

# **PUNJAB STATE INFORMATION COMMISSION**

Red Cross Bhawan, Near Rose Garden, Madhya Marg,

Sector: 16, Chandigarh.

Tel. No.0172-2864100-01, Fax No.0172-2864110

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Shri Gurdip Singh s/o Shri Chanan Singh  
r/o #215, Ajit Nagar, Sultan Wind Road,  
Sri Amritsar Sahib.

-----Appellant

**Vs.**

Public Information Officer  
o/o Town Planner, Municipal Corporation,  
Sri Amritsar Sahib.

First Appellate Authority,  
O/o Commissioner, Municipal Corporation,  
Sri Amritsar Sahib.

-----Respondents

## **Appeal Case No. 1211 of 2017**

Present:- None for the appellant.

Shri Jagdev Singh, ATP-cum-PIO, on behalf of the respondents.

### **ORDER**

The case was last heard on 13.09.2018, when the appellant informed that he had furnished deficiencies in the provided information to the PIO. He further informed that information with regard to Plan of the said building had not been supplied as yet. He alleged that the said building has been constructed in violation of the Building Bye Laws and its Plan has not been approved. The PIO informed that record of the Building Plans are maintained date-wise but not building-wise and in the absence of particular date, the requisite information cannot be supplied. Consequently, after hearing both the parties and discussing the matter at length, it was directed that the said building be inspected afresh and a report be submitted on the next date of hearing

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as to whether there is any violation of Building Bye Laws or not. The case was adjourned to 17.10.2018, which was further postponed for today due to certain administrative reasons.

2. Today, the appellant is not present. However, a letter dated 15.11.2018 has been received from him vide which he has requested that ATP-cum-PIO may be directed to submit inspection report of the said building on a Judicial Paper duly attested by the Notary Public as to whether there is any violation of Building Bye Laws or not and the Building Plan of Plot No. 233 has been approved or not.

3. Shri Jagdev Singh, ATP-cum-PIO, appearing on behalf of the respondents, informs that the said building has been inspected and it is found that less area as compared to the allotted area has been covered. Consequently, after discussing the matter, the PIO is directed to send a written submission to the appellant, with a copy to the Commission, within a week, stating clearly as to whether there is any violation of Building Bye Laws in the construction of the said building and as to whether Building Plan has been got approved or not.

4. To come up on **28.01.2019 at 11.30 A.M. for further proceedings.**

**Dated : 21.11.2018**

**Sd/-  
( S.S. Channy)  
Chief Information Commissioner  
Punjab**

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Shri G.S. Dhaliwal, Advocate,  
#2379, Sector 23-C,  
Chandigarh.

-----Appellant

**Vs**

Public Information Officer  
o/o Deputy Commissioner, Ludhiana.

First Appellate Authority  
o/o Deputy Commissioner,  
Ludhiana.

Public Information Officer,  
O/o Tehsildar(West),  
Mini Secretariat, Ludhiana.

-----Respondents

## **Appeal Case No. 1221 of 2018**

Present: None on behalf of the appellant as well as the respondents.

### **ORDER**

In this case, Shri G. S. Dhaliwal, Appellant, vide his RTI application dated 25.10.2017, addressed to the PIO, sought certain information regarding his land comprised in Khasra No. 828/1, 828/2, 828/3, 828/4, 828/5, 828/6 of Village Barewal Awana, Hadbast No. 157, Tehsil and District: Ludhiana.

2. The case was last heard on 13.09.2018, when the appellant informed that no information had been supplied to him since 25.10.2017, the date of submission of his RTI application. None was present on behalf of the respondent PIO-cum-Tehsildar(West) Ludhiana despite the directions issued to him by DRO-cum-PIO, office of Deputy Commissioner, Ludhiana vide letter No. 2306/PIO/RTI, dated 25.07.2018

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and letter No. 2640/PIO/RTI, dated 05.09.2018. Therefore, Tehsildar(West) Ludhiana was impleaded as a necessary party in this case and he was directed to supply the requisite information to the appellant before the next date of hearing. Besides, District Revenue Officer, Ludhiana and Tehsildar(West) Ludhiana were directed to explain the position of the case, in person, in respect of non supply of information and submit status report, on the next date of hearing. The case was adjourned to 17.10.2018, which was further postponed for today due to certain administrative reasons.

3. Today, none is present on behalf of the appellant as well as the respondents. However, a letter dated 21.11.2018 has been received from the appellant informing that he wishes to withdraw his appeal case.

4. Accordingly, the case is **dismissed as withdrawn**.

**Dates: 21.11.2018**

**Sd/-  
(S.S. Channy)  
State Information Commissioner  
Punjab**

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Shri Iqbal Singh Rasulpur,  
General Secretary,  
University human Rights Org. ,  
VPO Rasulpur, Tehsil Jagraon,  
District Ludhiana-142035

-----Complainant

**Vs.**

Public Information Officer  
O/o Additional Director General of Police, Punjab,  
Chandigarh.

First Appellate Authority  
O/o Additional Director General of Police, Punjab,  
Chandigarh.

