

**PUNJAB, STATE INFORMATION COMMISSION**  
**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

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Sh. Tejinder Singh,  
R/o Village Bholapur, P.O Ramgarh,  
Chandigarh Road, Ludhiana.

....Appellant.

Versus

**Public Information Officer,**  
SDM, Licensing Authority & Registering,  
Sri Anandpur Sahib.

**First Appellate Authority,**  
DC,  
Ropar.

...Respondent

**Appeal Case No. 1325 of 2018**

Present: Sh.Tejinder Singh as Appellant  
Sh.Gurpal Singh APIO STC Punjab, Chandigarh and Sh.Rakesh Kapila,Clerk  
O/s SDM Anandpur Sahib for the Respondent

**ORDER:**

The case was first heard on **25.06.2018**. The PIO was directed to forward the RTI application relating to point No.4, 5 & 9 to the concerned department and PIO of that department was directed to provide the information to the appellant and be present on the next date of hearing. “

The case was again heard on **01.08.2018**: The PIO was directed to provide the information relating to point No.4 as per original order. The PIO, STC was also directed to provide the information concerning them and to appear on the next date of hearing.

The case again came up for hearing on **05.09.2018**: The respondent present from the office of SDM (Licensing and Registering Authority) pleaded that the information regarding point No.4 has been sent to the appellant. The APIO from State Transport Commission had not brought the information regarding point No.9 as according to him there was no clarity about which sub-division the information was sought. However, since it was clear that the information sought is concerning Anandpur Sahib, the PIO was directed to send the information regarding point No.9 to the appellant within 10 days of the receipt of the orders of the Commission.

The case was last heard on **09.10.2018**. The order is reproduced hereunder:

“The appellant is absent. Vide email, the appellant has informed that due to knee surgery of his mother, he is unable to attend the hearing and has sought adjournment. The appellant has further informed that he has not received the remaining information.

The respondent present pleaded that the information pertains to the Anandpur Sahib. In the last order, the PIO STC was directed to send the information regarding point No.9 to the appellant within 10 days. The Commission finds that the PIO is dilly dallying in providing this particular information and therefore, directs the PIO, STC, Punjab to coordinate and collect the information from the concerned department and send the same to the appellant within 15 days through registered post. The PIO is also directed to send the compliance report to the Commission.”

**Hearing dated 21.11.2018:**

The respondent from the O/o STC Punjab has pleaded that the information regarding point No.9 has been sent to the appellant vide letter dated 26.10.2018 and a copy is submitted to the Commission. In the letter, the PIO has informed to the appellant that there is no driving test track in Sub Division Anandpur Sahib and the driving test track is available in Ropar.

The PIO is directed to collect the information regarding driving track tests undertaken by the residents of Shri Anandpur Sahib from the concerned division and provide the same to the appellant .

Both the parties to be present on **15.01.2019 at 11.00 AM** for further hearing.

**Chandigarh**  
**Dated: 21.11.2018.**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

**CC to :PIO, STC Punjab, Chandigarh.**

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Sh. Tejinder Singh,  
R/o Village Bholapur, P.O Ramgarh,  
Chandigarh Road, Ludhiana.

...Appellant.

Versus

**Public Information Officer,**  
SDM, Licensing Authority & Registering,  
Malerkotla.

**First Appellate Authority,**  
DC,  
Sangrur

...Respondent

**Appeal Case No. 1328 of 2018**

Present: Sh.Tejinder Singh as Appellant  
None for the Respondent

**ORDER:**

The case was first heard on **25.06.2018**. The appellant was directed to visit the office of PIO and inspect the record and get the information he wants. The PIO was directed to provide information relating to point No.9 concerning their department i.e. only graph with name relating to point No.9 in CD and charge requisite cost or send through email.

The case was again heard on **01.08.2018**. The respondent pleaded that it is not possible for them to provide information in CD form as the information is of voluminous nature and it includes personal information of the applicants. After long discussions, the appellant asked that he does not need a CD and he can be provided a list of the successful applicants with application number. The PIO was directed to provide the same.

The case came up again for hearing on **05.09.2018**. The appellant was absent. The respondent present pleaded that he has brought the information regarding point No.9. The respondent was directed to send the same to the appellant through registered post. The PIO, O/o SDM was exempted for appearance on next hearing.

For the information regarding point No. 3,4 5 & 6, the RTI application was transferred to DTO Sangrur. The PIO, DTO Sangrur was directed to be present on the next date of hearing. The appellant was also directed to be present on the next date of hearing.

