

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
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Sh. Devan Munjal,
Ward No-13, Near Usha Nursing Home,
Gidderbaha.

... Complainant

Versus

Public Information Officer,
O/o Tehsildar, Gidderbaha,
Distt Sri Mukatsar Sahib.

First Appellate Authority,
O/o SDM, Gidderbaha,
Sri Mukatsar Sahib.

...Respondent

Complaint Case No. 1099 of 2018

Present: Sh.Devan Munjal as the Complainant
None for the Respondent

ORDER:

The case was first heard on **09.01.2019**. The complainant stated that since the PIO provided the information only on point No.4 out of 9 points, he filed first appeal with the First Appellate Authority which marked the same to the Tehsildar Gidderbaha to adjudicate the appeal. The Tehsildar denied the information stating that it is in question form. The appellant further stated that the information has been delayed intentionally and with malafide and the First Appellate Authority had not properly handled the RTI application, for the decision cannot be taken by the PIO when the case has come to the First Appellate Authority.

The respondent was absent. The PIO was directed to relook at the RTI application and provide all the information which is available with the public authority, even it has been raised in question form. Information, even if asked in question form, but is in the possession of the public authority, should be provided. The PIO was also directed to be present on the next date of hearing alongwith the reasons for delay in providing the information.

The case was again heard on **26.02.2019**. The appellant informed that he has not received the information. The respondent was absent and vide email, sought exemption stating that as per order of the DC, Mukatsar Sahib, the respondent has to remain at the station during the leave period of SDM Giddarbaha from 26.02.2019 to 01.03.2019. The PIO further informed that the information has been sent to the complaint vide letter dated 25.02.2019 and a copy of the same sent to the Commission.

A copy of the information provided to the complainant. The complainant was not satisfied with the information regarding points 6 & 7. The PIO was directed to allow the inspection of the concerned record regarding points 6 & 7 by fixing a mutually convenient date and time and provide the information before the next date of hearing. The PIO was also directed to be present on the next date of hearing and explain the reasons for not providing the information within the time prescribed under the RTI Act.

Complaint Case No. 1099 of 2018

The case was last heard on **02.04.2019**. The appellant was absent and vide email informed that he visited the office of the PIO on 15.03.2019 and 20.03.2019 but the Tehsildar was not available in the office and nobody showed any concern. The respondent was absent. The PIO was directed to contact the appellant and fix a mutually convenient date & time for inspection within 10 days and provide the information to the appellant as per previous order which still stands.

Hearing dated 21.05.2019:

The appellant claims that despite order of the Commission, the PIO has not provided the information, nor cooperated to inspect the record.

The Commission observes that the respondent is not serious in complying with the order of the Commission and has chosen to be absent on every date. The respondent is absent on 4th consecutive hearing. The Commission has taken a serious note of this and hereby directs the PIO to show **cause why penalty be not imposed on the PIO under section 20 of the RTI Act 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 persons of the show cause and direct them to appear before the Commission alongwith the written replies.

The PIO is also directed to bring the record regarding information relating to points 6 & 7 to the Commission on the next date of hearing.

The case is adjourned. To come up on **17.07.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 21.05.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



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: Renu Bala as the Appellant
None 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 again heard on **09.10.2018**. The respondent present pleaded that the information is with the Management Committee and the appellant has been informed vide letter dated 18.04.2018. The PIO was directed to procure the information from the Management Committee and send the same to the appellant within 15 days. The PIO was also directed to send a compliance report to the Commission.

The case again came up for hearing on **21.11.2018**. The counsel present on behalf of the respondent 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 PIO was directed 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 was further heard on **15.01.2019**. The respondent was absent and vide email had sought exemption for personal appearance on medical grounds. The appellant was also absent and has not intimated whether the appellant had received the information or not. The PIO is directed to comply with the earlier order of the Commission which still stands and send a compliance report to the Commission.

The case was last heard on **11.03.2019**. The appellant informed that no information had been provided by the PIO. The respondent was absent. The PIO was issued a **show cause notice under section 20 of the RTI Act** and the PIO was directed to file reply on an affidavit. The PIO-Principal, S.A.Jain High School, Malerkotla was also directed to provide the information within 10 days and appear before the Commission alongwith the written reply on the next date of hearing.