Public Information Officer,  
O/o Director General of Police, Intelligence, Punjab,  
Sector: 77, Mohali.

-----Respondents

## **Complaint Case No. 19 of 2017**

Present:- Shri S. P. Singh, Advocate, on behalf of the complainant.  
Shri Raminder Singh, S.P., Internal Vigilance Cell (IVC), on behalf of the respondents.

### **ORDER**

In this case during hearing on 21.03.2018, the representative of the respondents informed that the requisite documents had already been supplied to the appellant. The appellant submitted that the intelligence report alongwith annexures and corresponding papers, which he had already inspected and identified, had not been provided as yet. Consequently, after hearing both the parties and discussing the matter, it was directed that original file be brought on the next date of hearing to

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facilitate the Commission to arrive at a logical conclusion. The case was adjourned to 26.04.2018, which was further postponed to 09.07.2018 due to certain administrative reasons.

2. On 09.07.2018, Shri Balraj Singh Sidhu, AIG (IVC), appearing on behalf of the respondent-PIO, brought the original file for the perusal of the Commission. Consequently, after perusing the file and hearing both the parties vis-à-vis discussing the matter at length, the respondent was directed to submit a written report as to what action had been taken on the intelligence report, on the next date of hearing. The case was adjourned to 08.08.2018, which was further postponed to 13.09.2018, due to certain administrative reasons.

3. On 13.09.2018, the Ld. Counsel for the Complainant submitted that the complainant wanted a copy of an Inquiry Report, which was available in the record of Intelligence Wing. Shri Gurvinder Singh Bhatti, Legal Advisor, informed that Inquiry Report was received from the Intelligence Wing in the IVC Branch and was later sent back to them. Accordingly, the PIO of the Intelligence Wing was directed to bring the original file on the next date of hearing for the perusal of the Commission. He was also directed to intimate as to whether the said Inquiry Report is available in their record and whether it can be shared with the appellant or not and in case it cannot be shared with the appellant then the reasons for the same be submitted. The case was adjourned to 17.10.2018, which was further postponed for today due to certain administrative reasons.

4. Today, Shri Raminder Singh, Superintendent of Police-cum-PIO, Internal Vigilance Cell, Punjab, Chandigarh, appearing on behalf of the respondents, Informs that a copy of the order dated 13.09.2018 of the Commission has been sent to PIO and Appellate Authority of the office of Director General of Police, Intelligence, Punjab, for taking necessary action vide letter No. 1964-66/IVC, dated 30.10.2018.

5. None is present on behalf of the PIO of the office of Director General of Police, Intelligence, Punjab. Viewing the absence of the respondent PIO seriously, one last opportunity is afforded to the PIO of the office of Director General of Police, Intelligence, Punjab, Sector:77, Mohali to bring the original file on the next date of hearing for the perusal of the Commission, failing which punitive action, under the provisions of RTI Act, 2005 will be initiated against him. He is also directed to intimate as to whether the said Inquiry Report is available in their record and whether it can be shared with the appellant or not and in case it cannot be shared with the appellant then the reasons for the same be submitted, on the next date of hearing.

6. To come up on **28.01.2019 at 11.30 A.M. for further proceedings.**

**Dated : 21.11.2018**

**Sd/-  
( S.S. Channy)  
Chief Information Commissioner  
Punjab**

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Shri Navdeep Gupta,  
Kothi No.455, Gillco Valley,  
Kharar, District SAS Nagar-140301.

-----Complainant

**Vs.**

Public Information Officer  
o/o Deputy Commissioner of Police, Amritsar.

Public Information Officer,  
O/o Additional Chief Secretary to Govt., Punjab,  
Department of Home Affairs and Justice(Home-4 Branch),  
Punjab Civil Secretariat-1, Chandigarh.

Public Information Officer,  
O/o Director General of Police, Punjab,  
Sector:9, Chandigarh.

-----Respondents

## **Complaint Case No. 961 of 2017**

Present:- None on behalf of the complainant as well as the respondents.

### **ORDER**

In this case, during hearing on 08.02.2018, keeping in view the facts that no information is available with the PIO/Commissioner of Police, Amritsar it was considered appropriate that ends of justice would be met if reply from the Additional Chief Secretary to Government of Punjab, Departments of Home Affairs and Justice, Punjab Civil Secretariat, Chandigarh, Director General of Police, Punjab, Chandigarh and the Deputy Commissioner, Amritsar be obtained on the RTI application of the

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complainant. Accordingly, they were directed to send their reply before the next date of hearing. The case was adjourned to 21.03.2018.

