



Sh Ramesh Kumar, S/o Late Sh Amarnath,
H NO-U-1652, Sardar Nagar,
Opp Old Central Jail, Ajnala Road,
Amritsar.

... Appellant

Versus

Public Information Officer,
O/o Bureau of Investigation, Pb
Sector-9, Chandigarh.

First Appellate Authority,
O/o Bureau of Investigation, Pb
Sector-9, Chandigarh.

...Respondent

Appeal Case No. 3514 of 2021

PRESENT: Sh.Ramesh Kumar as the Appellant
Sh.Bhoora Ali, HC, for the Respondent

ORDER:

The appellant, through an RTI application dated 18.06.2021 has sought information regarding a copy of the reply received from IGP Border Range, Amritsar in reference to Memo Number 2901/CC-1 dated 30.12.2020 – a copy of reply forwarded to the office of DGP in reference to that memo on the basis of which information/status report was called from the office of PIO as enumerated in the RTI application from the office of Bureau of Investigation, Pb Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 10.07.2021 which did not decide on the appeal.

The case first came up for hearing on 23.02.2022 through video conferencing at DAC Amritsar/ Chandigarh. The appellant claimed that the PIO has not supplied the information.

The respondent was absent. The PIO was directed to provide information to the appellant within 15 days and send a compliance report to the Commission.

On the date of last hearing on **09.05.2022**, the respondents present pleaded that the reply has been sent to the appellant vide letter dated 12.01.2022.

The Commission received a letter of the AIGP(Admn) O/o BOI on 11.03.2022 which has been taken on record. In the reply, it was mentioned that the appellant had filed a number of complaints in their office which were sent to IGP Border Range, Amritsar for further action and the reply with detail of complaints was sent to the appellant vide letter dated 12.01.2022. The PIO further mentioned in the letter that in reference to letter No.2901 dated 30.12.2020 of this office, the reply was received from IGP Border Range Amritsar on 31.05.2021 and in response to their letter/reply, this office sent a reply to the IGP Border Range Amritsar on 18.06.2021 that after considering the report, the complaint has been filed and being sent for further necessary action as per the report. The appellant was sent a reply on 12.01.2022.

The appellant was not satisfied with the provided information.

Hearing both the parties, the PIO was directed to reconcile and provide complete information to the appellant.

Hearing dated 21.09.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. As per the appellant, the PIO has not supplied the correct information. The Commission has also received a letter of the appellant on 16.08.2022, which has been taken on record.

The respondent present has sought adjournment on the plea that the PIO is going on leave.

Having gone through the RTI application and the letter of the appellant received in the Commission on 16.08.2022, the Commission observes that the appellant had filed a complaint before the DGP against IGP Border Range, SSP Amritsar Rural, SHO PS Raja Sansi, and Bureau of Investigation Punjab.

The office of DGP Pb forwarded the said complaint to the Bureau of Investigation (BOI), and in turn, the BOI vide memo dated 30.12.2020 forwarded the complaint to IGP Border Range Amritsar and asked for a report with comments/status regarding a cancellation report.

What the appellant basically has sought are the comments/report of IGP Border Range sent to BOI Punjab, and further, the reply of the BOI sent to the office of DGP Punjab.

The PIO is directed to provide the copy of the comments/report of IGP Border Range received by the office of Bureau of Investigation Pb and the copy of the reply forwarded by Bureau of Investigation to the office of DGP Punjab

The information be provided at the earliest and a compliance report be sent to the Commission.

The case is adjourned. To come up for further hearing on **27.12.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO to appear at Chandigarh.

Chandigarh
Dated: 21.09.2022

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



Smt. Harjit Kaur, W/o Sh. Gurdeep Singh,
H No-107, Ward No-2, Anaj Mandi,
Kuruli, Distt Mohali.

... Appellant

Versus

Public Information Officer,
O/o SDE, Water Supply and Sanitation
Department, Bassi Pathana,
Distt.Fatehgarh Sahib.

First Appellate Authority,
O/o XEN,
Water Supply and Sanitation Division,
Fatehgarh Sahib.

