTI application and hearing both the parties, the PIO was directed to provide whatever documentation is available on record. If no information exists, as claimed by the PIO, the PIO was directed to send a suitable reply to the appellant on an affidavit with a copy to the Commission.

Regarding the delay in attending to the RTI application, the respondent pleaded that the delay occurred on the part of the earlier PIO Mrs Rajinder Kaur who had since retired on 31.03.2021, but the case should be disposed of as there was no information available to provide to the appellant. It was made clear that even if there was no information available, the PIO did not attend to the RTI application as prescribed under the rules. Not providing information within 30 days, or any reply is treated as a refusal to provide information, which as per the facts on the file is the status of this RTI application. Thus this was a fit case to impose a penalty as prescribed under Section 20 of the RTI Act.

However, since the PIO responsible for this delay had retired, the show cause was dropped but it was amply clear that the appellant to collect the information has had to suffer an undue inconvenience.

Given the above, The Commission found the case fit for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act. and directed the PIO-DEO(EE), Ludhiana to pay an amount of **Rs.3000/-** via demand draft ` as compensation to the appellant **and** submit proof of having compensated the appellant.

Hearing dated 20.09.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. As per respondent, the compensation amount has been paid to the appellant vide demand draft (bearing No.240654 dated 08.09.2021 drawn on State Bank of India) on 08.09.2021 with a copy to the Commission.

The appellant is absent.

The PIO has however, not complied with the order of the Commission to either provide the information as available on record or to send a suitable reply to the appellant on an affidavit with a copy to the Commission.

The PIO is given one last opportunity to comply the earlier order of the Commission and provide whatever documentation is available on record. If no information exists, the PIO is directed to send a suitable reply to the appellant on an affidavit with a copy to the Commission.

The case is adjourned. To come up for further hearing on **19.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated:20.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
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Sh.Trilochan Singh S/o Sh Late Sh Gurbachan Singh,
R/o 848-A, M.I.G,
Jamalpur, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Director,
Department of Local Bodies,
Sector-35-A, Chd.

First Appellate Authority,
O/o Director
Department of Local Bodies,
Sector-35-A, Chd.

...Respondent

Appeal Case No. 2067of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellate through RTI application dated 27.03.2020 has sought information regarding the number of blocks allotted to Sh.Ajay Kumar Building Inspector in Zone-A date of his joining in the NC – earlier posting of Sh.Ajay Kumar – promotion-related file and other information concerning the office of Director Local Govt. Bodies Punjab, Chandigarh. The appellant was not provided with the information after the appellant filed the first appeal before the First Appellate Authority on 06.06.2020 which took no decision on the appeal.

The case last came up for hearing on 08.02.2021 through video conferencing at DAC Ludhiana. The respondent present pleaded that since the information on points 1,2 & 3 relates to MC Ludhiana, the appellant was asked to vide letter dated 20.07.2020 to get the information from them. The respondent further informed that since the information on points 4 & 5 being 3rd party, it cannot be provided as the 3rd party has not given its consent to disclose the information.

However, the PIO had not transferred the RTI application to MC Ludhiana. The PIO was directed to transfer the RTI application to the MC Ludhiana under section 6(3)of the RTI Act for the information concerning them.

The PIO-MC Ludhiana was impleaded in the case and directed to look at the RTI application being transferred by Local Bodies, Punjab Chandigarh and provide the information on points 1, 2 & 3. The information regarding points 4 & 5 being personal information, the Commission did not see any public interest in revealing this information, hence it may not be provided.

The case came up for hearing again on **25.05.2021**. Due to a network problem in the VC, the hearing could not take place and the case was adjourned.

Appeal Case No. 2067of 2020

On the date of the last hearing on **26.05.2021**, the respondent present from the office of MC Ludhiana pleaded that the information on points 1,2 & 3 has been sent to the appellant vide letter dated 21.05.2021 with a copy to the Commission.

The appellant was absent. The Commission received a letter from the appellant on 28.04.2021, which was taken on the file of the Commission.

The appellant was directed to appear personally before the commission to pursue his case.

Hearing dated 20.09.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The appellant is absent and vide email has sought exemption fearing threat to his family if he left his home., This is the second consecutive time that the appellant has not appeared. The appellant in the said email has also informed that the PIO has not supplied the information.

The appellant at the last hearing was afforded an opportunity to be present at the next hearing to be able to pursue the case. The appellant has however chosen to be absent yet again and has sent an email for the same. The appellant is neither represented at the hearing.

Since the respondent (MC Ludhiana) on the hearing of 26.05.2021 had claimed to have sent the information regarding points 1, 2 & 3 , no further interference is required at this juncture.

The appellant is afforded one more opportunity to be present to pursue the case otherwise the case will be decided ex parte.

