



Sh. Surjit Singh,
Village.Aujla Dhak,
P.O Lidhar Kalan, Distt. Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o XEN,
Water Supply and Sanitation Division-2,
Amritsar.

First Appellate Authority,
O/o SE,
Water Supply and Sanitation Circle,
Amritsar.

...Respondent

Appeal Case No. 2141 of 2020

PRESENT: None for the Appellant
Sh.Mandeep Singh, Xen-Div.No.2 for the Respondent

ORDER:

The appellant through RTI application dated 16.03.2020 has sought information regarding details of tenders issued for work got done from 01.03.2019 to 15.03.2020 in sub-divisions under Amritsar Division2 –a copy of bills passed for the work done for annual maintenance - a copy of cash books – a copy of quotation registers – the name of SDOs along with monthly travelling allowance bills and other information as enumerated in the RTI application from the office of Xen Water Supply and Sanitation Division No.2 Amritsar The appellant was not provided with the information after which the appellant filed first appeal before the first appellate authority on 28.04.2020 which took no decision on the appeal.

The case first came up for hearing on 25.02.2021 through video conferencing at DAC Amritsar. Due to a technical fault in VC at Amritsar, the hearing could not take place. The case was adjourned.

On the date of the hearing on **18.05.2021**, both the parties were absent. The case was adjourned.

On the date of the hearing on **31.08.2021**, the appellant was absent and vide email informed that the PIO has not supplied the information.

The respondent was absent on 2nd consecutive hearing nor had supplied the information. There has been an enormous delay of more than one year and five months in attending to the RTI application. The PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.** The PIO was again directed to provide information to the appellant within 10 days of the receipt of the order and send a compliance report to the Commission.

On the date of the hearing on **22.11.2021**, both the parties were absent.

Appeal Case No. 2141 of 2020

The PIO also did not file a reply to the show-cause notice. The PIO was given one last opportunity to file a reply to the show-cause notice otherwise it will be presumed that he has nothing to say in the matter and the case will be decided ex-parte.

On the date of the last hearing on 02.02.2022, the respondent was again absent nor had filed a reply to the show-cause notice.

To secure an erring PIO's presence before the commission, a bailable Warrant of the Sh.Mandeep Singh-PIO-cum-Xen, Water Supply & Sanitation Division No.2, Amritsar was issued Under Section 18(3) of the RTI Act through Senior Superintendent of Police Amritsar for his presence before the Commission on **21.03.2022**.

The PIO was also directed to provide the information within ten days of receipt of this order. The PIO- Xen, Water Supply & Sanitation Division No.2, Amritsar was also directed to be present along with the relevant record on the next date of hearing.

Hearing dated 21.03.2022:

Sh.Mandeep Singh, Xen-Water Supply & Sanitation Division No.2, Amritsar is present and informed that the complete information has been supplied to the appellant vide letter dated 07.03.2022 and the appellant has acknowledged having received the information.

The appellant is absent.

The PIO has, however, not filed a reply to the show-cause notice. The PIO is given one last opportunity to file a reply to the show-cause notice otherwise it will be presumed that the PIO has nothing to say on the matter and the Commission will take the decision on penal action against the PIO under section 20 of the RTI Act.

The case is adjourned. To come up for further hearing on **25.04.2022 at 11.00 AM**.

Chandigarh
Dated:21.03.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Smt Varinder Kaur,
490, Urban Estate, Phase-1,
Jalandhar

... Appellant

Versus

Public Information Officer,
O/o Police Commissioner,
Amritsar.

First Appellate Authority,
O/o Police Commissioner,
Amritsar.

...Respondent

Appeal Case No. 3735 of 2020

PRESENT: Smt.Varinder Kaur as the Appellant
Ms.Navneet Kaur, SI(RTI Incharge SSP Office Amritsar) for the Respondent

ORDER:

The appellant through the RTI application dated 24.08.2020 has sought information regarding a complete postmortem report dated 04.08.2017 along with a report on the internal body parts sent in Kharar/Kurali and other information as enumerated in the RTI application from the office of Police Commissioner, Amritsar. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 24.09.2020 which took no decision on the appeal.