The Commission also observed that the school appears to be an aided school and falls under the jurisdiction of DEO (Secondary Education), Sangrur. The PIO-DEO (SE) Sangrur was also impleaded as a party of the case and directed to ensure compliance of the order of the Commission and be present on the next date of hearing.

The case was last heard on **02.04.2019**. The order is reproduced hereunder:

“The respondent has brought the information and handed it over to the appellant. The appellant however, is not satisfied with the information that the respondent has brought. Even though the information has been certified duly, the appellant has alleged that the copy of the attendance register, which is being handed to her is not a factual document and that the SA Jain High School management has tampered with the record to hide their discrepancies. The appellant pointed out that the register does not have her attendance, even though she has been paid a salary for that period where she has been marked absent, which itself is self-explanatory that the document is fudged.

This case is unique in ways more than one. Firstly, the issue before the commission is to ascertain whether the sought information on 13.02.2018 was provided on time as per the RTI Act. Secondly, if not, what were the circumstances that lead to the delay in providing the information that was finally brought today (02.04.2019), and thirdly whether the information provided is factual or not, and if not what is the next course of action to be taken.

Having gone through the merits of the case and its history, it is clear that the information was not provided on time and was denied at the first instance with an excuse that the information is with the Management Committee vide letter dated 18.04.2018. The history of this case also clearly establishes that that information was delayed time and again in spite of the various orders of the commission (30.08.2018, 09.10.2018, 21.11.2018 & 15.01.2019), which also proves the fact that the respondent was reluctant in sharing the information and kept dilly-dallying to part with the sought information.

The pretext largely by the PIO to deny the information was based on the claim that the custody of the information was with the management of the school and it had to be procured from them to provide the information, after which the PIO was directed to do the needful and hand out the sought information. The PIO on not following the directions of the commission repeatedly, was finally show-caused under section 20 of the RTI Act on 11.03.2019 that why penalty should not be imposed for not supplying the information on time as well as not complying with the orders.

Given these above facts, and even though the commission finds a grave error on the part of the PIO, it also observed that the designated PIO is a mere PT teacher in the school and cannot on his own, provide the information without the consent of the Management. The facts also lead to the inference that the delay happened at the end of the management, which is the actual custodian of the sought information and there was no way that the PIO could provide the information on his own. The PIO is a mere employ and the difference in rank between the management and the PIO is huge, a fact virtually renders the PIO helpless in case the management decides to withhold information.

From the above arguments, I conclude that there is no point in pursuing the show cause against the PIO as he is merely following instructions. Hence, the show-cause against the PIO is dropped and the fact that since the Management is responsible for this delay in providing the information to the appellant, I hereby declare the President of the management Committee as the deemed PIO ((ref. Central Information Commission order No.CIC/DGEAT/A/2018/117567 dated 02.11.2018 – Sandeep Singh Jadoun v. PIO,PGEAT) and direct him to **show cause** why a maximum penalty should not be imposed on him for the reasons above. The President is directed to appear personally with his reasons on an affidavit.

Appeal Case No. 1747 of 2018

Regarding the allegation by the appellant about the provided copies of the attendance register being fudged, given the track record of this case, I see every reason to investigate this matter further. With this, I direct the President of SA Jain High School to come with the original register from the period 01.01.2016 to 31.12.2016 and 01.01.2017 to 13.02.2018 to the commission, which will be corroborated with the record that must have been submitted to the District Education Officer's since it is a govt. aided school. The PIO-DEO Sangrur is directed to bring the original attendance record and all the relevant documents to the case, which were submitted by the school authorities at the next date of hearing."

Hearing dated 21.05.2019:

The appellant claims that the PIO has not provided the information. The PIO-DEO Sangrur has sought exemption being on election duty. In the last hearing, the President, SA Jain High School was declared a deemed PIO and was issued a **show cause notice** u/s 20 of the RTI Act for not providing the information. The PIO was also directed to bring the original record to the Commission.

The PIO-Management Committee is absent without intimation to the Commission. The Commission has taken a serious note of this and hereby directs the PIO-President, SA Jain High School to be present at the next date of hearing alongwith the written reply on an affidavit as well as the original record, otherwise the Commission will be constrained to issue Warrants u/s 18(3) of the RTI Act. The PIO-DEO(SE) Sangrur is also directed to be present on the next date of hearing alongwith relevant record to the case.