The case was last heard on **09.10.2018**. The order is reproduced hereunder:

"The appellant is absent. Vide email, the appellant has informed that due to knee surgery of his mother, he is unable to attend the hearing and has sought adjournment. The appellant has further informed that he has not received the remaining information.

In the last hearing, the PIO-DTO Sangrur was directed to provide the information regarding point No. 3,4 5 & 6 and to be present personally on the next date of hearing.

The PIO is also absent without intimation to the Commission. The PIO-DTO Sangrur is hereby granted one last opportunity to provide the information and be present personally on the next date of hearing with solid reasons for not complying the orders of the Commission."

**Hearing dated 21.11.2018:**

In the hearing on 05.09.2018, the respondent present from the office of SDM Malerkotla informed that the information regarding point No.9 has been provided and the RTI application for the information regarding Points 3,4,5&6 has been transferred to the PIO, RTO Sangrur. The PIO RTO Sangrur was directed to provide the information concerning to their office and be present on the next date of hearing which was fixed for 09.10.2018.

In the hearing on 09.10.2018, the PIO was again absent and neither provided the information as per orders of the Commission. The PIO was granted one last opportunity to provide the information and to be present personally on the next date of hearing with solid reasons for not complying with the orders of the Commission. The appellant is present and informed that he has not received the information as per orders of the Commission.

It is clear that the PIO, RTO Sangrur is not serious in compliance with the orders of the Commission and has preferred to be absent on 2<sup>nd</sup> consecutive hearing. The Commission has taken a serious view of this and hereby directs the **PIO to show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time**, he should file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The case is adjourned. Both the parties to be present on **15.01.2019 at 11.00 AM** for further hearing.

**Chandigarh**  
**Dated: 21.11.2018.**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

**CC to , PIO, RTO Sangrur**

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Sh. Surinder Pal, S/o Sh. Mehar Chand,  
R/o B-34-449, Amanvihar, Chander Nagar,  
Ludhiana..

... Appellant

**Public Information Officer,**  
Municipal Corporation,  
Ludhiana.

**First Appellate Authority,**  
Municipal Corporation,  
Ludhiana.

...Respondent

**Appeal Case No. 1382 of 2018**

Present:       None for the Appellant  
                  None for the Respondent

**ORDER:**       The case was first heard on **20.06.2018**. The respondent was absent. The PIO was directed to be personally present on the next date of hearing along with proof of having provided the information to the appellant.

The case was again heard on **17.07.2018**. The PIO was absent. The PIO was issued a show cause notice for not supplying the information within the statutorily prescribed period of time as well as not complying with the orders of the Commission. He was also directed to be personally present on the next date of

The case was again heard on **08.08.2018**. The appellant informed that he has received the information and is satisfied. The PIO was hereby directed to submit affidavit duly attested with solid reasons for the delay in providing the information and not complying with the orders of the Commission which will be considered on the next date of hearing. The PIO was further directed to be present personally on the next date of hearing.

The case again came up for hearing on **30.08.2018**: The PIO was absent. The PIO was given last opportunity to be personally present on the next date of hearing and submit affidavit duly attested with solid reasons for delay in providing the information and not complying with the orders of the Commission failing which the Commission will be compelled to take action under the RTI Act 2005.

The case was last heard on **09.10.2019**: The order is reproduced hereunder:

**“Facts of the Case-**

- 1) That the appellant Surinder Pal Singh had filed an RTI application on 29.12.2017 seeking a copy of his service record and other documents related to his service.
- 2) That he was not provided the information within the stipulated time under section 7 of the RTI Act, after which he filed the first appeal on 02.02.18. No order of the first appellant is on record. However, after filing the appeal he was sent a letter by the Assistant Divisional Fire Officer dated 12.02.18 vide which he was informed that all his dues had been cleared and nothing was pending. According to the letter, the case regarding Step-up 14 was being considered.

**Appeal Case No. 1382 of 2018**

- 3) On finding the information incomplete and not in tandem with his RTI application, the appellant filed a second appeal with the State Information Commission, which first came up for hearing on 20.06.2018.
- 4) On the date of the hearing (20.06.2018), the appellant was present. However, the respondent preferred to be absent without intimation the commission.
- 5) That the PIO was directed to provide the information and be present on the next date of hearing and explain the reasons for the inordinate delay in providing the information.
- 6) On the next date of hearing, which was held on 17.07.2018 the PIO was absent yet again without intimating the commission. Also, no information had been sent to the appellant, who was present at the hearing. The PIO was 'Show Cause' under section 20 of the RTI Act as to why a penalty should not be imposed for dereliction in handling this particular RTI application. The PIO was also directed to provide the information and be present personally with an explanation for the delay on an affidavit.
- 7) That the case came up for hearing again on 08.08.2018. The appellant informed that he has been provided with the information and is satisfied. The PIO however in spite of the orders of the Commission to be personally present did not turn up. The PIO, instead sent clerk Gurmeet Singh to attend the hearing. It may be mentioned that the PIO other than being absent did not file any reply to the Show Cause or any paper in his defense.
- 8) That on 30.08.2018 the commission offered one last opportunity to the defiant PIO to be present on the next date of hearing, which was fixed for 09.10.2018, with his defense. The Commission exempted the appellant from the hearing since the matter was now between the Commission and the PIO.