The case was first heard on 06.05.2021 through video conferencing at DAC Amritsar. Both the parties are absent.

The appellant vide email informed that the PIO has not provided the information.

The Commission received a copy of the letter of the PIO dated 19.11.2020 through email vide which the PIO had sent a reply to the appellant that the deceased's organs in a packed box No.160/2017 dated 11.08.2017 were sent to Chemical Examiners Kharar through Sh. Hardeep Singh No.1053-Amritsar ®, but a report from them has not yet been received and hence the information cannot be provided.

The PIO-Chemical Examiners, Kharar was impleaded in the case and directed to look at the RTI application, (a copy of which was enclosed with the order), and provide the information to the appellant with a copy to the Commission.

On the date of the last hearing on **03.08.2021**, the appellant informed that the PIO has not supplied the information.

The respondent from the office of Chemical Examiner Kharar was absent. The respondent present from the office of SSP Amritsar informed that the report from Chemical Examiner has not been received yet and maintained the earlier stand.

Appeal Case No. 3735 of 2020

The PIO O/o Commissioner, Police, Amritsar was directed to procure the information from the office of Chemical Examiner and sent it to the appellant within 15 days with a copy to the Commission.

On the date of last hearing on **10.11.2021**, the respondent present from the office of SSP, Amritsar(Rural) to whom the RTI application was transferred by the office of Police Commissioner under section 6(3) vide letter No.3732 dated 23.10.2020 informed that the report from Chemical Examiner has not been received yet, and maintained the earlier stand.

Dr.Bhavish Parkash present from the office of Chemical Examiner, Kharar informed that they received the samples on 11.08.2017 and the original report was provided to the police department on 24.04.2019, which was duly acknowledged by Sh.Prabhjot Singh, Constable of Police Station Majitha. Dr.Bhavish Parkash further informed that an attested copy of the report had again been sent to the office of SSP Police Station Majitha Amritsar on 23.08.2021. The respondent also submitted a copy of the dispatch register having an acknowledgement of Prabhjot Singh, and a copy of the letter dated 23.08.2021 as proof of having sent the report to the police department.

As per Dr.Bhavish, the report had already been sent to the police twice whereas the respondent from the office of SSP, Amritsar was continuously claiming that they have not received the report.

From the above facts, there is prima-facie evidence that the police department was concealing the information from the onset of the case i.e. 06.05.2021 and an attempt was being made to mislead the court.

The case was marked to the IG Border Range, Amritsar-cum-First Appellate Authority to enquire into the matter and file a suitable reply on the matter.

A copy of the report duly attested by the department of the chemical examiner, Kharar was sent to the IG Border Range, Amritsar as well as to the appellant along with the order.

Hearing dated 21.03.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar/Jalandhar. The appellant claims that the PIO has not supplied the information.

The respondent present from the office of SSP Amritsar reiterated their earlier plea that they have not received the report from Chemical Engineer.

At the last hearing, the case was marked to IG Border Range, Amritsar with the direction to enquire into the matter and file a suitable reply. But no reply from the IG-Border Range has been received.

Since there is prima-facie evidence that the police department has been concealing the information from the onset of the case i.e. 06.05.2021 and an attempt was being made to mislead the court, the case is again marked to the IGP-Border Range Amritsar with the direction to enquire into the matter on the two different statements- one of the SSP Amritsar (that no report has been received from the Chemical Engineer) and the other by Dr.Bhavish Parkash (that they have already sent the report twice, once duly acknowledged by Sh.Parbhjot Singh constable of Police Station Majitha) and send a complete enquiry report to the Commission before the next date of hearing.

Appeal Case No. 3735 of 2020

The case is adjourned. To come up for compliance on **05.07.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar. Appellant to appear at DAC complex Jalandhar.