The case is adjourned. To come up on **17.07.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 21.05.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :PIO-DEO(SE) Sangrur

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Sh.Sarabjeet Singh Gill,
H No-60/35-P/376-1, Street No-8,
Maha Singh Nagar, P.O DhandariKalan,
Ludhiana.

Appellant.

Versus

Public Information Officer
O/o CA-Cum-Director, PUDA,
Mohali.

First Appellate Authority,
O/o CA-Cum-Director, PUDA,
Mohali.

...Respondent

Appeal Case No. 2950 of 2018

Present: Sh.Surjit Singh representative for the Appellant
Sh.Gulshan Kumar, PIO-GMADA for the respondent

Order:

The case was first heard on **13.11.2018**. The respondent present submitted a letter dated 12.11.2018 of the APIO vide which the appellant was asked to contact the Municipal Committee since the information relates to them. However, the respondent did not transfer the RTI application to the concerned PIO. The respondent was also without any authority letter and had no clue of complete case file.

The PIO was directed to forward the RTI application to the PIO of the concerned Municipal Committee and the PIO concerned was directed to send the information to the appellant before the next date of hearing as per RTI application. The PIO- PUDA was also directed to explain the reasons for not forwarding the RTI application to the concerned PIO within the time prescribed under the RTI Act and be present on the next date of hearing.

The case was again heard on **08.01.2019**. The respondent present pleaded that since the information relates to the office of MC Nayagaon, the RTI application has been transferred to them vide letter dated 22.11.2018.

The PIO-MC Nayagaon was absent. The PIO-MC Nayagaon was directed to provide the information to the appellant as per RTI application forwarded by the PIO-PUDA on 22.11.2018, within 15 days and be present personally on the next date of hearing.

The PIO-PUDA was also directed to explain the reasons for delay in forwarding the RTI application to the concerned PIO within the time prescribed under the RTI Act. The explanation be sent to the Commission within a week by registered post.

Appeal Case No. 2950 of 2018

The case was further heard on **25.02.2019**. The respondent present informed that they have transferred the RTI application to MC Nayagaon. The PIO-MC Nayagaon was absent. The PIO-MC Nayagaon was directed to appear personally before the Commission on the next date of hearing failing which the Commission will be constrained to take action as per the RTI Act.

Regarding delay in transferring the RTI application, the respondent pleaded that since the information relates to MC Nayagaon, the appellant was informed vide letter dated 12.11.2018 to contact the concerned authority. However, inadvertently, the RTI application was not sent to the concerned authority. The RTI application has now been transferred to the concerned PIO-MC Nayagaon. The plea was accepted and PIO-PUDA was exempted.

The case was last heard on **02.04.2019**. The appellant was absent and vide email informed that no information has been provided by the PIO.

The PIO-MC Nayagaon was absent. The PIO-MC Nayagaon was granted one more opportunity to provide the information to the appellant as per the RTI application forwarded by the PIO-PUDA on 22.11.2018 and be present on the next date of hearing otherwise the Commission will be constrained to take action under the RTI Act.

Hearing dated 21.05.2019:

The representative present on behalf of the appellant informed that the PIO has not provided the information. The respondent present from the office of GMADA informed that they have already transferred RTI application to MC-Nayagaon. The respondent from the office of MC-Nayagaon is absent.

The Commission observes that the respondent is not serious in complying with the order of the Commission and has chosen to be absent on every date. The respondent is absent on 3rd consecutive hearing. The Commission has taken a serious note of this and hereby directs the PIO to to show **cause why penalty be not imposed on the PIO under section 20 of the RTI Act 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 persons of the show cause and direct them to appear before the Commission alongwith the written replies.

The PIO-MC, Nayagaon is again directed to provide the information to the appellant within 10 days.

To come up for further hearing **on 17.07.2019 at 11.00 AM**.

Chandigarh
Dated: 21.05.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-MC Nayagaon.

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Sh.Manjit Singh, S/o Sh.Sohan Singh,
H no-388/3, Bahera Road,
Patiala.

Appellant.

Versus

Public Information Officer
O/o Finance Minister,
Pb, Chandigarh..

First Appellate Authority,
O/o Chief Minister,
Pb, Chandigarh.