2. On 21.03.2018, reply was received from Deputy Commissioner Police-cum-PIO, Amritsar City vide letter No. 1465/CPC, dated 20.03.2018 vide which it has been informed that since Operation Blue Star was carried out by the Army on the orders of the Central Government, no record is available with them. Besides, a Memo. No. 1241-1242/RTI-2, dated 16.03.2018, addressed to Additional Chief Secretary to Government of Punjab, Department of Home Affairs & Justice, (Home-4 Branch), Chandigarh, with a copy endorsed to the Commission, was received from Director General of Police/Admn., Punjab Police Hqrs., Sector:9, Chandigarh vide which it has been proposed to Additional Chief Secretary to Government of Punjab, Department of Home Affairs & Justice that since the information required by the applicant is not available in the record of Commissioner of Police, Amritsar, a joint meeting of representatives from the office of Deputy Commissioner, Amritsar and Police Commissioner, Amritsar may be called so that requisite reply could be filed in the Punjab State Information Commission, Punjab. Accordingly, it was directed that an appropriate reply be filed with the Commission before the next date of hearing after holding the proposed meeting, if they so desire, so that requisite information could be supplied to the complainant without any further delay. The case was adjourned to 26.04.2018, which was further postponed to 09.07.2018 due to certain administrative

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reasons.

3. On 09.07.2018, the representative of the office of DGP, Punjab submitted a Memo. No. 2696/RTI-2, dated 06.07.2018 from Smt. Amneet Kondal, IPS, AIGP/Pers.-2, Punjab Chandigarh-cum-PIO, Admn. Wing vide which it has been inter-alia submitted as under:-

“ ਇੱਕ ਜੁਆਇੰਟ ਮੀਟਿੰਗ ਮਿਤੀ 21-06-2018 ਨੂੰ ਸਕੱਤਰ, ਗ੍ਰਹਿ ਜੀ ਦੇ ਦਫਤਰ ਕਮਰੇ ਵਿਖੇ ਰੱਖੀ ਗਈ ਸੀ, ਜਿਸ ਵਿਚ ਗ੍ਰਹਿ ਮਾਮਲੇ ਅਤੇ ਨਿਆਂ ਵਿਭਾਗ ਦੇ ਸ੍ਰੀ ਕੁਮਾਰ ਰਾਹੁਲ, ਆਈ.ਏ.ਐਸ., ਸੈਕਟਰੀ ਹੋਮ, ਡਾਇਰੈਕਟਰ ਜਨਰਲ ਪੁਲਿਸ/ਪੰਜਾਬ ਦਫਤਰ ਵਲੋਂ ਸ਼੍ਰੀਮਤੀ ਅਮਨੀਤ ਕੌਂਡਲ, ਆਈ.ਪੀ.ਐਸ., ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ/ਅੰਮ੍ਰਿਤਸਰ ਦਫਤਰ ਵਲੋਂ ਸ਼੍ਰੀ ਰਵਿੰਦਰ ਸਿੰਘ, ਐਸ.ਡੀ.ਐਮ ਬਾਬਾ ਬਕਾਲਾ ਅਤੇ ਕਮਿਸ਼ਨਰ ਪੁਲਿਸ/ਅੰਮ੍ਰਿਤਸਰ ਦਫਤਰ ਵਲੋਂ ਸ਼੍ਰੀ ਨਰਿੰਦਰ ਸਿੰਘ,; ਡੀ.ਐਸ.ਪੀ., ਏ.ਸੀ.ਪੀ./ਅੰਮ੍ਰਿਤਸਰ ਸ਼ਾਮਲ ਹੋਏ ਸਨ। ਇਸ ਮੀਟਿੰਗ ਵਿਚ ਉਪਰੋਕਤ ਸਾਰੇ ਅਫਸਰਾਂ ਵਲੋਂ ਫੈਸਲਾ ਲਿਆ ਗਿਆ ਸੀ ਕਿ ਕਮਿਸ਼ਨਰ ਪੁਲਿਸ/ਅੰਮ੍ਰਿਤਸਰ, ਡਾਇਰੈਕਟਰ ਜਨਰਲ ਪੁਲਿਸ /ਪੰਜਾਬ,ਚੰਡੀਗੜ੍ਹ ਅਤੇ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ/ਅੰਮ੍ਰਿਤਸਰ ਦੇ ਦਫਤਰ ਵਿਚ ਪ੍ਰਾਰਥੀ ਸ਼੍ਰੀ ਨਵਦੀਪ ਗੁਪਤਾ ਵਾਸੀ ਐਸ.ਏ.ਐਸ ਨਗਰ ਵਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਨਾਲ ਸਬੰਧਤ ਕੋਈ ਵੀ ਰਿਕਾਰਡ ਮੌਜੂਦ ਨਹੀਂ ਹੈ ਜੀ।”

Shri Rashni Kumar, Superintendent-cum-PIO, Home -4 Branch submitted a Memo. No. 6/35/2018-2H4/3294, dated 09.07.2018 reiterating that the sought record is not available.