...Respondent

Appeal Case No. 3104 of 2020

Present: None for the Appellant
Sh.Harbir Singh,SDE for the Respondent

ORDER:

The appellant through RTI application dated 20.02.2020 has sought information regarding the joining date of JE Krishan Lal in Fatehgarh Sahib – a copy of bills of contractor Ajmer Singh Book No.01.06.15 to 31.10.2015 – a copy of bill book of contractor Davinder Singh, Randhir Singh – a copy of bill book of contractor Amandeep Singh and other information as enumerated in the RTI application, concerning the office of SDE Water Supply & Sanitation Division, Bassi Pathana. The appellant was not satisfied with the reply of the PIO vide letter dated 28.02.2020 & 17.03.2020 after which the appellant filed the first appeal before the First Appellate Authority on 10.07.2020 which took no decision on the appeal.

The case first came up for hearing on 03.03.2021 through video conferencing at DAC Mohali. The respondent present pleaded that the information has been provided to the appellant vide letter dated 28.02.2020 and 17.03.2020. The appellant claimed that the PIO had denied the information stating that the information is 3rd party and the 3rd party has not given its consent to disclose the information.

Having gone through the RTI application and hearing both the parties, the Commission over-ruled the stance of the PIO that the information is the third party because what the appellant is seeking is a record of the bills used from the public exchequer. The PIO was directed to provide information on all points to the appellant. The information is to be provided within 15 days of the receipt of the order with a copy to the Commission.

On the date of the next hearing on **09.06.2021**, as per the appellant, the information was not provided by the PIO.

The respondent pleaded that the information was to be collected from different departments, and since only 50% of the staff was allowed in the offices due to the Corona pandemic, complete information could not be collected on time. The respondent, however, had assured to provide complete information within 15 days.

Appeal Case No. 3104 of 2020

The PIO was directed to comply with the earlier order of the Commission and provide complete information to the appellant within 15 days and send a compliance report to the Commission.

On the date of hearing on **28.09.2021**, the appellant informed that the PIO has supplied some of the information vide letter dated 12.08.2021 which was incomplete since the PIO had not supplied the bills of the contractors.

The PIO was absent.

As per the respondent, no further information was available in the record.

The PIO was directed to file a point-wise reply on an affidavit stating that whatever information that has been provided is complete, true and no further information is available on record. The PIO is to appear personally before the Commission on the next date of hearing.

On the date of hearing on **04.01.2022**, the respondent present pleaded that since some of the records were not traceable, complete information was not supplied. Now they have traced out the record and assured to provide the remaining information to the appellant.

The PIO was directed to reconcile the case and provide the remaining information to the appellant as per the RTI application within 15 days of the receipt of the order and send a compliance report to the Commission.

On the date of last hearing on **09.05.2022**, the appellant informed that the PIO has neither supplied the complete information nor has provided the affidavit as per the order of the Commission.

The respondent was absent nor had not complied with the order of the Commission to provide remaining information or to file a point-wise reply on an affidavit.

Since the PIO was trying to conceal the information and not providing the information, the PIO was issued a **show cause under section 20 of the RTI Act 2005 for not supplying the complete information within the statutorily prescribed period of time and directed to file reply on an affidavit.**

Hearing dated 21.09.2022:

Sh. Harbir Singh, SDE, is present and pleaded that some part of the sought record has been traced out and information has been prepared. As per the SDE, they were making all efforts to trace out the remaining record and assured to provide the complete information to the appellant shortly.

However, the PIO is absent, nor filed any reply to the show cause notice.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO-Water Supply and Sanitation Department, Bassi Pathana 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. The PIO 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.

Appeal Case No. 3104 of 2020

Further, the Commission is of the view that since the complainant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

Hence the PIO- PIO-Water Supply and Sanitation Department, Bassi Pathana is directed to pay an amount of **Rs.5000/-** via demand draft as compensation to the appellant for the loss and detriment suffered by way of having to file the appeals and not getting information in time. The PIO is directed to duly inform the commission of the compliance of the order and submit proof of having compensated the appellant.

The decision on show cause will be taken on the next date of hearing.

To come up for further hearing on **23.11.2022 at 11.00 AM.**

Chandigarh
Dated 21.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

Sh. Sohan Lal Jain,
H No-221, Gali No-11,
Manjit Nagar, Bhadson Road,
Patiala.

... Complainant

Versus

Public Information Officer,
O/o Secretary,
Department of Health & Family Welfare,
Punjab Civil Secretariat-2, Sector 9,
Chandigarh.

...Respondent

Complaint Case No. 15 of 2021

PRESENT: Sh.Sohan Lal Jain as the Complainant
Sh.Gurjeet Singh, PIO for the Respondent

ORDER:

This order should be read in continuation to the earlier order.