...Respondent

Appeal Case No. 3316 of 2018

Present: None for the Appellant
Sh.Gurpal Singh, APIO-STC Pb Chandigarh for the Respondent

ORDER:

The case was first heard on **18.12.2018**. The respondent present pleaded that the appellant had filed RTI application with the office of Finance Minister, Punjab and they received the application from the office of Finance Minister on 25.07.2018. The respondent further pleaded that the appellant was asked vide letter dated 03.08.2018 to deposit requisite fee for getting information but the appellant has not deposited the fee. The appellant had denied having received the reply of the PIO.

Having gone through the file, it was observed that the RTI application was attended by the PIO well within the time but the appellant had not filed first appeal with the appropriate authority. The appellant was directed to deposit the requisite fee and get the information.

During further scrutiny of the case, it was observed that the appellant had filed two similar applications seeking exactly the same information vide appeal case No.3317/2018 & appeal case No.3318/2018 from the office of Chief Secretary, Punjab, Chandigarh. The Commission found it clearly a violation of the spirit of the RTI Act as it diverts the resources of the department/public authority unnecessarily. Keeping this fact in mind, all these three cases were clubbed together. The Commission made Ms.Simranpreet Kaur O/o of Principal Secretary, Govt of Punjab, Department of Transport as deemed PIO and directed the PIO to provide the information to the appellant within 10 days after receipt of requisite fee. The PIO was also directed to submit proof of dispatch of letter dated 03.08.2018.

The case was again heard on **12.02.2019**. The respondent present pleaded that the appellant has not deposited the requisite fee. The respondent also submitted proof of dispatch of letter dated 03.08.2018.

The respondent further pleaded that since part of the information sought pertains to the office of STC Punjab, they have already sent a request letter to the STC asking them to provide the information but the same is still awaited.

The PIO-STC, Punjab, Chandigarh was made a party and was directed to handover the information to Ms.SimranpreetKaur immediately enabling her to send the information to the appellant before the next date of hearing. The PIO was directed to provide the information after taking requisite applicable fee from the appellant.

Appeal Case No. 3316 of 2018

The case was last heard on **02.04.2019**. The order is reproduced hereunder:

“The respondents present from CM Office and Finance Department pleaded that since the information relates to the office of State Transport Commissioner, they should be exempted. The respondent present from the office of Principal Secretary, Transport, Punjab pleaded that the information concerning them relating to points 1 & 2 has been provided to the appellant and since the remaining information relates to STC Punjab, Chandigarh, they have corresponded many times with the office of State Transport Commissioner but they have not provided the information.

In the last hearing, the PIO STC was impleaded in the case and the PIO-STC was directed to handover the information to Ms.Simranpreet Kaur(deemed PIO) enabling her to send the information to the appellant. The PIO-STC is absent and vide email has sought exemption pleading that the Chief Secretary Transport has fixed a meeting on 02.04.2019 relating to Punjab Road Safety Council, for which they have to prepare an agenda for the meeting and have also to attend the meeting.

Given the circumstances, it is clear that the information lies with the STC, Punjab, hence the PIO-STC is hereby directed to provide the information in all three appeal cases No.3316/2018, 3317/2018 & 3318/2018 which were clubbed together in the last hearing. The PIO-STC is also directed to appear personally on the next date of hearing. Ms.Simranpreet Kaur is no longer the deemed PIO in this case as ordered earlier and is exempted. The respondent from Finance Department and CM office are also exempted.”

Hearing dated 21.05.2019:

The appellant is absent and vide email has sought exemption.

The respondent present from the office of STC pleaded that the information regarding point-1 has been provided to the appellant. The respondent further pleaded that the enquiry has been marked to RTA Mohali and whatever the investigation, is being done by them. They have sent following reply to the appellant vide letter dated 20.05.2019:

- Point-1 - Copies of complaints are enclosed.
- Point-2 - Regional Transport Authority, SAS Nagar Mohali has been asked to conduct the enquiry.
- Points3&4 Statement of both parties are available with the enquiry officer
- Point-5 Enquiry report is not received from the enquiry officer.

The PIO-Regional Transport Authority, SAS Nagar, Mohali is hereby directed to look at the RTI application and send reply to the appellant as applicable under the RTI Act.

To come up on **23.07.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 21.05.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

**CC to: 1. The PIO, State Transport Commissioner, Punjab,
Chandigarh.**
**2. PIO-Secretary, Regional Transport Authority,
SAS Nagar, Mohali**

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Sh.Manjit Singh, S/o Sh.Sohan Singh,
H no-388/3, Bahera Road,
Patiala.