The case is adjourned. To come up for further hearing on **19.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated:20.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-MC Ludhiana



Sh. Ramandeep Singh,
Ward No-18, Street MO-2,
Kartar Nagar, Amloh Road,
Khanna, District Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Secretary, Local Government,
Sector-35-A, Chandigarh.

First Appellate Authority,
O/o Secretary, Local Government,
Sector-35-A, Chandigarh.

...Respondent

Appeal Case No. 2103 of 2020

PRESENT: Sh.Ramandeep Singh as the Appellant
Sh.Sandeep Kumar, Sr. Assistant (Establishment Branch),
Local Govt. Pb for the Respondent

ORDER:

The appellate through RTI application dated 05.03.2020 has sought information regarding list of employees promoted as Junior Engineers/Assistant Municipal Engineers, Municipal Engineers and SE on the basis of qualification through deemed university and posted in different MCs/NCs – a copy of the order of Govt for promoting these engineers – a copy of the letter/circular through which no action taken against such JEs/AMEs/MES & SEs promoted on the basis of qualification obtained through deemed university and other information concerning the office of Secretary Department of Local Govt. Pb. Chandigarh. The appellant was not provided with the information after the appellant filed the first appeal before the First Appellate Authority on 24.04.2020 which took no decision on the appeal.

The case first came up for hearing on 09.02.2021 through video conferencing at DAC Ludhiana. The appellant claimed that the PIO has not provided the information. The respondent present pleaded that the information sought by the appellant was not specific. As per the respondent, the reply was sent to the appellant on 08.02.2021.

Having gone through the RTI application and hearing both the parties, the PIO was directed to relook at the RTI application and provide whatever information is available on record.

The Commission further observed that the RTI application was filed on 05.03.2020 whereas the reply has been sent on 08.02.2021 with a delay of more than ten months. The PIO was directed to explain the reasons for not attending to the RTI application within the time frame as prescribed under the RTI Act.

Sh.Satwinder Singh, Suptd. (LG-3) Local Govt appeared late and informed that the information concerning them relating to Municipal Engineer and Superintending Engineer in point-2 has been sent to the appellant vide letter dated 21.01.2021 with a copy to the Commission and the remaining information pertains to Establishment Branch.

Appeal Case No. 2103of 2020

On the date of the last hearing on **26.05.2021**, the appellant was absent and vide email has informed that the PIO has not provided the information.

The respondent brought some more information that was taken on the file of the Commission. A copy of the information was sent to the appellant along with the order with the direction to point out the discrepancies if any to the PIO and the PIO was directed to remove the same. The Appellant was directed to appear at the next hearing or be represented.

Hearing dated 20.09.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Mohali. The appellant informed that he has already pointed out the discrepancies to the PIO with a copy to the Commission, but the PIO has not removed the same.

The respondent has sought some more time to remove the discrepancies.

The PIO is directed to remove the discrepancies as pointed out by the appellant and provide complete information within 15 days of the receipt of the order with a copy to the Commission.

To come up for further hearing on **19.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear through VC at DAC Mohali.

Chandigarh
Dated:20.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Bharat Bhushan,
H No-153, Akash Nagar,
Near Greenland School,
P.O Netaji Nagar Salem Tabri,
District Ludhiana..

... Appellant

Versus

Public Information Officer,
O/o DEO (EE),
Phase-8, Mohali.

First Appellate Authority,
O/o DPI. (EE),
Phase-8, Mohali.

...Respondent

Appeal Case No. 2259 of 2020

PRESENT: None for the Appellant
Sh.Gurmeet Singh, Sr Assistant for the Respondent

ORDER:

The appellate through RTI application dated 10.03.2020 has sought information regarding recruitment of 9998 posts of JBT ETT teachers advertised in Sept.2007 – number of applications under SC(M&B) category – copies of caste certificates of SC category – experience certificates of the applicants – the name of verification officers of certificates and other information as enumerated in the RTI application concerning the office of DEO(EE) Mohali. The appellant was not provided with the information after the appellant filed the first appeal before the First Appellate Authority on 01.07.2020 which took no decision on the appeal. After filing the first appeal, the PIO sent information to the appellant on 17.07.2020 to which the appellant was not satisfied and filed 2nd appeal in the Commission.

The case first came up for hearing on **09.02.2021** through video conferencing at DAC Ludhiana. The respondent present pleaded that the information has been sent to the appellant vide letter dated 17.07.2020 and remaining on 11.09.2020. The respondent further informed that the information was earlier sent to the appellant on 17.07.2020. Thereafter, the appellant pointed out some discrepancies which were sorted out and information was sent on 11.09.2020.