The complainant, through RTI application dated 19.10.2020, has sought information regarding action taken on the application dated 06.05.2017 sent to the Chief Minister for action against Dr Sudesh Gupta (now civil surgeon Sangrur) & others – a copy of the rule, based on which action has been taken – posting order of Sr Assistant & other officials worked at Pb Civil secretariat from 06.02.1989 to till date - action taken on the application dated 01.12.2016 and other information as enumerated in the RTI application concerning the office of Secretary, Department of Health & Family Welfare, Pb Chandigarh. The complainant was not provided with the information, after which he filed a complaint in the commission.

The case has already been heard on 11.05.2021, 10.08.2021, 13.12.2021 & 08.03.2022.

On the date of hearing on **13.12.2021**, for non-compliance of the order of the Commission, the PIO was imposed a penalty of Rs.10000/- and directed to submit proof of having deposited the same in the Govt Treasury. The PIO was also directed to pay a compensation amount of Rs.2000/- by way of a demand draft to the complainant for the loss and detriment suffered by him of having to file the appeals and not getting information in time and submit proof of having compensated the appellant.

On the hearing date on 08.03.2022, the appellant claimed that the PIO had not paid the compensation amount. The respondent was absent. The PIO was given one more opportunity to deposit the penalty amount in the Govt treasury and pay the compensation amount to the appellant.

The First Appellate Authority was also directed to ensure that this case is heard and disposed of within 30 days of the receipt of the order since the case was earlier remanded back to them.

On the date of the last hearing on **25.04.2022**, both the parties were absent. The complainant vide letter received in the Commission on 27.04.2022 informed that the first appellate authority has not given any hearing or taken a decision on the case. The first appellate authority is directed to follow the earlier orders of the commission.

The case was adjourned.

Hearing dated 21.09.2022:

Both parties are present. The respondent has filed a reply which has been taken on record. In the reply, the PIO has stated that the First Appellate, after having considered the appeal of the appellant, had disposed of the appeal and the decision has been communicated to the appellant vide letter dated 20.04.2022.

The appellant stated that he has not been given any opportunity of hearing by the First Appellate Authority. The appellant has also sent a reply which was received in the Commission on 20.07.2020 and taken on record.

Since the First Appellate Authority has taken the decision without hearing the appellant, I am directing the First Appellate Authority to issue a fresh notice and hear the appellant and then take appropriate decision.

The PIO has not complied with the order of the Commission to deposit the penalty amount and to pay the compensation to the appellant. The PIO is given one last opportunity to comply with the earlier order of the Commission and submit the proof of having deposited the amount of penalty in the Govt Treasury and proof of having paid the compensation to the complainant.

The case is adjourned. To come up for further hearing on **18.01.2022** at 11.00 AM.

Chandigarh
Dated:21.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to:First Appellate Authority,
Secretary, Department of Health & Family Welfare,
Pb Civil Secretariat-2, Sector 9,
Chandigarh



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

... Appellant

Versus

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

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

...Respondent

Appeal Case No. 5365 of 2021

PRESENT: Sh.Tejinder Singh as the Appellant
Sh.Ajay Kumar- Clerk for the Respondent

ORDER:

The appellant, through an RTI application dated 05.07.2021, has sought information regarding property returns filed by Group-A & B employees under sections 44(2) and 44(3) of Lokpal Act as per instruction of Punjab Govt in the year 2013 as well as uploading the same on the website of the department – copies of returns for the year 2018-19, 2019-20 & 2020-21 and other information as enumerated in the RTI application concerning the office of Assistant O/o Civil Surgeon, Amritsar. The appellant was not provided with the information after which the appellant filed a first appeal before the first appellate authority on 06.09.2021 which took no decision on the appeal.

The case last came up for hearing on 23.05.2022 through video conferencing at DAC Amritsar/Ludhiana. The respondent present pleaded that the available information has been provided to the appellant by the concerned Food Safety Officers directly.

Due to poor connectivity of VC, the appellant could not be heard. However, the appellant was directed to point out the discrepancies if any in the, provided information to the PIO with a copy to the Commission and the PIO is directed to remove the same.

Hearing dated 21.09.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar/Ludhiana. As per the appellant, the PIO has not provided the information.

As per respondent, the information cannot be provided being personal information of the employees.