Chandigarh
Dated: 21.03.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

- CC to: 1. PIO-Chemical Examiner,**
Chemical Laboratory,
Civil Hospital Complex, Kharar(Mohali)
- 2. IGP-Border Range, Amritsar**



Sh. Ramesh Kumar, S/o Sh Amar Nath,
H NO-1652, Sardar Nagar, Opposite Central Jail,
Ajnala Road, Amritsar.

... Appellant

Versus

Public Information Officer,
O/o SSP, Rural,
Amritsar.

First Appellate Authority,
O/o SSP, Rural,
Amritsar.

...Respondent

Appeal Case No. 3651 of 2020

PRESENT: Sh.Ramesh Kumar as the Appellant
Ms.Navneet Kaur, SI-RTI Incharge O/o SSP Amritsar for the Respondent

ORDER:

The appellant through RTI application dated 02.10.2020 has sought information on 12 points regarding FIR no.83/18 dated 16.08.2018- enquiry report of the enquiry – a copy of rule for temporarily not implementing the findings of enquiry – the name of officer deputed for 2nd enquiry of Prince Kumar and Vishal Singh and other information as enumerated in the RTI application from the office of SSP Amritsar(Rural). The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 28.10.2020 which took no decision on the appeal.

The case was first heard on 06.05.2021 through video conferencing at DAC Amritsar. The appellant claimed that the PIO has not provided the information.

The respondent was absent and vide letter received in the Commission on 15.03.2021, the PIO sent a reply, which was taken on the file of the Commission. In the reply, the PIO had stated that a re-enquiry was conducted by the then SP(HQ) Amritsar (R) who recommended the cancellation of the present case which was approved by the Director BOI. The Director BOI directed to proceed as per enquiry and the order of PO may be recalled by moving a separate application before the Hon'ble court. On the basis of that report, the case has been filed in the court of SDJM Ajnala for cancellation on 19.08.2020 and since the case is pending in the court, the information cannot be provided and the appellant has been asked to get the information from the concerned court.

Having gone through the RTI application, the Commission observed that the RTI application is not legible for the commission to take any decision.

The appellant was directed to send a typed legible copy of the RTI application to the Commission for the perusal of the appeal case. A copy of the reply received from the PIO was sent to the appellant with the order.

On the date of the last hearing on **03.08.2021**, the appellant submitted a typed copy of the RTI application which has been taken on the file of the Commission. The appellant claimed that the PIO has not supplied the information.

Appeal Case No. 3651 of 2020

The Commission received a reply from the PIO through email which was taken on the file of the Commission. In the reply, the PIO stated that the case has been filed in the court of SDJM Ajnala for cancellation on 19.08.2020 and the case is pending in the court, the information cannot be provided u/s 8(1)(g) of the RTI Act.

Having gone through the position of law on the matter, the police cannot deny the information simply on the ground that the cancellation report is presented in the court and the case is pending in the court or it does not have any case documents in its custody after submission of the report in the court.

The PIO was directed to provide information to the appellant on all points of the RTI application as per the RTI Act and send a compliance report to the commission.

On the date of last hearing on **10.11.2021**, the appellant claimed that despite order of the Commission, the PIO has not supplied the information.

The respondent present reiterated his earlier plea that since the case has been filed in the court of SDJM Ajnala for cancellation on 19.08.2020 and the case is pending in the court, the information cannot be provided u/s 8(1)(g) of the RTI Act.

Since the order had already been passed, the PIO was given one last opportunity to comply with the order of the Commission and provide complete information to the appellant otherwise the Commission will be constrained to issue show cause as per provisions of section 20 of the RTI Act.

The case was marked to the SSP (Rural) Amritsar with the direction to ensure that the order of the Commission is complied with and the information is provided to the appellant as per the RTI application.

Hearing dated 21.03.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that the information is ready and will be provided to the appellant within 2/3 days for which the appellant agreed for the same.

The PIO is directed to provide information to the appellant as assured and send a compliance report to the Commission.

To come up for compliance on **25.04.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated: 21.03.2022

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

Visit us: - www.infocommpunjab.com



Dr. Avtar Singh,
H NO-2281-B, Jagdishpura Tajpur Road,
Near Jalandhar Bypass, Ludhiana.