The appellant was absent and vide letter received in the Commission on 28.01.2021 has informed that the PIO has not removed the discrepancies as pointed out on 27.07.2020.

Since a fresh set of information was sent to the applicant after he had pointed out the discrepancies, the appellant could contact the PIO to highlight any further discrepancy. The PIO was directed to remove the same, and if there is no further information available, to state it in an affidavit that no further information, as sought in the RTI application, is available.

On the date of last hearing on **26.05.2021**, the appellant was absent and vide letter received in the Commission on 23.04.2021 informed that PIO has not sorted out the discrepancies on points 1,2 & 3.

The respondent present pleaded that the available information has already been provided to the appellant on 17.07.2020, 11.09.2020 & 15.04.2021 and no further information is available.

The PIO was directed to give this in writing on an affidavit that the information that has been provided, is true, complete and no further information is available in their record.

Hearing dated 20.09.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Mohali. The respondent informed that in compliance with the order of the Commission, an affidavit has been provided to the appellant with a copy to the Commission on 01.06.2021.

The appellant is absent and vide email has informed that the PIO has not provided the affidavit as per order of the Commission.

The PIO is directed to supply a revised affidavit mentioning therein that the information that has been provided to the appellant is true, complete and no further information is available in the record relating to this RTI application. The affidavit be provided within 10 days of the receipt of the order with a copy to the Commission.

To come up for compliance on **19.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear through VC at DAC Mohali.

Chandigarh
Dated:20.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Sukhdhir Singh,
R/o H No-4, Baba Nand Singh Nagar,
Backside B.C.M School,
Basant Avenue, Dugri,
Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o DEO (EE),
Mini Secretariat, Ludhiana.

First Appellate Authority,
O/o DEO (EE),
Mini Secretariat, Ludhiana.

...Respondent

Appeal Case No. 2280 of 2020

PRESENT: Sh.Sukhdhir Singh as the Appellant
Sh.Harminder Singh, Clerk O/o DEO(EE) Ludhiana for the Respondent

ORDER:

The appellate through RTI application dated 25.02.2020 has sought information regarding the information provided under RTI Act to Sh.Kuldeep Kumar Kaura in 2017-18, 2018-19, 2019-20 – penalty imposed on the employees for not providing the information – the amount of penalty and case number –mode of deposit of penalty and other information concerning the office of DEO(EE) Ludhiana The appellant was not provided with the information after the appellant filed first appeal before the First Appellate Authority on 29.06.2020 which took no decision on the appeal.

The case first came up for hearing today through video conferencing at DAC Ludhiana. The appellant claimed that the PIO has not provided the information.

The respondent present pleaded that the information on point-1 is not specific and the information on points 2, 3 & 4 is not readily available and has to be created and that the reply has been sent to the appellant vide letter dated 29.01.2021.

Having gone through the RTI application and hearing both the parties, the appellant was directed to inspect the record relating to point -1 on 10.02.2021 at 12.00 noon and obtain the relevant information. The PIO was directed to allow inspection of the record and provide relevant information to the appellant as per the cost. The PIO was also directed to provide whatever information is available on record regarding points 2,3 & 4.

On the date of the last hearing on **26.05.2021**, the respondent present pleaded that the appellant inspected the record on 10.02.2021 and the relevant information has been supplied to the appellant vide letter dated 07.04.2021.

Appeal Case No. 2280 of 2020

The appellant was absent nor had communicated about the reasons for the absence.

The case was adjourned.

Hearing dated 20.09.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. As per the respondent, the appellant has inspected the record and relevant information has been provided to the appellant. The appellant informed that the PIO has not provided the information as per the RTI application.

Having gone through the RTI application and hearing both the parties, the PIO is directed to provide information on point 2 (information sought on 2, 3 & 4 is the same) to the appellant as discussed during the hearing. The decision relating to information on point-1 will be taken on the next date of hearing.

The case is adjourned. To come up for further hearing on **19.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated:20.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Kuldip Kumar Kaura,
5-C, Phase-1, Urban Estate,
Focal Point, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o DPI (EE),
Phase-8, Mohali.

First Appellate Authority,
O/o DPI (EE),
Phase-8, Mohali.

...Respondent

Appeal Case No. 2343 of 2020

PRESENT: Sh.Kuldip Kumar Kaura as the Appellant
None for the Respondent

ORDER:

The appellate through RTI application dated 29.05.2020 has sought information about Sukhdev Singh Sekhon Ex Headteacher Sukhdev Nagar Mangat Ludhiana – copy of order No.19/01-2020 dt.01.07.2020 transferring the said teacher – a copy of noting – a copy of the order of cancellation of transfer – a copy of the order of retransfer – a copy of enquiry report submitted Jagtar Singh, on enquiry held on 27.02.2020 and other information concerning the office of DPI(EE) Mohali. The appellant was not provided with the information after the appellant filed the first appeal before the First Appellate Authority on 04.07.2020 which took no decision on the appeal.