Having gone through the RTI application and hearing both the parties, the Commission observes that the appellant has not sought any personal information but merely asked whether the information has been uploaded on the website of the department or not? If yes, under what order.

Appeal Case No. 5365 of 2021

The PIO is directed to provide if the information has been uploaded on the website of the department or not?

The case is adjourned. To come up for further hearing on **18.01.2023** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar. The appellant to appear through VC at DAC Ludhiana.

Chandigarh
Dated: 21.09.2022

Sd/-
(Khushwant Singh)
State Information Commission

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

... Appellant

Versus

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

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

...Respondent

Appeal Case No. 5366 of 2021

PRESENT: Sh.Tejinder Singh as the Appellant
Smt.Kamaldeep Kaur, FSO for the Respondent

ORDER:

The appellant through an RTI application dated 19.07.2021 has sought information regarding RTI applications received from Jan 2018 to 18.07.2021 in Food Branch – fees received – name of PIO and APIO of Food Branch – record relating to penalty imposed by Setate Information Commission to Food Safety Officer or DHO – penalty imposed to PIO-Civil Surgeon details of VIP duties of the staff ordered by District administration of Rood & Drug Admn and other information as enumerated in the RTI application concerning the office of Assistant O/o Civil Surgeon, Amritsar. The appellant was not provided the information after which the appellant filed a first appeal before the first appellate authority on 06.09.2021 which took no decision on the appeal.

The case last came up for hearing on 23.05.2022 through video conferencing at DAC Amritsar/Ludhiana.

The respondent present pleaded that the available information has been provided to the appellant by the concerned Food Safety Officers directly vide letter dated 09.05.2021, 16.05.2021 & 19.05.2021.

Due to poor connectivity, the appellant's audio could not be heard over the VC. However the appellant is directed to point out the discrepancies if any in the provided information to the PIO with a copy to the Commission and the PIO is directed to remove the same.

Hearing dated 21.09.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar/Ludhiana. The respondent has sought some more time and assured to sort out the discrepancies as pointed out by the appellant within 15 days. The appellant has agreed for the same.

Appeal Case No. 5366 of 2021

The case is adjourned. To come up for further hearing on **18.01.2023** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar. The appellant to appear through VC at DAC Ludhiana.

Chandigarh
Dated: 21.09.2022

Sd/-
(Khushwant Singh)
State Information Commission



Smt Sukhwinder Kaur, W/o Late Sh Prem Singh,
Village Lakhuwal, P.O & Tehsil Baba Bakala Sahib,
District Amritsar.

... Appellant

Versus

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

First Appellate authority,
O/o IG, Border Range,
Amritsar.

...Respondent

Appeal Case No. 5392 of 2021

PRESENT: None for the Appellant
Sh.Manjit Singh, ASI for the Respondent

ORDER:

The appellant through an RTI application dated 25.08.2021 has sought information regarding the list of dead persons relating to the Bus Truck accident at Pyar on 03.03.1997 on the basis of which a case was registered in the police station Jandiala on the statement of Jasbir Singh – date of filing case No.43/1997 in the court and other information as enumerated in the RTI application concerning the office of SSP Rural Amritsar. The appellant was not provided with the information after which the appellant filed a first appeal before the first appellate authority on 15.09.2021 which took no decision on the appeal.

The case last came up for hearing on 23.05.2022 through video conferencing at DAC Amritsar. The appellant was absent and vide email informed that the PIO has not supplied the information.

The respondent present pleaded that since the record is 24 years old and is not traceable, the information cannot be provided.

The Commission, however, does not consider the record missing until an enquiry is conducted and the enquiry report is submitted which establishes that the record stands missing and the responsibility has been fixed for the person under whose custody the record went missing.

The PIO was directed to conduct an enquiry into the matter by constituting a committee and submitting a complete enquiry report which establishes that the record stands missing and the responsibility has been fixed for the persons under whose custody the record went missing.

Hearing dated 21.09.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. As per respondent, the record has been traced out and the information has been provided to the appellant.

As per appellant, the information is incomplete since the PIO has not provided the decision of court.

Appeal Case No. 5392 of 2021

Hearing both the parties, the PIO is directed to provide a copy of the decision of the court relating to case No.43/1997 if it is available in their record.

The case is adjourned. To come up for compliance on **18.01.2023** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated: 21.09.2022

Sd/-
(Khushwant Singh)
State Information Commission