4. On hearing the respondents present in the Commission and after perusal of the letter dated 06.07.2018, whose contents have been reproduced above, it came

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out that the officers present in the meeting have taken a decision that the relevant record is not available with any of them. In case the record is not available in any of the offices, there is a need of submission of a simple certificate/letter that the record, in question, is not available. It does not require any decision especially in a meeting of the officers that such record is not available. To go by the spirit of Right to Information Law, it will be in the interest of handling and disposing of the case that a similar formal certificate, as issued by the local police authorities, saying that the record is not available with them, is issued by the office of Additional Chief Secretary Home and also by the office of DGP that the record, in question, is not available in their offices as a whole and not only saying that is not available in a particular Branch. The matter, in question, being very sensitive, such a certificate would suffice. Copies of those two letters were sent to the complainant for his perusal and observations, if any. The case was adjourned to 08.08.2018, which was further postponed to 13.09.2018, due to certain administrative reasons.

5. On 13.09.2018, the representatives of the office of Director General of Police, Punjab, Chandigarh submitted a Memo. No. 3362/RTI-2, dated 05.09.2018 from Shri Sukhwant Singh Gill, I.P.S., AIGP/Personnel-2, Punjab, Chandigarh-cum-PIO, Admn. Wing vide which it has been submitted as under:-

“ ਤਸਦੀਕ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਅਪਰੇਸ਼ਨ ਬਲਿਊ ਸਟਾਰ ਨਾਲ ਸਬੰਧਤ ਕੋਈ ਵੀ ਰਿਕਾਰਡ ਪੁਲਿਸ ਵਿਭਾਗ ਵਿਚ ਉਬਲਬਧ ਨਹੀਂ ਹੈ ਜੀ।”

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The reply received from the office of Director General of Police, Punjab, Chandigarh does not speak about the availability of any record pertaining to this matter in the office of Home Department. Accordingly, Additional Chief Secretary to Government of Punjab, Home Department was directed to submit a certificate in the form of an affidavit **on behalf of the Home Department** in the Secretariat as to whether any document pertaining to the said matter is available in their Department as a whole or not. Consequently, the office of Director General of Police, Punjab, Chandigarh and other offices were exempted from further appearance in this case. The case was adjourned to 17.10.2018, which was further postponed for today due to certain administrative reasons.

6. Today, none is present on behalf of the Home Department without any intimation. Accordingly, Additional Chief Secretary to Government of Punjab, Home Department is again directed to submit a certificate in the form of an affidavit **on behalf of the Home Department** in the Secretariat as to whether any document pertaining to the said matter is available in their Department as a whole or not.

7. To come up on **28.01.2019 at 11.30 A.M. for further proceedings.**

**Dated : 21.11.2018**

**Sd/-  
( S.S. Channy)  
Chief Information Commissioner  
Punjab**

**CC:** Shri Rashni Kumar,  
Superintendent-cum-PIO, Home -4 Branch,  
Punjab Civil Secretariat-1, Chandigarh.

**REGISTERED**

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Shri Jasbir Singh  
r/o Village Bholapur, P.O. Ramgarh,  
Chandigarh Road, Ludhiana-141123.

-----Appellant

**Vs**

Public Information Officer  
o/o Sub Divisional Magistrate (East),  
Ludhiana.

First Appellate Authority  
o/o Deputy Commissioner, Ludhiana.

Shri Gagan Pajni, Project Coordinator,  
Punjab State Transport Society,  
O/o Secretary, Regional Transport Authority,  
Mini Secretariat, Ludhiana.

-----Respondents

## **Appeal Case No. 1490 of 2018**

Present:- Shri Tejinder Singh, on behalf of the appellant.  
Smt. Neelam, Clerk, office of SDM(East), Ludhiana, on behalf of the respondents.

### **ORDER**

In this case, during hearing on 13.06.2018, Shri Sher Singh, Clerk, office of SDM(East), Ludhiana, appearing on behalf of the respondents informed that the RTI application had been returned to the appellant vide letter No. 06/SDM/LDH, dated 01.01.2018 by PIO-cum-SDM, Ludhiana(East) informing that the budget for home delivery of Driving Licences is allotted by Shri Gagandeep Pajni, Project Coordinator, Punjab State Transport Society in the office of Secretary, Regional Transport Authority, Mini Secretariat, Ludhiana. Accordingly, the RTI application of the appellant was sent to Shri Gagandeep Pajni and he was directed to supply the requisite information to the appellant. The case was adjourned to 12.07.2018.

2. On 12.07.2018, the appellant informed that no information had been supplied to him as yet. None was present on behalf of the respondents without any intimation nor any reply

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had been filed by the PIO. Besides, no response was received from Shri Gagandeep Pajni, Project Coordinator, Punjab State Transport Society, Ludhiana. Viewing the defying attitude of Shri Gagandeep Pajni seriously, he was directed to supply the requisite information to the appellant before the next date of hearing, under intimation to the Commission failing which punitive action under the provisions of RTI Act, 2005 would be initiated against him. The case was adjourned to 21.08.2018, which was further postponed to 29.10.2018 due to certain administrative reasons.

3. On 29.10.2018, the appellant was not present. However, a letter dated 28.10.2018 has been received from him informing that no information had been supplied to him as yet. As per the orders of the Commission, Shri Gagandeep Pajni, Project Coordinator, Punjab State Transport Society, Ludhiana was present. He states that he had already sent his reply/submission to the Commission in this regard. Accordingly, a copy of the written submission of Shri Gagan Pajni was sent to the PIO of the office of S.D.M., Ludhiana(East) and he was directed to file a detailed reply, in person, on the next date of hearing, after coordinating with Shri Gagan Pajni, narrating the factual position of the case vis-à-vis the status of the provided information. The case was adjourned for today.