Appellant.

Versus

Public Information Officer
O/oChief Secretary,
Pb, Chandigarh.

First Appellate Authority,
O/oChief Secretary,
Pb, Chandigarh.

...Respondent

Appeal Case No. 3317 of 2018

Present: None for the Appellant
Sh.Gurpal Singh, APIO-STC Pb Chandigarh for the Respondent

ORDER:

The case was first heard **on 18.12.2018**.The respondent present pleaded that the appellant had filed RTI application with the office of Chief Secretary, Punjab and they received the application from the office of Chief Secretary on 06.07.2018. The respondent further pleaded that the appellant was asked vide letter dated 18.07.2018 to deposit requisite fee for getting the information but the appellant had not deposited the fee. The appellant had denied having received the reply of the PIO.

Having gone through the file, it was observed that the RTI application was attended by the PIO well within the time. The appellant was directed to deposit the requisite fee and get the information.

During further scrutiny of the case, it was observed that the appellant had filed two similar applications seeking exactly the same information vide appeal case No.3316/2018 & appeal case No.3318/2018 from the office of Finance Minister, Punjab and the office of Chief Secretary, Punjab, Chandigarh. The Commission found it clearly a violation of the spirit of the RTI Act as it diverts the resources of the department/public authority unnecessarily. Keeping this fact in mind, all these three cases were clubbed together. The Commission made Ms.Simranpreet Kaur O/o of Principal Secretary, Govt of Punjab, Department of Transport as deemed PIO and directed the PIO to provide the information to the appellant within 10 days after receipt of requisite fee. The PIO was also directed to submit proof of dispatch of letter dated 18.07.2018.

The case was again heard on **12.02.2019**. The respondent present pleaded that the appellant has not deposited the requisite fee. The respondent also submitted proof of dispatch of letter dated 18.07.2018. The respondent further pleaded that since part of the information sought pertains to the office of STC Punjab, they have already sent a request letter to the STC asking them to provide the information but the same is still awaited.

The PIO-STC, Punjab, Chandigarh was hereby made a party and was directed to handover the information to Ms.Simranpreet Kaur immediately enabling her to send the information to the appellant before the next date of hearing. The PIO is directed to provide the information after taking requisite applicable fee from the appellant.”

Appeal Case No. 3317 of 2018

The case was last heard on **02.04.2019**. The order is reproduced hereunder:

“The respondents present from CM Office and Finance Department pleaded that since the information relates to the office of State Transport Commissioner, they should be exempted. The respondent present from the office of Principal Secretary, Transport, Punjab pleaded that the information concerning them relating to points 1 & 2 has been provided to the appellant and since the remaining information relates to STC Punjab, Chandigarh, they have corresponded many times with the office of State Transport Commissioner but they have not provided the information.

In the last hearing, the PIO STC was impleaded in the case and the PIO-STC was directed to handover the information to Ms.Simranpreet Kaur(deemed PIO) enabling her to send the information to the appellant. The PIO-STC is absent and vide email has sought exemption pleading that the Chief Secretary Transport has fixed a meeting on 02.04.2019 relating to Punjab Road Safety Council, for which they have to prepare an agenda for the meeting and have also to attend the meeting.

Given the circumstances, it is clear that the information lies with the STC, Punjab, hence the PIO-STC is hereby directed to provide the information in all three appeal cases No.3316/2018, 3317/2018 & 3318/2018 which were clubbed together in the last hearing. The PIO-STC is also directed to appear personally on the next date of hearing Ms.Simranpreet Kaur is no longer the deemed PIO in this case as ordered earlier and is exempted. The respondent from Finance Department and CM office are also exempted.”

Hearing dated 21.05.2019:

The appellant is absent and vide email has sought exemption.

The respondent present from the office of STC pleaded that the information regarding point-1 has been provided to the appellant. The respondent further pleaded that the enquiry has been marked to RTA Patiala and whatever the investigation, is being done by them. They have sent following reply to the appellant vide letter dated 20.05.2019:

- Point-1 - Copies of complaints are enclosed
- Point-2 - Regional Transport Authority, Patiala has been asked to comment on the Complaints
- Point-3 - No information has been received from RTA Patiala
- Point-4 - No statement was recorded
- Point-5 - Enquiry has not been conducted. Comments of RTA Patiala have been sought.