... Complainant

Versus

Public Information Officer,
O/o SMO,
Civil Hospital,
Phillaur, Distt Jalandhar.

First Appellate Authority,
O/o Civil Surgeon,
Jalandhar.

...Respondent

Appeal Case No. 450 of 2021

**PRESENT: Dr.Avtar Singh as the Appellant(appeared late)
Dr.Rohini Goyal SMO-Civil Hospital Phillaur for the Respondent**

ORDER:

The appellant through RTI application dated 24.09.2020 has sought information on 14 points regarding the date of release of salary for the months of Sept, Oct, Nov, Dec 2019 along with deductions – date of release of salary from Jan to Sept.2020 along with deductions – medical leave availed by employees in civil hospital from Sept.2019 to Sept 2020 leave granted to employees under covid-19 quarantine cases – letter/circular for not providing increment for 2019-2020 – attendance record and other information as enumerated in the RTI application concerning the office of SMO Civil Hospital Phillaur. The appellant was not satisfied with the reply of the PIO dated 23.10.2020 after which the appellant filed the first appeal before the First Appellate Authority on 13.11.2020 which took no decision on the appeal.

The case first came up for hearing on 07.07.2021 through video conferencing at DAC Ludhiana. As per the respondent, the reply was sent to the appellant vide letter dated 23.10.2020.

The appellant was absent and vide email had sought adjournment.

On the date of the last hearing on **09.02.2022**, the respondent informed that the information has been provided to the appellant.

The appellant was not satisfied with the provided information.

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

- Point-1 & 2 - PIO to provide the information
- Point-3 - Personal information, not to be provided
- Point-4 - To provide the total number of persons who availed leave. Medical test reports are not to be provided.
- Point-5 - To provide information

Appeal Case No. 450 of 2021

- Point-6 - To provide information specific to the appellant, Dr.Avtar Singh only.
- Point-8 - To provide the action taken report
- Point-9 - To provide the information
- Point-10 - To provide the name & designation
- Point-11, 12 & 13 - To provide the information
- Point-14 - To be decided on the next date of hearing

Dr.Rohini, the respondent further pleaded that since the case was earlier dealt with by Dr.Mahesh Prabhakar who was SMO-Civil Hospital Phillaur and now posted in the office of Civil Surgeon, Jalandhar, Dr.Prabhakar be also impleaded in the case to assist in providing the information.

The request was granted and Dr.Mahesh Prabhakar O/o Civil Surgeon, Jalandhar was impleaded in the case and directed to assist the PIO in handing over the sought information.

Hearing dated 21.03.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana. Dr.Rohini Goyal and Dr.Prabhakar are present and stated as under:

- Point-1 & 2 - Information provided
- Point-3 - Personal information
- Point-4 - only one person was sanctioned leave
- Point-5 - No record available
- Point-6 - Provided
- Point-8,9&10 - No record exists and no instructions received from the Govt.
- Points 11,12 & 13 - Provided

The appellant, however, appeared late and denied having received the information.

The respondent pleaded that they will call the appellant in their office to reconcile the information and sort out the discrepancies. The appellant agreed to the same.

The case is adjourned. To come up for further hearing on **09.08.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 21.03.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to Dr.Mahesh Prabhakar,
O/o Civil Surgeon Jalandhar.



Sh Tejinder Singh,
Civil Court,
Tehsil Complex, Backside Sanjh Kender,
Phillaur.

... Appellant

Versus

Public Information Officer,
O/o Civil Surgeon,
Amritsar.

First Appellate Authority,
O/o Civil Surgeon,
Amritsar.

...Respondent

Appeal Case No. 1119 of 2021

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

ORDER: Facts of the case:-

That the appellant through RTI application dated 06.10.2020 has sought information regarding details of inspections conducted by Health Officers relating to food business operators from June 2020 to 06.10.2020 – improvement notice issued to food operators/manufacturers – a copy of movement register before moving for taking samples of food operators – details of vehicles used during sample collection and other information as enumerated in the RTI application concerning the office of Civil Surgeon Amritsar. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 12.12.2020, which took no decision on the appeal.