The case has come up for hearing today and Sh.Bhupinder Singh Sandhu, PIO-MC Ludhiana is finally present. Also present is Gurmeet Singh, clerk in the MC. They have filed an affidavit explaining the reasons as well as apologizing for the delay.

On close scrutiny of the affidavit, it is found that the affidavit is not by the PIO but by Gurmeet Singh, clerk in the MC.

The PIO at the hearing pleaded that he be pardoned as the delay in providing the information was because of a tragic fire incident that had taken place last year in which a few firemen had also died. He, however, could not explain the reasons for the continuous defiance of the commission's orders.

**Order.**

Keeping the above facts of the case in mind, this is a fit case to invoke section 20 of the RTI Act and impose a penalty on the PIO. Section 20 reads as follows-

*20.Penalties. – (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complain or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect , incomplete or misleading information or destroyed information which was the subject of the*

*request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:*

*Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be give a reasonable opportunity of being heard before any penalty is imposed on him:*

*Provide further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be.”*

The onus and responsibility lies on the PIO to ensure the transmission of the information to the appellant. The submission of the affidavit by the clerk does not absolve the PIO of his responsibility. The PIO, Sh. Bhupinder Singh Sandhu is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of Rs.5000/- is hereby imposed upon the PIO, Sh.Bhupinder Singh Sandhu, which be deposited in the Govt. Treasury.

Further, the PIO Sh.Bhupinder Singh Sandhu is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.”

**Hearing dated 21.11.2018:**

The case has come up for hearing today. The respondent is absent. In the last hearing, the PIO Sh.Bhupinder Singh Sandhu was present. Due to continuous defiance of the Commission's orders, the PIO Sh.Bhupinder Singh Sandhu was imposed upon a penalty of Rs.5000/-. The PIO was directed to deposit the penalty in the Govt. Treasury and inform the Commission of the compliance of the orders by producing a copy of the challan.

The order was dispatched at the given address of the PIO i.e. Municipal Corporation, Ludhiana which has been received back undelivered with the remarks of the postal authority “incomplete address” whereas the earlier orders stand delivered on the same address and the PIO received the orders and appeared before the Commission on 09.10.2018.

The PIO Sh.Bhupinder Singh Sandhu is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury. The order be sent via **registered post** to the PIO.

To come up for hearing **on 15.01.2019 at 11.00AM.**

**Chandigarh**  
**Dated: 21.11.2018.**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

**CC to The Commissioner, Municipal Corporation,**  
**Ludhiana.**

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Sh.Gurpal Singh, S/o Sh.Ajit Singh,  
H No-HL-638, Phase-9, Mohali.

..... Appellant.

Versus

**Public Information Officer,**  
Punjab Nurses Registration Council,  
Medical Education Bhawan, Sector-69, Mohali.

**First Appellate Authority,**  
Punjab Nurses Registration Council,  
Research and medical Education Bhawan,  
Sec-69, Mohali .

.....Respondent

**Appeal Case No. 1396 of 2018**

Present:       None for the Appellant  
                  Sh.Atinder Pal Singh, Clerk O/o Punjab Nurses Registration Council for the  
                  Respondent

**ORDER:**

The case was first heard on **02.07.2018**. The respondent was not present in order to explain the reason for not providing the information. So the PIO was directed to provide the information to the appellant in accordance with law and explain the reason for delay in the providing the information. The PIO was also directed to be present personally on the next date of hearing.

The case was again heard on **01.08.2018**: The appellant informed that the information has not been provided to him.: The respondent was again absent. The PIO was issued show cause notice for not supplying the information within the statutorily prescribed period of time. The PIO was also directed to file an affidavit in this regard.

The case came up for hearing again on **29.08.2018**: There was no representative present. However, the advocate pleading case No.1395 of 2018, pleaded that his presence be marked in this case as he is the standing counsel for the Department. He further pleaded that the case (1396/2018) has not been brought to the notice of the PIO as the case relates to the different branch of Registration and PIO is same. The appellant informed that the information has not been sent to him.