4. Today, Smt. Neelam, Clerk, office of SDM(East), Ludhiana, appearing on behalf of the respondents, submits a letter No. 34, dated 20.11.2018, addressed to the Commission, with a copy endorsed to State Transport Commissioner, Punjab, Chandigarh, from PIO-cum-Superintendent, office of SDM, Ludhiana(East) vide which it has been informed that a reply regarding the information available in their office has already been submitted to the Commission. It has been further informed that Shri Gagandeep Pajni was directed to submit an Action Taken Report vide letter No. 27, dated 16.11.2018 but the report has not been submitted

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by him till date. Viewing the callous attitude being adopted in this case by Shri Parkash Singh, Superintendent-cum- PIO of the office of S.D.M., Ludhiana(East) seriously, a Show-Cause Notice is issued to him to explain reasons as to why a penalty at the rate of Rs. 250/- per day, subject to a maximum of Rs. 25,000/- be not imposed upon him for the delay in the supply of information. Besides, an opportunity of personal hearing is also afforded to him on the next date of hearing before imposition of penalty, in the interest of natural justice.

5. Shri Gagan Pajni, Project Coordinator, Punjab State Transport Society, Ludhiana is also directed to assist the PIO of the office of SDM, Ludhiana(East) to get a proper reply filed in the Commission, in person, on the next date of hearing. Shri Amarjit Bains, S.D.M., Ludhiana(East) is also impleaded as a necessary party in this case. He is directed to ensure that a proper reply, based on facts, is filed by the PIO on the next date of hearing so that requisite information could be supplied to the appellant, without any further delay.

6. To come up on **22.01.2019 at 11.30 A.M. for further proceedings.**

**Dated : 21.11.2018**

**Sd/-  
( S.S. Channy)  
Chief Information Commissioner  
Punjab**

CC: Shri Amarjit Bains,  
Sub Divisional Magistrate,  
Ludhiana(East).

REGISTERED

Shri Parkash Singh,  
Superintendent-cum-PIO,  
Office of S.D.M., Ludhiana(East).

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Shri Rajvir Singh S/o Shri Gurtej Singh,  
Village: Thaska, Post Office: Bhulan,  
Tehsil Moonak, District: Sangrur – 148027.

..... Appellant

**Versus**

Public Information Officer,  
O/o Naib Tehsildar, Khanouri,  
District: Sangrur.

First Appellate Authority,  
O/o Deputy Commissioner, Sangrur.

.....Respondents

## **Appeal Cases No. 578 of 2017**

Present: Shri Surjit Singh, Appellant, in person.  
None on behalf of the respondents.

### **ORDER**

The case was last heard on 05.09.2018, when the appellant informed that the provided information was incomplete. Accordingly, he was directed to furnish deficiencies in the provided information to the PIO, with a copy to the Commission and the PIO is directed to supply complete information to the appellant after removing the deficiencies, which would be furnished in due course of time. The appellant further submitted that he filed his RTI application for seeking information on 17.09.2016 and a period of about 2 years has lapsed but complete information had still not been provided to him. He further submitted that during this long period he had suffered a lot of agony, mentally as well as financially in obtaining the requisite information in this case. He requested that appropriate action might please be taken against the erring PIO and he might be suitably compensated. Consequently, after going through the documents placed on record, in exercise of the powers conferred by Section 20(1) of the RTI Act, 2005, a penalty to the tune of Rs. 25,000/- (Rupees Twenty Five Thousand only)

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was imposed upon Shri Vivek Nirmohi, Niab Tehsildar-cum-PIO, Khanouri to be deducted from his salary for the months of September, 2018 and October, 2018 at the rate of Rs. 12,500/- each and to be deposited in the State Treasury under the following head:-

- 0070-Other Administrative Services
- 60 Other Services
- 800 Other Receipts
- 86 Fee under RTI Act, 2005

Besides, in exercise of the powers conferred by Section 19(8)(b) of the RTI Act, 2005, a compensation of Rs. 5,000/-(Rupees five thousand only) was awarded to Shri Rajvir Singh, Appellant, for the loss and detriment suffered by him during this long period, to be paid by the Public Authority through a Bank Draft, within 30 days and a confirmation to this effect would be furnished to the Commission on the next date of hearing. A copy each of the order was forwarded to Financial Commissioner Revenue, Punjab, Chandigarh and Deputy Commissioner, Sangrur to ensure the compliance of the orders. The case was adjourned for today.

2. Today, the representative of the appellant informs that complete information has not been supplied to the appellant as yet. He further informs that compensation amount of Rs. 5,000/- has also not been paid to the appellant. Accordingly, the appellant is again directed to furnish deficiencies in the provided information to the PIO, with a copy to the Commission. The respondent PIO is directed to supply complete information to the appellant after removing the deficiencies, which would be furnished to him by the appellant in due course of time.