The PIO-Regional Transport Authority, Patiala is hereby directed to look at the RTI application and send reply to the appellant as applicable under the RTI Act.

To come up on **23.07.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 21.05.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

**CC to: 1. The PIO, State Transport Commissioner, Punjab,
Chandigarh.**
**2. PIO-Secretary, Regional Transport Authority,
Patiala.**

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Sh.Manjit Singh, S/o Sh.Sohan Singh,
H no-388/3, Bahera Road,
Patiala.

Appellant.

Versus

Public Information Officer
O/o Chief Secretary,
Pb, Chandigarh.

First Appellate Authority,
O/o Chief Secretary,
Pb, Chandigarh.

...Respondent

Appeal Case No. 3318 of 2018

Present: None for the Appellant
Sh.Gurpal Singh, APIO-STC Pb Chandigarh for the Respondent

ORDER:

The case was first heard on **18.12.2018**. The respondent present pleaded that the appellant had filed RTI application with the office of Chief Secretary, Punjab and they received the application from the office of Chief Secretary on 12.07.2018. The respondent further pleaded that the appellant was asked vide letter dated 18.07.2018 to deposit requisite fee for getting the information but the appellant had not deposited the fee. The appellant had denied having received the reply of the PIO.

Having gone through the file, it was observed that the RTI application was attended by the PIO well within the time. The appellant was directed to deposit the requisite fee and get the information.

During further scrutiny of the case, it was observed that the appellant had filed two similar applications seeking exactly the same information vide appeal case No.3316/2018 & appeal case No.3317/2018 from the office of Finance Minister, Punjab and the office of Chief Secretary, Punjab, Chandigarh. The Commission found it clearly a violation of the spirit of the RTI Act as it diverts the resources of the department/public authority unnecessarily. Keeping this fact in mind, all these three cases were clubbed together. The Commission made Ms.Simranpreet Kaur O/o of Principal Secretary, Govt of Punjab, Department of Transport as deemed PIO and directed the PIO to provide the information to the appellant within 10 days after receipt of requisite fee. The PIO was also directed to submit proof of dispatch of letter dated 18.07.2018.

The case was again heard on **12.02.2019**. The respondent present pleaded that the appellant has not deposited the requisite fee. The respondent also submitted proof of dispatch of letter dated 18.07.2018. The respondent further pleaded that since part of the information sought pertains to the office of STC Punjab, they have already sent a request letter to the STC asking them to provide the information but the same is still awaited.

The PIO-STC, Punjab, Chandigarh was made a party and was directed to handover the information to Ms.Simranpreet Kaur immediately enabling her to send the information to the appellant before the next date of hearing. The PIO was directed to provide the information after taking requisite applicable fee from the appellant.

Appeal Case No. 3318 of 2018

The case was last heard on **02.04.2019**. The order is reproduced hereunder:

“The respondents present from CM Office and Finance Department pleaded that since the information relates to the office of State Transport Commissioner, they should be exempted. The respondent present from the office of Principal Secretary, Transport, Punjab pleaded that the information concerning them relating to points 1 & 2 has been provided to the appellant, and since the remaining information relates to STC Punjab, Chandigarh, they have corresponded many times with the office of State Transport Commissioner but they have not provided the information.

In the last hearing, the PIO STC was impleaded in the case and the PIO-STC was directed to handover the information to Ms.Simranpreet Kaur(deemed PIO) enabling her to send the information to the appellant. The PIO-STC is absent and vide email has sought exemption pleading that the Chief Secretary Transport has fixed a meeting on 02.04.2019 relating to Punjab Road Safety Council, for which they have to prepare an agenda for the meeting and have also to attend the meeting.

Given the circumstances, it is clear that the information lies with the STC, Punjab, hence the PIO-STC is hereby directed to provide the information in all three appeal cases No.3316/2018, 3317/2018 7 3318/2018 which were clubbed together in the last hearing. The PIO-STC is also directed to appear personally on the next date of hearing Ms.Simranpreet Kaur is no longer the deemed PIO in this case as ordered earlier and is exempted. The respondent from Finance Department and CM office are also exempted.”

Hearing dated 21.05.2019:

The appellant is absent and vide email has sought exemption.