The PIO was given one last opportunity to file a detailed reply to the show cause notice issued on the last hearing on an affidavit with circumstances and proof of his absence failing which the Commission will take appropriate action for the dereliction in handling the RTI application.

The case was last heard on **16.10.2018**. The order is reproduced hereunder:

“The appellant informed that the information has not been provided to him.

The respondent present in reply to the show cause notice has submitted an affidavit which is taken on the file of the Commission. The respondent has stated in his reply that **the** deponent was given an addl. Charge on 04.06.2018 and he is having this additional charge only for two days in a week, otherwise the deponent is working as professor Microbiology in Govt. Medical College, Amritsar.



**Appeal Case No. 1396 of 2018**

The respondent has tendered his unconditional apology for any lapse on his part and further ensured that the information will be supplied to the appellant within 10 days.

The appellant is satisfied with the submission of the respondent. The plea of the respondent is accepted. The PIO is directed to provide the information to the appellant within 10 days and also send compliance report to the Commission.”

**Hearing dated 21.11.2018:**

The respondent present has informed that in compliance with the orders of the Commission, the information has been provided to the appellant. The respondent has submitted a copy of acknowledgement of the appellant having received the information which is taken on the file of the Commission.

Since the information has been provided, no further course of action is required.

The case is **disposed off and closed**.

**Chandigarh**  
**Dated: 21.11.2018.**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

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Smt.Rajni Gupta,  
Street No-1, Sec-16, Mohan Nagar, Near Railway Phatak,  
DeraBassi .

Appellant.

Versus

**Public Information Officer,**  
EO, Nagar Council,  
Bhadour.

**First Appellate Authority,**  
Regional Deputy Director,  
Local Govt, Patiala. .

...Respondent

**Appeal Case No. 1649 of 2018**

Present:       None for the Appellant  
                  None on behalf of the Respondent

**ORDER:**       The case was first heard on **09.07.2018**. The respondent was absent. The PIO was directed to be present personally on the next date of hearing and explain the reason for not providing the information.

The case was again heard on **07.08.2018**. Since both the parties were absent, the case was adjourned.

**The case was last heard on 08.10.2018. The order is reproduced hereunder:**

“The appellant is absent without intimation to the Commission. The appellant seems to be not interested in seeking the information.

The PIO is also absent without intimation to the Commission. The Commission has taken a serious note of the PIO being absent consecutively on three hearings without intimation and showing disregard for the RTI Act.

The PIO in the earlier order was directed to provide the information to the appellant as well as explain the reason for not providing the information within the prescribed time limit. The PIO has not only failed to comply with the orders of the Commission but has preferred to be absent without any intimation.

In view of the circumstances, a show cause notice is issued to the PIO that why penalty should not be imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time as well as not complying with the orders of the Commission.

PIO is further directed that he should be present personally on the next date of hearing and reply to the show cause notice through duly attested affidavit and provide information to the appellant before the next date of hearing.”

**Hearing dated 21.11.2018:**

**Facts of the Case-**

- 1) That the appellant had filed an RTI application on 07.02.2018 seeking information regarding attested copy of suspension letter of Sh.Malkeet Singh who was posted as clerk in MC Bhadour against whom FIR No.9 was registered and his rejoining letter.
- 2) That information was not provided to the appellant after which she filed the first appeal with the Regional Deputy Director, Local Govt. Patiala.on 12.03.2019 which took no decision on the appeal.
- 3) That the appellant on not being provided the information filed the 2<sup>nd</sup> appeal with the state information commission, which first came up for hearing 09.07.2018.
- 4) That the respondent was absent on the first hearing but vide an order was directed to provide the sought information and be present personally and explain the reasons for not providing the information.
- 5) That since both the parties were absent on the second hearing of 07.08.2018, in the interest of justice, one more opportunity was granted and the case was adjourned.
- 6) That the PIO was again absent on the 3<sup>rd</sup> hearing of 08.10.2018. The Commission could not arrive at a decision whether the information has been provided since the appellant was also absent. On the same date, the PIO was show caused under Section 20 of the RTI Act as to why a penalty should not be imposed on the PIO for not supplying information within the statutorily prescribed period of time and for not complying with the orders of the commission. The PIO was further directed to provide the reply on an affidavit and appear before the commission on 21.11.2018.

The case has come up for hearing today and the PIO, Estate Officer, Nagar Council, Bhadaur is again absent without intimation to the Commission. This is the fourth consecutive time that the PIO is absent. The Commission has taken a serious view of the PIO's attitude on not appearing before the Commission on various hearings. The PIO has chosen not to reply to the show cause issued to him which is a serious breach of duty.