3. None is present on behalf of the respondents without any intimation nor compliance report of the orders of the Commission dated 05.09.2018 has been received so far. However, a letter No. 1049-50/RTI, dated 21.09.2018 has been received from PIO-cum-District

Revenue Officer, Sangrur vide which Tehsildar, Moonak has been directed to deduct penalty amount of Rs. 12,500/- from the salary of Shri Vivek Nirmohi, Naib Tehsildar Khanouri for September, 2018 and Rs. 12,500/- for October, 2018 and deposit the same in the State Treasury under the relevant head. The District Revenue Officer, Sangrur has also directed Shri Vivek Nirmohi, Naib Tehsildar, Khanouri to pay compensation amount of Rs. 5,000/- to Shri Rajvir Singh, Appellant through a Bank Draft.

4. Since compliance report has not been received as yet, a copy each of order is forwarded to Financial Commissioner Revenue, Punjab, Chandigarh; Deputy Commissioner, Sangrur and District Revenue Officer, Sangrur, to ensure the compliance of the orders, before the next date of hearing.

5. To come up on **09.01.2019 at 1.00 P.M. for confirmation of compliance of orders.**

**Sd/-  
(Avtar Singh Kaler)  
S.I.C.**

**Sd/-  
(S.S. Channy)  
C.I.C.**

**Dated : 21.11.2018**

<b>CC:</b>	<b>Financial Commissioner Revenue, Punjab Civil Secretariat-1, Chandigarh.</b>	<b>REGISTERED</b>
	<b>Deputy Commissioner, Sangrur.</b>	<b>REGISTERED</b>
	<b>District Revenue Officer, Sangrur.</b>	<b>REGISTERED</b>
	<b>Shri Vivek Nirmohi, Naib Tehsildar, Khanouri, District: Sangrur.</b>	<b>REGISTERED</b>

**CC:- PS/Hon'ble (ASK) for the kind information of Hon'ble SIC (ASK)**

# **PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Bhawan, Near Rose Garden, Madhya Marg,  
Sector: 16, Chandigarh.**

**Tel. No.0172-2864100-01, Fax No.0172-2864110**

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Shri Jaspal Vir Singh,  
# 134, Hardev Nagar,  
Kapurthala Road, Jalandhar.

-----Appellant

**Vs.**

Public Information Officer  
O/o Sikh Missionary College(Regd.)  
1051/14, Field Ganj, Ludhiana.

First Appellate Authority,  
O/o Head/Chairman,  
Sikh Missionary College,  
1051/14, Field Ganj, Ludhiana.

-----Respondents

## **Appeal Case No. 374 of 2012**

Present:- Shri Jaspal Vir Singh, appellant, in person.  
Shri G. S. Dhillon, Advocate, on behalf of the respondents.

### **ORDER**

In this case, Shri Jaspal Vir Singh, Appellant, vide his RTI application dated 13.11.2011, addressed to the PIO, sought certain information on 15 points in respect of Sikh Missionary College Institution(Society) and Sikh Missionary College(Regd.) Ludhiana.

2. Shri Harbhajan Singh, Principal, Sikh Missionary College, Ludhiana made a written submission inter-alia stating that Sikh Missionary College, Ludhiana, is a registered body under the Societies Registration Act XXI of 1860 as amended by Punjab Amendment Act, 1957 and is not a Government grant-in-aid or aided body and thus is not covered under the Right to Information Act, 2005.

Contd.....p/2

3. This case was heard by Shri R.I. Singh, Chief Information Commissioner, Punjab, who vide his order dated 31.12.2012 held that the respondent is a public authority and therefore, it is bound to comply with the provisions of the RTI Act by appointing a PIO. Vide this order, the respondents were directed to furnish the requisite information to the appellant.

4. This order of the Commission was challenged in the Hon'ble Punjab and Haryana High Court by the respondent Institute vide CWP No. 6241 of 2014, which was decided by Shri Rajan Gupta, Judge on 31.12.2017. The Hon'ble Judge set aside the order of the Commission and the matter was remitted to State Information Commission for decision afresh as per law after affording opportunity of hearing to the parties.

5. The matter was allotted to Dr. Pawan Kumar Singla, SIC for adjudication, who during hearing on 22.05.2018 recommended for constitution of a Full Bench to decide the issue. Consequently, a Larger Bench consisting of Dr. S. S. Channy, Ld. Chief Information Commissioner and Dr. Pawan Kumar Singla, Ld. State Information Commissioner, was constituted and a Notice of Hearing was issued to the parties for 11.07.2018.