That the case first came up for hearing on 29.07.2021 through video conferencing at DAC Ludhiana. As per the appellant, he had inspected the record regarding point-5 relating to Food Safety Officer-2 but no information regarding point-5 relating to the other Food Safety officers (1,3,4 &5) as well as on other points had been provided.

The respondent was absent.

The PIO was directed to facilitate the rest of the information, as available on the record, for the RTI application and send a compliance report of the same to the Commission.

That on the date of hearing on **10.11.2021 which** was fixed through video conferencing at DAC Ludhiana/Amritsar. The appellant claimed that the PIO has not supplied the information.

The respondent was absent nor has complied with the order of the Commission. There has been an enormous delay of more than one year in providing the information. The Commission having taken a serious view of this 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 reply on an affidavit.**

The PIO was again directed to provide complete information to the appellant within 10 days of the receipt of the order.

That the case has come up for hearing today through video conferencing at DAC Ludhiana/Amritsar. The appellant claims that the PIO has not supplied the information.

The PIO is absent on 3rd consecutive hearing nor has complied with the order of the Commission to provide the information as well as not appearing before the Commission.

Keeping the above-mentioned facts of the case, it is clear that the PIO-Civil Surgeon, Amritsar 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 appearing before the commission despite various orders of the Commission.

To secure an erring PIO's presence before the commission, the Information Commission is empowered to issue warrants to the PIO Under Section 18(3) of the RTI Act. A bailable Warrant of the PIO-Civil Surgeon, Amritsar is hereby issued through Senior Superintendent of Police, Amritsar for his presence before the Commission on **25.04.2022**.

To come up for further hearing on **25.04.2022 at 11.00 AM**.

Chandigarh
Dated:21.03.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

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

In case:Tejinder Singh V/s Civil Surgeon, Amritsar

APPEAL CASE NO.1119/2021

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing: **25.04.2022**

To

**The Senior Superintendent of
Police, Amritsar**

Whereas PIO-Civil Surgeon, Amritsar has 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-Civil Surgeon, Amritsar to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16,Chandigarh on **25.04.2022 at 11.00A.M.**

**Chandigarh
Dated:21.03.2022**

**(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
Visit us: - www.infocommpunjab.com



Sh Trilochan Singh,
848-A, M.I.G Flat,
Jamalpur Colony,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o District Health Officer-
Cum-Civil Supplies, Ludhiana.

First Appellate Authority,
O/o Food & Drugs Administrator,
Kharar.

... Respondent

Appeal Case No. 1245 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The case first came up for hearing 29.07.2021 through video conferencing at DAC Ludhiana. Both the parties were absent.

The Commission received a letter on 21.06.2021 from the Appellate Authority cum District Health Officer O/o Civil Surgeon Ludhiana stating that the information has already been provided to the appellant by Food Safety Officer vide letter dated 22.02.2021.

The appellant vide email informed that the information is incomplete.

On the date of the last hearing on **10.11.2021**, both the parties were absent.

The respondent was absent on 2nd hearing and there was nothing on record that shows that the PIO had complied with the order of the Commission to sort out the discrepancies in the provided information. There has been an enormous delay of around one year in providing the information. The PIO was issued a **show-cause notice under section 20 of the RTI Act 2005 and directed to file a reply on an affidavit**. The PIO was again directed to provide complete information to the appellant within 10 days of the receipt of the order.

Hearing dated 21.03.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana. Both the parties are absent. The PIO has also not filed a reply to the show-cause notice.

The PIO is given one last opportunity to file a reply to the show-cause notice otherwise it will be presumed that the PIO has nothing to say on the matter and the Commission will take penal action against the PIO under section 20 of the RTI Act.

To come up for further hearing on **09.08.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 21.03.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Kanchan Bala, D/o Sh Pawan Kumar,
B-12/233, Street No-4, Kamal Colony,
Samrala, Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o SMO, PHC,
Dhudhan, Sadhan,
Distt Patiala.