Keeping the above-mentioned facts of the case, it is clear that the PIO is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission the Information Commission is empowered to issue warrants to Under Section 18(3) of the RTI Act. A bailable Warrant of PIO, Estate Officer, Nagar Council, Bhadaur is hereby issued through Senior Superintendent of Police Barnala for his presence before the Commission on 15.01.2019.

Both the parties to be present on **15.01.2019 at 11.00 AM** for further hearing.

**Chandigarh**  
**Dated: 21.11.2018.**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

**BAILABLE WARRANT OF PRODUCTION  
BEFORE  
SHRI KHUSHWANT SINGH  
STATE INFORMATION COMMISSIONER, PUNJAB  
AT CHANDIGARH**

In case:Smt.Rajni Gupta V/s Public Information Officer, Estate Officer,  
Nagar Council, Bhadour, District Barnala

**Regd Post**

**APPEAL CASE NO. 1649 OF 2018**

**UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005**

Next Date of Hearing :15.01.2019

To

**The Senior Superintendent of Police,  
Barnala.**

Whereas Public Information Officer, O/o Estate Officer, Nagar Council Bhadour, District Barnala failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to the PIO O/o Estate Officer, Nagar Council Bhadour District Barnala to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on 15.01.2019 at 11.00 AM.

**Chandigarh  
Dated: 21.11.2018.**

**Sd/-  
(Khushwant Singh)  
State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**  
**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

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Smt .Rajni Gupta,  
Street No-1, Sec-16, Mohan Nagar, Near Railway Phatak,  
Dera Bassi .

Appellant.

Versus

**Public Information Officer,**  
EO, Nagar Council,  
Bhadour.

**First Appellate Authority,**  
Regional Deputy Director,  
Local Govt, Patiala

...Respondent

**Appeal Case No. 1652 of 2018**

Present:       None for the Appellant  
                  None on behalf of Respondent

**ORDER:**

The case was first heard on **09.07.2018**. The respondent was absent. The PIO was directed to be present personally on the next date of hearing and explain the reason for not providing the information.

The case was again heard on **07.08.2018**. Since both the parties were absent, the case was adjourned.

The case was last heard on **08.10.2018**. The order is reproduced hereunder:

“The appellant is absent without intimation to the Commission. The appellant seems to be not interested in seeking the information.

The PIO is also absent without intimation to the Commission. The Commission has taken a serious note of the PIO being absent consecutively on three hearings without intimation and showing disregard for the RTI Act.

The PIO in the earlier order was directed to provide the information to the appellant as well as explain the reason for not providing the information within the prescribed time limit. The PIO has not only failed to comply with the orders of the Commission but has preferred to be absent without any intimation.

In view of the circumstances, a show cause notice is issued to the PIO, MC Ludhiana that why penalty should not be imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time as well as not complying with the orders of the Commission.

PIO is further directed that he should be present personally on the next date of hearing and reply to the show cause notice through duly attested affidavit and provide information to the appellant before the next date of hearing. “

**Hearing dated 21.11.2018:**

**Facts of the Case-**

- 1) That the appellant had filed an RTI application on 07.02.2018 seeking information regarding attested copy of suspension letter of Sh.Malkeet Singh who was posted as clerk in MC Bhadour against whom FIR No.9 was registered and his rejoining letter.
- 2) That information was not provided to the appellant after which she filed the first appeal with the Regional Deputy Director, Local Govt. Patiala on 12.03.2019 which took no decision on the appeal.
- 3) That the appellant on not being provided the information filed the 2<sup>nd</sup> appeal with the state information commission, which first came up for hearing 09.07.2018.
- 4) That the respondent was absent on the first hearing but vide an order was directed to provide the sought information and be present personally and explain the reasons for not providing the information.
- 5) That since both the parties were absent on the second hearing of 07.08.2018, in the interest of justice, one more opportunity was granted and the case was adjourned.
- 6) That the PIO was again absent on the 3<sup>rd</sup> hearing of 08.10.2018. The Commission could not arrive at a decision whether the information has been provided since the appellant was also absent. On the same date, the PIO was show caused under Section 20 of the RTI Act as to why a penalty should not be imposed on the PIO for not supplying information within the statutorily prescribed period of time and for not complying with the orders of the commission. The PIO was further directed to provide the reply on an affidavit and appear before the commission on 21.11.2018.

The case has come up for hearing today and the PIO, Estate Officer, Nagar Council, Bhadaur is again absent without intimation to the Commission. This is the fourth consecutive time that the PIO is absent. The Commission has taken a serious view of the PIO's attitude on not appearing before the Commission on various hearings. The PIO has chosen not to reply to the show cause issued to him which is a serious breach of duty.