6. On 11.07.2018, the appellant was not present. However, a letter dated 11.07.2018 was received from him through e-mail informing that he was unable to attend hearing due to some emergency. Ld. Counsel for the respondents referred to the judgement of Hon'ble Supreme Court of India passed in the case titled

Contd.....p/3

Thalappalam Service Cooperative Bank Ltd. and others versus State of Kerala and others in Civil Appeal 9017 of 2013 arising out of SLP© No. 24290 of 12, contending that the respondent Institute could not be said to be a public authority under the Right to Information Act, 2005. As the onus, to prove that the said Institute is a Public Authority, lied on the appellant, he was directed to submit documentary evidence to vindicate his stand, on the next date of hearing. The case was adjourned to 19.09.2018, which was further postponed for today due to certain administrative reasons.

7. Today, Dr. Pawan Kumar Singla, Hon'ble SIC, a member of the Larger Bench is on leave. Therefore, it is not possible to hear this case due to incomplete quorum .

8. To come up on **09.01.2019 at 1.00 P.M. for further proceedings.**

**Dated : 21.11.2018**

**Sd/-  
( S.S. Channy)  
Chief Information Commissioner  
Punjab**

CC:

PS/Hon'ble SIC(PKS) for the kind information of Hon'ble SIC (PKS)

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Shri Yogesh Aggarwal,  
Gali Vaid Tirath Ram,  
Opposite Civil Hospital, MOGA.

-----Appellant

**Vs.**

Public Information Officer  
O/o Secretary, District Bar Association, Moga.

First Appellate Authority,  
O/o President, District Bar Association, Moga.

-----Respondents

## **Appeal Cases No. 2055 and 2121 of 2017**

Present:- None on behalf of the appellant as well as the respondents.

### **ORDER**

As the appellant and the respondents are the same and nature of information sought, by and large, is identical, these appeals have been clubbed to be decided by a single order.

2. The relevant facts succinctly are mentioned hereunder.

Shri Yogesh Aggarwal, filed RTI applications to seek certain information from Secretary, District Bar Association, Moga and on receiving no information filed first appeals with President, District Bar Association, Moga and subsequently approached the Commission in Second Appeal. The cases were allotted to Dr. Pawan Kumar Singla, SIC for adjudication, which were last heard on 23.05.2018 when during hearing it was recommended to constitute a Full Bench/Larger Bench to decide an important issue involved in these cases. Consequently, a Larger Bench consisting of Dr. S.S. Channy, Ld. Chief Information Commissioner and Dr. Pawan Kumar Singla, Ld. State Information Commissioner was constituted and a Notice of Hearing was sent to the concerned parties for 11.07.2018.

Contd.....p/2

3. On 11.07.2018, none was present on behalf of the respondents. The appellant submitted that Bar Council of India, New Delhi is a Public Authority under the RTI Act, 2005 and Central Information Commission has declared Bar Council of Delhi also as a Public Authority under the Act *ibid*. He requested that District Bar Association, Moga might also be declared as a Public Authority under the RTI Act, 2005 and they might be directed to appoint PIO and First Appellate Authority and also might be directed to supply the information asked for by him to him. Consequently, after hearing the appellant and discussing the matter at length, the appellant was advised to approach Bar Council of India, New Delhi or Central Information Commission, New Delhi to get District Bar Association, Moga declared as a Public Authority under the RTI Act or in the alternative he was advised to submit necessary documents for declaring District Bar Association, Moga as a Public Authority as per the guidelines laid down in the judgement of Hon'ble Supreme Court of India passed in the case titled Thalappalam Service Cooperative Bank Ltd. and others versus State of Kerala and others in Civil Appeal 9017 of 2013 arising out of SLP© No. 24290 of 12. The case was adjourned to 19.09.2018 for further proceedings.

4. Today, none is present on behalf of the appellant as well as the respondents. More-over, Dr. Pawan Kumar Singla, Hon'ble SIC, a member of the Larger Bench is on leave. Therefore, it is not possible to hear these cases due to incomplete quorum .

5. To come up on **09.01.2019 at 1.00 P.M. for further proceedings.**

**Dated : 21.11.2018**

**Sd/-  
( S.S. Channy)  
Chief Information Commissioner  
Punjab**

CC: PS/Hon'ble SIC(PKS) for the kind information of Hon'ble SIC (PKS)

# **PUNJAB STATE INFORMATION COMMISSION**

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Shri Surinder Pal Singh,  
S/o Shri Amar Singh,  
H.No. 49, Near Green Model Town,  
Gali No. 1, Jalandhar.

-----Appellant

**Vs.**

Public Information Officer  
O/o PUNSUP, Jalandhar.

First Appellate Authority-cum-  
General Manager(Admn.),  
PUNSUP, Sector:34, Chandigarh.

-----Respondents

## **Appeal Case No. 679 of 2018**

Present:- Shri Surinder Pal Singh, appellant, in person.

Shri Anoop Sharma, PIO-cum-General Manager; Smt. Sikhsha Bansal, AGM; Shri Dawinder Singh, APIO and Ms. Gurpreet Kaur, Assistant, on behalf of the respondents.

## **ORDER**

In this case, Shri Surinder Pal Singh, Appellant, vide his RTI application dated 25.10.2017, addressed to the PIO, sought certain information on 5 points regarding non-payment of his retirement benefits such as gratuity etc. This case was allotted to Prof. Viney Kapoor Mehra, SIC for adjudication.