First Appellate Authority,
O/o Civil Surgeon,
Patiala.

...Respondent

Appeal Case No. 1289 of 2021

PRESENT: Smt. Kanchan Bala for the Appellant
None for the Respondent

ORDER: Facts of the case:-

That the appellant through RTI application dated 29.06.2020 has sought information on 08 points regarding departmental promotion of multipurpose health supervisors in 10/2018 – a copy of the pay register(complete salary statements) of health supervisors for the months 5/2019 to 06.2020 along with DA arrears to supervisors from 10/18 to 06/2020 and other information as enumerated in the RTI application concerning the office of SMO-PHC Dudhan Sadhan, Distt.Patiala. The appellant was asked to vide letter dated 20.07.2020 by PIO to deposit requisite fee of Rs.200/- which the appellant did not deposit and filed the first appeal before the First Appellate Authority on 16.11.2020, which took no decision on the appeal. After filing the first appeal, the PIO sent information to the appellant vide letter dated 24.11.2020 to which the appellant was not satisfied and filed 2nd appeal in the Commission on 09.03.2021.

That the case first came up for hearing on 29.07.2021 through video conferencing at DAC Ludhiana. As per the respondent, the information had already been provided to the appellant vide letter dated 24.11.2020, 05.12.2020 and 29.06.2021. As per the appellant, the information was incomplete and not legible nor attested.

Hearing both the parties, the Commission directed the appellant to inspect the record on 02.08.2020 at 10.00 AM by visiting the office of PIO and get the deficiency resolved. The PIO was directed to allow inspection of the record on the given date and time and provide the appellant with the deficient information. It was made clear that only that information needs to be provided, which has been sought in the RTI application.

That on the date of hearing on **10.11.2021**, the respondent informed that the information has been supplied to the appellant.

The appellant was absent and sent her reply, which was received in the Commission on 08.11.2021. In the reply, the appellant expressed non-satisfaction with the provided information. In the reply, the appellant mentioned that as per the order of the Commission, she visited the office of PIO on 02.08.2021 for inspection of the record but the record was not shown to her. However, the PIO instead of allowing to inspect the record provided the same information that was shown during the last hearing and got an acknowledgement of the same. The appellant, however, requested for a physical hearing at Chandigarh as well as for direction

Appeal Case No. 1289 of 2021

to the PIO to get the record inspected before the Commission and to provide complete information as per the RTI application.

Accepting the plea of the appellant, the Commission directed the PIO to bring the entire record relating to this RTI application to the Commission on the next date of hearing.

That the case has come up for hearing today. The respondent is absent nor has complied the order of the Commission to bring the record to the Commission.

Keeping the above-mentioned facts of the case, it is clear that the PIO-SMO-Dudhan Sadhan, District Patiala 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 appearing before the commission despite various orders of the Commission.

To secure an erring PIO's presence before the commission, the Information Commission is empowered to issue warrants to the PIO Under Section 18(3) of the RTI Act. A bailable Warrant of the PIO- SMO-PHC-Dudhan Sadhan, District Patiala is hereby issued through Senior Superintendent of Police, Patiala for his presence before the Commission on **25.04.2022**.

To come up for further hearing on **25.04.2022 at 11.00 AM**.

Chandigarh
Dated:21.03.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

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

In case:Kanchan Bala V/s SMO-PHC-Dudhan Sadhan, District Patiala

APPEAL CASE NO.1289/2021

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing: **25.04.2022**

To

**The Senior Superintendent of
Police, Patiala**

Whereas PIO-SMO-PHC, Dudhan Sadhan, District Patiala has 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- SMO-PHC, Dudhan Sadhan, District Patiala to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on **25.04.2022 at 11.00A.M.**

**Chandigarh
Dated:21.03.2022**

**(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
Visit us: - www.infocommpunjab.com



Sh Parmod Kumar, S/o Sh Achoor Singh,
R/o PAM, C-9, Phase-5, Focal Point,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o GLADA,
Ludhiana.

First Appellate Authority,
O/o GLADA,
Ludhiana.