Keeping the above-mentioned facts of the case, it is clear that the PIO is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission the Information Commission is empowered to issue warrants under Section 18(3) of the RTI Act. A bailable Warrant of PIO, Estate Officer, Nagar Council, Bhadaur is hereby issued through Senior Superintendent of Police Barnala for his presence before the Commission on 15.01.2019.

Both the parties to be present on **15.01.2019 at 11.00 AM** for further hearing.

**Chandigarh**  
**Dated: 21.11.2018.**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

**BAILABLE WARRANT OF PRODUCTION  
BEFORE  
SHRI KHUSHWANT SINGH  
STATE INFORMATION COMMISSIONER, PUNJAB  
AT CHANDIGARH**

In case:Smt.Rajni Gupta V/s Public Information Officer, Estate Officer,  
Nagar Council, Bhadour, District Barnala

**Regd Post**

**APPEAL CASE NO. 1652 OF 2018**

**UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005**

Next Date of Hearing :15.01.2019

To

**The Senior Superintendent of Police,  
Barnala.**

Whereas Public Information Officer, O/o Estate Officer, Nagar Council Bhadour, District Barnala failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to the PIO O/o Estate Officer, Nagar Council Bhadour District Barnala to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on 15.01.2019 at 11.00 AM.

**Chandigarh  
Dated: 21.11.2018.**

**Sd/-  
(Khushwant Singh)  
State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**  
**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

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ShTejinder Singh,  
Village Bholapur, P.O Ramgarh,  
Chandigarh Road, Ludhiana.

.....Appellant.

Versus

**Public Information Officer,**  
O/o MC,  
Tarn Taran.

**First Appellate Authority,**  
O/o Deputy Director Local Bodies,  
Amritsar.

...Respondent

**Appeal Case No. 1654 of 2018**

**Present: Sh.Tejinder Singh as Appellant**  
**None for the Respondent**

**ORDER:** The case was first heard on **21.08.2018**. The respondent present pleaded that the appellant was asked vide letter dated 19.12.2017 to deposit requisite fee of Rs.18820/- but the appellant has not deposited the same. The appellant informed that he had requested the PIO that the demanded amount is very huge amount and he be allowed to inspect the record and thereafter, he will deposit the fee for the required information. The appellant further pleaded that the record is not very voluminous and can be brought in the Commission.

The PIO was directed to bring the record so that the appellant can inspect and get the information he desires by paying the requisite fee under RTI Act."

The case was last heard on **15.10.2018**. The order is reproduced hereunder:

"The appellant is absent. Vide email, he has sought adjournment due to a medical problem of his mother. The appellant has further informed that on the call of the PIO, he had visited the office of PIO on 12.10.2018 and met Sh.Ajaypal Clerk who informed that he does not have keys of the alimirah where the record is kept.

The respondent is absent without intimation to the Commission. The PIO is directed to contact the appellant within 2 days of the receipt of the orders of the Commission and fix a mutually convenient date for inspection failing which the Commission will be compelled to take action against the PIO as per RTI Act."

**Hearing dated 21.11.2018:**

The appellant informed that he has not been communicated for fixing a date of inspection. The respondent is absent. The PIO is directed to send a formal communication to the appellant to fix a convenient date for inspection and comply with the previous order which still stands failing which the Commission will be compelled to take action against the PIO as per the RTI Act. The PIO is directed to give a minimum week's notice to the appellant.

The case is adjourned. Both the parties to be present on **15.01.2019 at 11.00 AM** for further hearing.

**Chandigarh**  
**Dated: 21.11.2018.**

Sd/-  
**(Khushwant Singh)**  
**State Information Commissioner**



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ShTejinder Singh,  
Village Bholapur, P.O Ramgarh,  
Chandigarh Road, Ludhiana.

Appellant.

Versus

**Public Information Officer,**  
O/o SDM, Licensing & Registration Authority,  
Kapurthala.

**First Appellate Authority,**  
O/o DC, Kapurthala

...Respondent

**Appeal Case No. 1657 of 2018**

**Present: Sh.Tejinder Singh as Appellant**  
**None for the Respondent**

**ORDER:** The case was first heard on 21.08.2018. The respondent present pleaded that the appellant was asked vide letter dated 28.12.2017 to specify the category of license for which the information was sought but the appellant has not responded the letter. The appellant pleaded that instead providing information, he has been asked for the purpose of seeking information in violation of the provisions of the RTI Act.

The PIO was directed to provide the point-wise information to the appellant and explain the rationale behind asking the purpose of information u/s 6(2) of the RTI Act."