The respondent present from the office of STC pleaded that the information regarding point-1 has been provided to the appellant. The respondent further pleaded that the enquiry has been marked to RTA Mohali and whatever the investigation, is being done by them. They have sent following reply to the appellant vide letter dated 20.05.2019:

- Point-1 - Copies of complaints are enclosed.
- Point-2 - Regional Transport Authority, SAS Nagar Mohali has been asked to conduct the enquiry.
- Points3&4 Statement of both parties are available with the enquiry officer
- Point-5 Enquiry report is not received from the enquiry officer.

The PIO-Regional Transport Authority, SAS Nagar, Mohali is hereby directed to look at the RTI application and send reply to the appellant as applicable under the RTI Act.

To come up on **23.07.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 21.05.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

**CC to: 1. The PIO, State Transport Commissioner, Punjab,
Chandigarh.**
**2. PIO-Secretary, Regional Transport Authority,
SAS Nagar, Mohali**

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. H.S Hundal,
82, Distt Court, SAS Nagar,
Mohali

...Appellant

Versus

Public Information Officer,
O/o PUDA,
Mohali.

First Appellate Authority,
O/o PUDA,
Mohali.

...Respondent

Appellant Case No. 3543 of 2018

Present: None for the Appellant
Sh.Gulshan Kumar, PIO PUDA for the Respondent

ORDER:

The case was first heard on 14.01.2019. Since both the parties were absent, the case was adjourned.

The case was again heard on **26.02.2019**. The respondent present pleaded that since the information sought by the appellant is 3rd party information, it cannot be provided. The respondent further pleaded that the RTI application was received by the concerned department on 18.06.2018 which issued a letter to the 3rd party on 10.07.2018 for seeking their consent. The 3rd party vide letter dated 31.07.2018 did not give its consent stating that the disclosure of information would harm the interest of the company and is protected under section 8 & 11(1) of the RTI Act.

The appellant said that there has been large scale building violations in the plot and claimed that the revealing of this information will be in the larger public interest.

Before adjudicating the case, a reasonable opportunity was granted to the 3rd party under section 19(4) of the RTI Act and M/s WWICS Estates Pvt Ltd. Plot No.A-12, Industrial Area, Phase-VI, Mohali was impleaded as a party to the case and directed to appear before the Commission on the next date of hearing to plead their case.

The case was last heard on **02.04.2019**. The order is reproduced hereunder:

“The respondent present from WWICS Estates Pvt Ltd. Mohali has submitted his reply. In the reply, the respondent has stated that the information sought by the appellant has got no relevance and the appellant may use the said information against the interest of the company or its directors and disclosure of information may harm the interest of the company. Moreover, the information has no larger public interest and the appellant may use the same to malign and harm the competitive position of the company as the appellant was once engaged in the company for immigration to Canada but was declared disqualified based on the eligibility parameters by the Technical Assessment Team of the Company and since then, the appellant is filing frivolous applications before the different authorities.

The reply of the respondent is taken on the file of the Commission and will be considered on the next date of hearing.”

Appellant Case No. 3543 of 2018

Hearing dated 21.05.2019:

The appellant is absent and vide email has sent reply.

The reply of the appellant is taken on the file of the Commission. The case will be adjudicated on the next date of hearing.

The case is adjourned. To come up for further hearing on **17.07.2019 at 11.00 AM.**

**Chandigarh
Dated: 21.05.2019**

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

**CC to: M/s WWICS Estates Pvt Ltd.Plot No.A-12,
Industrial Area, Phase-VI, Mohali.**

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Sh Deepak Khurana S/o Sh Girdhari Lal,
H No-264, Street No-16, Nai Abadi,
Chotti pori, Abohar, Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o President, Bar Association,
Court Complex, Abohar,
Distt Fazilka.

First Appellate Authority,
O/o Secretary, Bar Council,
Punjab & Haryana, Chandigarh.

...Respondent

Appeal Case No. 3712 of 2018

Present: Sh.Deepak Khurana as the Appellant
None for the Respondent

Order: The case was first heard on **06.02.2019**. The respondent present from the office of Bar Council, Punjab & Haryana Chandigarh claimed that the information did not relate to them as the information has been sought from Bar Association Abohar and the Bar Council has nothing to do with it. The respondent further informed that the Bar Council is also not a First Appellate Authority and they have inadvertently been made a party to this case by the appellant. The respondent is directed to give this in writing.