... Respondent

Appeal Case No. 4166 of 2019

PRESENT: None for the appellant
None for the Respondent

ORDER:

That the appellant through RTI application dated 31.07.2019 has sought information regarding plot no.C-9 & C-10 Bhrdman Join Industry Focal Point Ludhiana – number of plots allotted, rules/regulations, number of registries and other information concerning the office of GLADA Ludhiana. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 16.09.2019 which took no decision on the appeal.

The case has already been heard on 26.02.2020, 02.06.2020, 21.07.2020, 27.01.2021, 02.08.2021 & 10.11.2021.

The case was last heard on **10.11.2021**. The order is reproduced hereunder:

“As per the appellant, the PIO has not supplied the information nor has provided any affidavit as per order of the Commission.

The respondent is absent nor has sent any reply to the show cause notice as well as not complied with the order of the Commission to provide the remaining information.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO-GLADA Ludhiana 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. He is also held guilty of repeated defiance of the orders of the Punjab State Information Commission to provide the information. Moreover, the PIO has chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

As per information from the office of GLADA Ludhiana, the following officials remains PIO in the office of GLADA Ludhiana from the date of filing of RTI application till date:

- | | | |
|---------------------------------|---|--|
| - Sh.S.S. Bains, SDE(B) | - | 04.01.2017 to 15.06.2020 – (05 Months) (Retired) |
| - Sh.Khshpreet Singh, SDE(PH) | - | 15.06.2020 to 26.08.2020 –(02 months) |
| - Sh.Gagandeep Singh, ATP | - | 26.08.2020 to 07.05.2021 –(09 months) |
| - Sh.Gulshan Kumar, EO | - | 07.05.2021 to 27.07.2021 –(02 months) |
| - Sh.Divleen Singh SDE(Elect) | - | 27.07.2021 to 01.11.2021 –(03 months) |
| - Sh.Ashish Vochher, SDE(Civil) | - | 01.11.2021 to till date |

Appeal Case No. 4166 of 2019

From the above, it is clear that Sh.S.S.Bains was the PIO for 05 months(04.01.2017 to 15.06.2020) when the RTI application was filed, and appeared on the hearing on 26.02.2020 & 02.06.2020 and was directed to provide information. However, he has since retired. Thereafter, Sh.Gagandeep Singh remained the PIO for a maximum period (09 months) but neither appeared before the Commission on 27.01.2021 nor complied with the interim order of the Commission to provide the remaining information. However, when the show cause was issued on 02.08.2021, Sh.Divleen Singh was the PIO who has also not appeared nor has filed a reply to the show-cause notice.

Hence, given the above facts, it has been concluded that Sh.S.S.Bains was the PIO when the RTI application was filed and did not comply with the direction of the Commission dated 26.02.2020 & 02.06.2020 to provide the information. Hence a penalty of **Rs.25,000/-** is imposed on Sh.S.S.Bains, the then PIO. However, since he has retired, no penalty can be imposed on such a person.

Further since Sh.Gagandeep Singh, ATP-cum-PIO- GLADA, Ludhiana has been the PIO for the maximum period (09 months) but has not responded to the interim order of the Commission, Sh.Gagandeep Singh is hereby directed 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/she 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 person(s) of the show cause and direct them to appear before the Commission along with the written replies.

Further since Sh.Divleen Singh was the PIO when the show cause notice was issued on 02.08.2021 and has not sent any reply to the show cause notice, Sh.Divleen Singh is given one more opportunity to file a reply to the show-cause notice otherwise it will be presumed that he has nothing to say in the matter and the decision will be taken as per provisions of section 20 of the RTI Act.

If Sh. Gagandeep Singh has been transferred elsewhere, the present PIO to inform him and to get the compliance of the order.”

The case has come up for hearing **today through** video conferencing at DAC Ludhiana. None is present on behalf of the appellant and the respondents.

Earlier order stands.

The case is adjourned. To come up for compliance on **16.05.2022 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 21.03.2022

Sd/-
(Khushwant Singh)
State Information Commissioner