The case was last heard on **15.10.2018**. The order is reproduced hereunder:

"The appellant is absent. Vide email, he has sought adjournment due to medical problem of his mother. The appellant has further informed that the information has not been provided to him by the PIO.

The respondent is also absent. Vide letter received in the Commission on 12.10.2018, the PIO has sought adjournment. In the letter, the PIO has mentioned that since the information pertains to STC Punjab, Chandigarh, they have already written to them vide letter dated 27.09.2018 to provide the information but this office has not received the information from them.

The case is adjourned. The PIO is directed to comply with the earlier orders of the Commission which still stands and be present on the next date of hearing."

**Hearing dated 21.11.2018:**

The appellant informed that information has not been provided to him. The respondent is absent. In the hearings on 21.08.2018 and 15.10.2018, the PIO was directed to provide point-wise information to the appellant. In a communication, the PIO has mentioned that some information pertains to STC, Punjab, Chandigarh.

I make the PIO, SDM (Licensing&Registration Authority)Kapurthala as deemed PIO and direct him to provide all the information point-wise and if the information pertains to any other department, it is the responsibility of the PIO,SDM(Licensing&Registration Authority) Kapurthala to collect and provide to the appellant. It is a clear case of dilly dallying by not complying with the orders of the Commission. Failure to comply with the orders can attract action as per RTI Act. The information be provided to the appellant before the next date of hearing.

Both the parties to be present on **15.01.2019 at 11.00 AM** for further hearing.

Sd/-

**Chandigarh**  
**Dated: 21.11.2018.**

**(Khushwant Singh)**  
**State Information Commissioner**

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Sh Hardeep Singh, S/o Sh Tarsem Lal,  
Village Nurpur, Tehsil Banga,  
SBS Nagar, Nawashehar.

. Versus

.... Appellant.

**Public Information Officer,**  
O/o BDPO, Aur,  
SBS Nagar, Nawashehar.

**First Appellate Authority,**  
O/o DDPO,  
SBS Nagar, Nawashehar.

...Respondent

**Appeal Case No. 1724/ 2018**

**Present:       None for the   Appellant**  
**Sh.Kuldeep Ram, Panchayat Officer for the Respondent**

**ORDER:**       The case was first heard on 14.08.2018. The respondent was absent. The PIO was directed to provide point-wise information on all points to the appellant within 15 days and explain the reasons for not providing the information within the time prescribed under the RTI Act, 2005.

The case was again came up for hearing on **12.09.2018**. Since both the parties were absent, the case was adjourned.

The case was last heard on **23.10.2018**. The order is reproduced hereunder:

“The appellant is present. He informed that the information has not been provided to him.

The respondent is absent on 3<sup>rd</sup> consecutive hearing. The Commission has taken a serious view of this for not complying with the orders of the Commission and hereby directs the PIO **show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and for not complying with the orders of the Commission**. He should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is also directed to provide the information to the appellant within 10 days of the receipt of the orders and send compliance to the Commission.”

**Hearing dated 21.11.2018:**

The respondent present pleaded that they have already provided similar information in an RTI application filed by the appellant in the year 2017 which, could not be clarified as the appellant is absent. However, the respondent failed to explain regarding the information relating to this RTI application. The respondent has also brought a letter from the PIO which is not in tandem with the proceedings of the hearing in this case. He has referred the dates which are not part of this case. It seems that the respondent present on behalf of the BDPO and DDPO are not serious about the matter.

**Appeal Case No. 1724/ 2018**

As for the show cause notice, the PIO has chosen not to appear but preferred to attend some function and send a letter to the Commission. The Commission has taken a serious note of this attitude of the PIO and directs the PIO-BDPO to provide the information to the appellant and be present personally on the next date of hearing. However, if similar information has been provided in earlier case, BDPO should bring the record to ascertain this claim.

The respondent also stated that there is an FIR registered against the appellant and the record is in police custody. However, none the less, the PIO's reply is not satisfactory nor the PIO has replied to the show cause. The PIO is directed to submit reply to the show cause with solid reasons for not complying with the orders of the Commission on an affidavit before the next date of hearing. If the information has been provided, this be given on an affidavit.

To come up on **16.01.2019 at 11.00 AM** for further hearing.

**Chandigarh**  
**Dated: 21.11.2018.**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

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Smt. Renu Bala, W/o Sh. Davinder Kumar,  
H No-7, Chotta Chowk, Malerkotla..