Neither the appellant nor anyone from the Bar Association was present. The case was adjourned.

The case was last heard on **25.03.2019**. The appellant claimed that no information has been provided. The respondent present from the office of Bar Council of Punjab & Haryana submitted a reply that the information is not related with the Bar Council of Punjab and Haryana and that each and every Bar Associations have their own constitution and are fully independent body. The respondent further pleaded that the Bar Council is also not the First Appellate Authority of the Bar Association. The reply was accepted and the Bar Council was exempted.

The respondent from Bar Association Abohar was absent on 2nd consecutive hearing and nor provided the information. The PIO, Bar Association Abohar was issued a **show cause notice u/s 20 of the RTI Act for not supplying the information within the statutorily prescribed period of time and for not complying with the orders of the Commission**. The PIO was directed to file reply on an affidavit and If there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO-Bar Association Abohar was again directed to provide the information to the appellant within 10 days. The PIO of the Bar Association was also directed to clarify that which is the appropriate First Appellate Authority in this case.

Hearing dated 21.05.2019:

The appellant claims that no information has been provided by the PIO. The respondent from Bar Association Abohar is absent and nor has sent any reply to the show cause notice. The PIO-Bar Association, Abohar is given one last opportunity to provide the information to the appellant and appear before the Commission on the next date of hearing alongwith the reply to the show cause on an affidavit, otherwise the Commission will be constrained to take a view that the respondent has nothing to say on the matter and adjudicate the matter as per provisions of the RTI Act.

The case is adjourned. To come up for further hearing on **23.07.2019 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, **Fazilka**. Order be sent to both the parties through registered post. **The PIO-Bar Association Abohar to be present at Chandigarh.**

Chandigarh
Dated: 21.05.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Deepak Khurana, S/o Sh Girdhari Lalm
264, Street No-16, Nai Abadi, Abohar,
Distt Fazilka..

... Appellant

Versus

Public Information Officer,
O/o President, Bar Association, court Complex,
Abohar, Distt Fazilka.

First Appellate Authority,
O/o Secretary, Bar Council,
Punjab & Haryana, Chandigarh.

...Respondent

Appeal Case No. 3738 of 2018

Present: Sh.Deepak Khurana as the Appellant
None for the Respondent

Order:

The case was first heard on **06.02.2019**. The respondent present from the office of Bar Council, Punjab & Haryana Chandigarh claimed that the information did not relate to them as the information has been sought from Bar Association Abohar and the Bar Council has nothing to do with it. The respondent further informed that the Bar Council is also not a First Appellate Authority and they have inadvertently been made a party to this case by the appellant. The respondent was directed to give this in writing.

Neither the appellant nor anyone from the Bar Association was present. The case was adjourned.

The case was last heard on **25.03.2019**. The appellant claimed that no information has been provided. The respondent present from the office of Bar Council of Punjab & Haryana submitted a reply that the information is not related with the Bar Council of Punjab and Haryana and that each and every Bar Associations have their own constitution and are fully independent body. The respondent further pleaded that the Bar Council is also not the First Appellate Authority of the Bar Association. The reply was accepted and the Bar Council was exempted.

The respondent from Bar Association Abohar was absent on 2nd consecutive hearing and nor had provided the information. The PIO Bar Association, Abohar 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 for not complying with the orders of the Commission**. The PIO was directed to file reply on an affidavit. 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-Bar Association Abohar was again directed to provide the information to the appellant within 10 days. The PIO of the Bar Association was also directed to clarify that which is the appropriate First Appellate Authority in this case.

Appeal Case No. 3738 of 2018

Hearing dated 21.05.2019:

The appellant claims that no information has been provided by the PIO. The respondent from Bar Association Abohar is absent and nor has sent any reply to the show cause notice. The PIO-Bar Association, Abohar is given one last opportunity to provide the information to the appellant and appear before the Commission on the next date of hearing alongwith the reply to the show cause on an affidavit, otherwise the Commission will be constrained to take a view that the respondent has nothing to say on the matter and adjudicate the matter as per provisions of the RTI Act.

The case is adjourned. To come up for further hearing on **23.07.2019 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, **Fazilka**. Order be sent to both the parties through registered post. **The PIO-Bar Association Abohar to be present at Chandigarh.**

Chandigarh
Dated: 21.05.2019

Sd/-
(Khushwant Singh)
State Information Commissioner