2. This case was last heard by Prof. Viney Kapoor Mehra, SIC on 29.08.2018 when she recommended for constitution of a Larger Bench to hear this case. Consequently, a Larger Bench consisting of Dr. S.S. Channy, Chief Information Commissioner and Prof. Viney Kapoor Mehra, State Information Commissioner was

Contd.....p/2



constituted and a Hearing Notice was issued to the concerned parties for 17.10.2018, which was further postponed for today due to certain administrative reasons.

3. Today, Shri Anoop Sharma, PIO-cum-General Manager, appearing on behalf of the respondents states that the admissible information has already been supplied to the appellant. The appellant expresses dis-satisfaction with the provided information stating that it is incomplete. Consequently, the information asked for by the appellant is discussed point-wise in detail. After detailed deliberations, it is found that the information regarding all the points except Point No. 4 stands provided to the appellant. Accordingly, it is directed that the information asked for at Point No. 4 in respect of Shri Sher Singh, Shri Inder Mohan Singh and Shri Shanti Saroop be provided to the appellant to which the respondent agrees and assures to comply with the orders of the Commission.

4. On the assurance given by the respondent, the case is **disposed of and closed.**

**Sd/-**  
**(Prof. Viney Kapoor Mehra)**  
**S.I.C.**

**Sd/-**  
**( S.S. Channy)**  
**C.I.C.**

**Dated: 21.11.2018**

CC:

PS/Hon'ble SIC(VKM) for the kind information of Hon'ble SIC (VKM)

# PUNJAB STATE INFORMATION COMMISSION

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Smt. Sandeepika Malhotra,  
Wife of Shri Subhash Malhotra,  
House No. 610/27, Street No. 4  
Sham Nagar, Ludhiana – 141001.

-----Appellant

**Vs.**

Public Information Officer  
O/o DPI(Colleges) Punjab,  
Punjab School Education Board Complex,  
Sector: 62, S.A.S. Nagar.

First Appellate Authority-cum-  
O/o DPI(Colleges) Punjab,  
Punjab School Education Board Complex,  
Sector: 62, S.A.S. Nagar.

-----Respondents

## **Appeal Case No. 1446 of 2016**

Present:- None for the appellant.

Dr. Gurdarshan Singh Brar, Assistant Director-cum-PIO and Shri Sukhwinder Singh, Senior Assistant, on behalf of the respondents.

### **ORDER**

In this case, Smt. Sandeepika Malhotra, Appellant, vide her RTI application dated 22.06.2015, addressed to the PIO, sought certain information on 3 points regarding filled up and vacant posts of Punjab Government College Lecturers. This case was allotted to Shri Alwinderpal Singh Pakhoke, SIC for adjudication.

2. This case was last heard by Shri Alwinderpal Singh Pakhoke, SIC on 12.10.2017 when he imposed a penalty of Rs. 25,000/- (Rs. Twenty five thousand) on Shri Ashok Kumar Logri, PIO. He directed DPI(Colleges), Punjab, to deposit the penalty amount in the State Treasury under the relevant head after realizing the same from Shri Ashok Kumar Logri, PIO, before the next date of hearing.

3. Shri Alwinderpal Singh Pakhoke, SIC retired on 19.10.2017 and the case was allotted to Shri Hem Inder Singh, SIC for further hearing. The case was last heard by Shri Hem

Contd.....p/2

Inder Singh, SIC on 26.09.2018, when he recommended for constitution of a Larger Bench to hear this case. Consequently, a Larger Bench consisting of Dr. S.S. Channy, Chief Information Commissioner and Shri Hem Inder Singh, State Information Commissioner was constituted and a Hearing Notice was issued to the concerned parties for today.

4. Today, Dr. Gurdarshan Singh Brar, Assistant Director-cum-PIO, appearing on behalf of the respondents, informs that complete information, after collecting from different colleges, has been supplied to the appellant. He further informs that the information in consolidated form has also been provided to the appellant. Consequently, he narrates the entire factual position of the case and requests that order of penalty passed in this case by Shri Alwinderpal Singh Pakhoke, former SIC, may be reviewed as there was no laxity on the part of the then PIO, Shri Ashok Kumar Logri.

5. Since there is no provision in the RTI Act, 2005 to review the earlier order. The DPI Colleges, Punjab, is directed to deduct penalty amount of Rs. 12,500/- from the salary of Shri Ashok Kumar Logri, the then PIO for the month of December, 2018 and Rs. 12,500/- from the salary for the month of January, 2019 and deposit the same in the State Treasury under the relevant head and a compliance report be submitted to the Commission on the next date of hearing.

6. To come up on **20.02.2019 at 1.00 P.M. for confirmation of compliance of orders.**

**Sd/-  
(Hem Inder Singh )  
S.I.C.**

**Sd/-  
( S.S. Channy)  
C.I.C.**

**Dated: 21.11.2018**

CC: PS/Hon'ble SIC(HIS) for the kind information of Hon'ble SIC (HIS)