... Appellant

Versus

**Public Information Officer,**  
Principal, S.A Jain High School,  
Malerkotla.

**First Appellate Authority,**  
DEO (SE),  
Sangrur

...Respondent

**Appeal Case No. 1747 of 2018**

**Present:**       **Sh.Davinder Kumar Jain Husband of Smt.Renu Bala for the Appellant**  
                  **Sh.Imran Farooqi Advocate for the Respondent**

**ORDER:**

The case was first heard on **30.08.2018**: The respondent was absent and has sought adjournment due to hearing before the Educational Tribunal in another case. The PIO was directed to provide the information to the appellant within 15 days of the receipt of orders of the Commission. The PIO was also directed to explain the reasons for not responding to the RTI application within time prescribed under the RTI Act."

The case was last heard on **09.10.2018**. The order is reproduced hereunder:

"The respondent present has pleaded that the information is with the Management Committee and the appellant has been informed vide letter dated 18.04.2018. The PIO is directed to procure the information from the Management Committee and send the same to the appellant within 15 days. The PIO is also directed to send a compliance report to the Commission. "

**Hearing dated 21.11.2018:**

The respondent has pleaded that he is appearing as an attorney of the PIO and sought adjournment. The counsel further pleaded that he only came about the case a day before and assured to provide the information before the next date of hearing.

The Commission observed that the Management is using delaying tactics to avoid the information. The Commission hereby directs the PIO to comply with the previous order which still stands and in case the order is not complied with, the Commission will be constrained to take action as per the RTI Act.

The case is adjourned. Both the parties to be present on **15.01.2019 at 11.00 AM** for further hearing.

**Chandigarh**  
**Dated: 21.11.2018.**

Sd/-  
**(Khushwant Singh)**  
**State Information Commissioner**

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Er. Sohan Lal Sharma,  
Asth Er.(Retd), H No-677, MIG, Phase-1,  
Urban Estate, Patiala.

Appellant.

Versus

**Public Information Officer,**  
O/o Secretary, Rural Development & Panchayat,  
Pb, Mohali.

**First Appellate Authority,**  
O/o Chief Engineer, Panchayati Raj,  
Vikas Bhawan, Sector-62, Mohali.

...Respondent

**Appeal Case No. 1791 of 2018**

**Present:**      **Sh.Sohan Lal as Appellant**  
                     **Sh.Sarabjit Singh, Jr Assistant on behalf of the Respondent**

**ORDER:**      The case was first heard on 18.07.2018. The respondent submitted a letter No.1864 dated 17.07.2018 mentioning that the appellant was asked to deposit the requisite fee of Rs.7012/- within ten days vide letter dated 24.10.2017 but the appellant has not deposited the same and so the information was not provided. The appellant pleaded that he has not received the letter dated 24.10.2017.

The PIO was directed to submit proof of dispatch of the letter and bring a break up of Rs.7012/- on the next date of hearing

The case was again heard on **14.08.2018**: The respondent produced a copy of the official *Dak* register as a proof of the dispatch of the letter dated 24.10.2017 by the PIO which was sent via regular post to the appellant asking him to deposit the requisite fee of Rs.7012/ for the information he had sought. The respondent also brought a break-up of the estimate of Rs.7012, which was handed over to the appellant.

The appellant again pleaded that since he did not receive any reply within 30 days of his RTI application, he be provided the information free of cost. The matter before the Commission was to ascertain that whether the PIO raised the fee within the prescribed time under RTI Act and whether the contention of the appellant has any merit or not? Based on the findings, the commission is to adjudicate the matter for which the PIO is directed to provide further proof of the dispatch of the letter dated 24.10.2017. The PIO was directed to bring the '**Post Register**' to ascertain further the claim that the appellant's RTI was responded to within time, whereby he was asked to deposit the requisite fee to obtain the information that he sought.

The case again came up for hearing on **24.09.2018**. The Commission observed that the nature of the information sought is voluminous, and the compiling of which will involve the diversion of resources. The appellant was asked to inspect the record and take relevant information to a maximum of 200 pages which will be provided free of cost to him. The PIO was directed to allow the inspection of record and provide with the information to the appellant."

**Appeal Case No. 1791 of 2018**

The case was last heard on **06.11.2018**. The order is reproduced hereunder:

“The respondent present has informed that as per directions of the Commission, the information has been provided to the appellant free of cost. The appellant informed that he has been provided information of 194 pages. The PIO is directed to provide remaining information of 6 pages to the appellant.”

**Hearing dated 21.11.2018:**

The appellant informed that the remaining information has not been provided to him. The respondent present is without authority letter and could not explain regarding remaining information. The PIO is directed to provide the remaining information as per previous order within 10 days otherwise the Commission will be constrained to take serious action as per the RTI Act.

To come up on **16.01.2019 at 11.00 AM** for further hearing.

**Chandigarh**  
**Dated: 21.11.2018.**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**