The case first came up for hearing on **09.02.2021** through video conferencing at DAC Ludhiana. The appellant stated that the PIO has denied the information vide letter dated 17.08.2020 taking a ground u/s 8(1)(d) & 8(1)(j) which is not maintainable since the information is part and parcel of the file of the department. The appellant had filed a reply through email, which was taken on the file of the Commission.

The respondent present pleaded that some of the information has been provided to the appellant vide letter dated 04.02.2021 with a copy to the Commission.

A copy of the reply filed by the appellant was supplied to the respondent and the respondent was directed to file a suitable reply on all points.

On the date of the last hearing on **26.05.2021**, the appellant claimed that the PIO has not provided the information.

The respondent submitted a point-wise reply which was taken on the file of the Commission. A copy of the reply was sent to the appellant with the order.

Hearing dated 20.09.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Mohali. The appellant informed that he has received information on point-A-1 & B-1 only but the PIO has not supplied the remaining information.

The respondent is absent nor is represented.

Having gone through the RTI application and the reply submitted during the last hearing, I find that merely stating that the information is exempted u/s 8(1)(d) & 8(1)(j) and not citing order speaking order is not maintainable. The PIO has merely used exemptions without any sound reasoning for using these exemptions.

Moreover, having gone through the record which is available on the file I find that there is no bar by any court or tribunal to publish this information.

The PIO is directed to provide all remaining information except point-C-3 which relates to a matter between an employer and employee.

The case is adjourned. To come up for further hearing on **19.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear through VC at DAC Mohali.

Chandigarh
Dated: 20.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Davinder Kumar, S/o Late Sh Ram Murti,
VPO Sidhwan Bet, Tehsil Jagraon,
Distt Ludhiana.

Appellant.

Versus

Public Information Officer,
O/o Additional Chief Secretary,
Local Govt, Sector-35-A,
Chandigarh.

First Appellate Authority,
O/o Additional Chief Secretary,
Local Govt, Sector-35-A,
Chandigarh.

...Respondent

Appeal case No.2486/2020, 2487/2020 & 2488/2020

PRESENT: Sh.Davinder Kumar as the Appellant
Sh.Kuldeep Singh, Sr Assistant (Trust Service Cell) for the Respondent

ORDER:

The appellate through RTI application dated 09.01.2020 has sought information regarding a copy of the land of the law of the condition imposed at s.no.2 of submission by Director Local Govt and said the resolution passed by Secretary of Pb Govt under TSC 1356 dt. 303.07.2014 and other information as enumerated in the RTI application concerning the office of Additional Chief Secretary, Local Govt Pb Chandigarh. The appellant was not provided with the information after the appellant filed the first appeal before the First Appellate Authority on 17.07.2020 which took no decision on the appeal.

The case first came up for hearing on **09.02.2021** through video conferencing at DAC Ludhiana. The respondent present pleaded that no such record regarding "Land of law" is available in their record and the reply has been sent to the appellant vide letter dated 27.01.2021.

The Commission observed that there has been an enormous delay in attending to the RTI application since the RTI application was filed on 19.01.2020 whereas the reply was sent on 27.01.2021. In reply, the respondent stated that no RTI application was received by them and the RTI was received along with the notice of the Commission only.

The reply received from the PIO was sent to the appellant, and the appellant, if wants to pursue the case, was directed to send his observations to the PIO.

The Commission further observed that the appellant had filed two more appeal cases No.2487/2020 & 2488/2020 for seeking exactly the same information from Director Local Govt and Law Officer, Local Govt. and the respondent had submitted the same reply in all cases, all these cases were clubbed together.

Appeal case No.2486/2020, 2487/2020 & 2488/2020

On the date of hearing on **26.05.2021**, the respondent informed that the reply has already been sent to the appellant.

The appellant was absent.

Hearing dated 20.09.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Mohali. As per the respondent, the information has already been provided vide letter dated 27.01.2021 that no record relating to Land of the Law is available.

The appellant stated that the contents of the letter are not clear since the PIO has not mentioned the date & no of the previous letter issued by Director Local Govt. and has not provided a copy of the land of law charging collector rate prevailing at the time in 2015 while allotting alternative plots.

Hearing both the parties, the PIO is directed to ensure a reply from the PIO-Principal Secretary, Local Govt whereby details of the sought information are clearly mentioned with the reply as discussed during the hearing.

The information be provided within 15 days of the receipt of the order with a copy to the Commission.

The case is adjourned. To come up for compliance on **12.10.2021 at 11.00 AM**.

Chandigarh
Dated: 20.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner