



Sh Hardiyal Singh, S/o Sh Jaswant Singh,
R/o Balol Patti, Village Choke,
Tehsil Maur, Distt Bathinda.

... Complainant

Versus

Public Information Officer,
O/o EO, Nagar Panchayat,
Chaoke, Tehsil Maur,
Distt Bathinda.

... Respondent

Complaint Case No. 363 of 2020

PRESENT: None for the Complainant
Sh.Jagjit Singh, Panchayat Officer for the Respondent

ORDER:

The complainant through RTI application dated 05.12.2019 has sought information regarding the copy of bills for the work done under section 35-A in village Panchayat Chauke – streets constructed alongwith street number & expenditures – date of tenders passed – earth filling in the village – number of parks developed – panchayat land given on lease from year 2014 with income generated – dharamshala constructed with expenses and other information as enumerated in the RTI application concerning the office of EO Nagar Panchayat, Chaoke, Tehsil Maur District Bathinda. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 28.06.2020.

The case first came up for hearing on 09.03.2021 through video conferencing at DAC Bathinda. The complainant claimed that the PIO had not provided the information. The complainant further informed that he received a letter from the PIO on 16.03.2020 vide which the PIO had denied the information and asked him to inspect the record and get the information.

The respondent was absent. The Commission observes that there has been an enormous delay in attending to the RTI application. The PIO 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 directed to file a reply on an affidavit. Further, 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 was again directed to provide the information to the complainant within 10 days of the receipt of the order.

The case was last heard on **15.06.2021** through video conferencing at DAC Bathinda. The respondent was again absent without any legitimate reasons for the absence nor has filed any reply to the show cause notice as well as not provided the information.

Keeping the above-mentioned facts of the case, to secure an erring PIO's presence before the commission, the PIO-Estate Officer, Nagar Panchayat, Chauke, District Bathinda was issued a bailable warrants under section 18(3) of the RTI Act through Senior Superintendent of Police, Bathinda for his presence before the Commission on **22.09.2021**.

Hearing dated 22.09.2021:

The case has come up for hearing today through video conferencing at DAC Bathinda. The PIO-Estate Officer, Nagar Panchayat Chouke is absent.

Sh.Jagjit Singh, Panchayat Secretary, Gram Panchayat, Chouke is present on behalf of BDPO Rampura and informed that the Nagar Panchayat Chouke has been denotified in December 2020 and converted into a Gram Panchayat which is under the control of BDPO Rampura and the BDPO-Rampura is the PIO in this case. The respondent however, does not know about the status of the case.

The BDPO-Rampura is absent. The Commission has received a copy of letter dated 20.09.2021 through email from the BDPO-Rampura vide which BDPO has asked EO-NC Maur to appear before the Commission on the date of hearing since the record relates to Nagar Panchayat Chouke and has to be presented by their office.

As per information from the office of Local Govt. Pb Chandigarh, Sh.Bhartvir Singh was the EO-cum-PIO, Nagar Panchayat Chouke at the time of filing of RTI application (05.12.2019) till July 2020 who has been transferred and is now posted as EO-Nagar Panchayat, Mehraj, District Bathinda.

Sh.Bhartvir Singh, EO-Nagar Panchayat Mehraj(earlier PIO-cum-EO Nagar Panchayat Chouke) is directed to appear before the commission on the next date of hearing and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.

Further since the Nagar Panchayat Chouke has been denotified and converted into a Gram Panchayat which is under the control of BDPO Rampura. The PIO-BDPO Rampura is directed to file a detailed reply and appear personally before the Commission on the next date of hearing.

Since as per copy of letter dated 20.09.2021 received from the BDPO-Rampura, the record relating to Nagar Panchayat/Gram Panchayat, Chouke appears to be in the custody of EO-NC Maur, the EO-Nagar Council, Maur is also impleaded in the case and directed to look at the RTI application and provide information to the complainant.

The complainant is absent nor is represented.

A copy of the order is being sent to the ADC(D), Bathinda with the direction to ensure that the order is served to the PIO under whose custody the record exists and the RTI application is attended to as per the RTI Act. as well as to ensure that the information that is available on record is provided to the appellant.

The case is adjourned. To come up for further hearing on **25.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

Sd/-

Chandigarh

Dated 22.09.2021

(Khushwant Singh)

State Information Commissioner

CC to: 1. Sh.Bharatvir Singh, EO-Nagar Panchayat,
Mehraj, Distt.Bathinda
(Earlier EO-cum-PIO, Nagar Panchayat Chouke)
2. BDPO-Rampura, District Bathinda
3. EO-Nagar Council, Maur, Distt.Bathinda
4. ADC(D), Bathinda.



Sh.Sanjeev Goyal S/o Sh Ashok Kumar,
148, Model Town, Phase-1,
Near TV Tower, Bathinda.

... Complainant

Versus

Public Information Officer,
O/o DC,
Bathinda .

...Respondent

Complainant case No.405 of 2020

PRESENT: Sh.Sanjeev Goyal as the Complainant
Smt.Salochna Devi, Suptd-O/o DC Bathinda for the Respondent

ORDER:

The complainant through RTI application dated 27.01.2020 has sought information on 12 points regarding joining of Deputy Commissioner at Bathinda along with his visits to Cattle pond Harraipur – the name of employees accompanied with DC while on tour to Harraipur – log books of vehicles deputed for the visit to Har Raipur - cattle that died in cattle pond Har Raipur from 01.04.2019 – record register of cattle died in Har Raipur from 01.01.2018 and other information as enumerated in the RTI application from the office of DC Bathinda. The complainant was not satisfied with the reply of the PIO dated 11.02.2020 after which the complainant filed a complaint in the Commission on 03.07.2020.

The case first came up for hearing on **03.02.2021** through video conferencing at DAC Bathinda. The respondent present from the office of BDPO pleaded that the RTI application was transferred to them by the DC office and the information concerning them relating to points 4 to 10 has been provided to the appellant and the appellant has received the same.

The appellant however, pleaded that the information on points 1, 2 3, 11 & 12 has not been provided. As per record, the PIO-DC Bathinda had asked the appellant to deposit requisite fee of Rs.68/- for information relating to point-11 which was not deposited by the appellant.

The case was sent back to the PIO- DC Bathinda to provide the sought information to the appellant on points 1,2,3, & 12. Regarding point 11 ,the appellant was directed to deposit the requisite fee of Rs.68/- as demanded by the PIO vide letter dated 11.02.2020 and get the information.

The case was last heard on **24.05.2021**. As per the respondent, the information had been provided to the appellant on 05.02.2021 and 19.02.2021.

As per appellant, the information on point-2 & 12 was not provided and the information provided on point-11 was not legible.

Hearing gone through the RTI application and hearing both the parties, the PIO was directed to provide the following information:

- Point-2 - To provide details of officials, if any accompanied with the Deputy Commissioner during his visit to Har Raipur
- Point-12 - As per the respondent, the complaints received from the appellant were sent to MC Bathinda since the matter related to them. The PIO is directed to give this in writing to the appellant.
- Point-11 - PIO to provide legible copies of information.

The rest of the information stands provided.

Hearing dated 22.09.2021:

The case has come up for hearing today through video conferencing at DAC Bathinda. As per respondent, complete information has been provided to the appellant vide letter dated 12.08.2021 with a copy to the Commission.

The appellant is not satisfied with the information relating to point-12 and stated that he has asked for action taken on his complaints sent to the Deputy Commissioner Bathinda alongwith notings/correspondence. The appellant also informed that the PIO has not supplied the legible copies of information relating to point-11.

The PIO is given last opportunity to provide whatever action has been taken on the complaints of the appellant alongwith notings/correspondence relating to point-12 and also supply legible copies of the information relating to point-11 within 15 days of the receipt of order otherwise the Commission will be constrained to take action against the PIO under section 20 of the RTI Act.

To come up for compliance on **25.01.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

Chandigarh
Dated: 22.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Sukhwinder Singh, S/o Sh.Shamsher Singh,
Village Chouke, Tehsil Maur,
Distt. Bathinda.

Complainant.

Versus

Public Information Officer,
O/o J.E, Nagar Panchayat, Chouke,
Tehsil Maur, Distt.Bathinda.

...Respondent

Complaint Case No. 458 of 2020

PRESENT: None for the appellant
None for the Respondent

ORDER:

The complainant through RTI application dated 08.01.2020 has sought information regarding order issued for manufacturing bakery products in residential houses in village Koke – instalments released – documents asked for the construction of houses for poor people – work completed from 01.01.2019 to 31.12.2019 and other information as enumerated in the RTI application from the office of JE, Nagar Panchayat, Chauke, Tehsil Maur, Distt.Bathinda. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 21.07.2020.

The case first came up for hearing on **03.02.2021** through video conferencing at DAC Bathinda. Both the parties were absent.

The PIO was directed to provide the information to the complainant within 15 days.

A copy of the order was sent to the DC Bathinda with the direction to ensure that the concerned PIO provides the information to the complainant as per the RTI Act.

On the date of the last hearing on **24.05.2021**, **both** the parties were absent.

The Commission received a copy of letter from the APIO-O/o DC Bathinda vide which the APIO sent the notice of the Commission to the Joint Deputy Director, Local Govt. Bathinda and BDPO Bathinda with the direction to attend the hearing in the Commission on 24.05.2021 since the Nagar Panchayat Chauke after denotification, has been converted into Gram Panchayat.

From the above, it was transpired that the information lies in the custody of BDPO-Bathinda or Joint Deputy Director, Local Govt. Bathinda. A copy of the RTI application was sent to PIO-BDPO Bathinda and PIO-Joint Deputy Director, Local Govt. Bathinda and the PIOs are directed to look at the RTI application and provide the information to the complainant.

Hearing dated 22.09.2021:

The case has come up for hearing today through video conferencing at DAC Bathinda. None is present on behalf of the BDPO Bathinda and Joint Deputy Director Local Govt.. Bathinda as well as for the complainant.

The commission has again received a copy of letter dated 07.07.2021 from the office of DC Bathinda vide which DC Bathinda has directed the Joint Deputy Director, Local Govt Bathinda to attend the hearing in the Commission.

Complaint Case No. 458 of 2020

In an another complaint case No.363/2020(Hardyal Singh v/s PIO-EO, Nagar Panchayat, Chouke), Sh.Jagjit Singh, Panchayat Secretary, Gram Panchayat, Chouke appeared on behalf of BDPO Rampura and informed that the Nagar Panchayat Chouke has been denotified in December 2020 and converted into a Gram Panchayat which is under the control of BDPO Rampura and the BDPO-Rampura is the PIO in this case.

Further as per information from the office of Local Govt. Pb Chandigarh, Sh.Bhartvir Singh was the EO-cum-PIO, Nagar Panchayat Chouke at the time of filing of RTI application (05.12.2019) till July 2020 who has been transferred and is now posted as EO-Nagar Panchayat, Mehraj, District Bathinda.

Sh.Bhartvir Singh, EO-Nagar Panchayat Mehraj(earlier PIO-cum-EO Nagar Panchayat Chouke) is directed to appear before the commission on the next date of hearing and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.

Further since the Nagar Panchayat Chouke has been denotified and converted into a Gram Panchayat which is under the control of BDPO Rampura, the PIO-BDPO Rampura is directed to file a detailed reply and appear personally before the Commission on the next date of hearing.

The complainant is absent nor is represented.

Since the notices of the commission are being refused by the concerned public authority, a copy of the order-cum notice is being sent to the ADC(D), Bathinda with the direction to ensure that the order is served to the PIO under whose custody the record exists and the RTI application is attended to as per the RTI Act. as well as to ensure that the information that is available on record is provided to the appellant.

The case is adjourned. To come up for further hearing on **25.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

Chandigarh
Dated 22.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

- CC to: 1. Sh.Bharatvir Singh, EO-Nagar Panchayat,
Mehraj, Distt.Bathinda
(Earlier EO-cum-PIO, Nagar Panchayat Chouke)
2. BDPO-Rampura, District Bathinda
3. ADC(D), Bathinda.
4. PIO-Joint Dy Director, Local Govt.
Bathinda.



Sh.Sukhwinder Singh, S/o Sh.Shamsher Singh,
Village Chouke, Tehsil Maur,
Distt.Bathinda.

Complainant.

Public Information Officer,
O/o J.E,
Nagar Panchayat, Chouke,
Tehsil Maur, Distt.Bathinda.

...Respondent

Complaint Case No. 459 of 2020

PRESENT: None for the appellant
None for the Respondent

ORDER:

The complainant through RTI application dated 08.01.2020 has sought information regarding tender called from 01.01.2019 to 31.12.2019 - amount deposited in the bank - works undertaken and completed from 01.01.2019 to 31.12.2019 and other information as enumerated in the RTI application from the office of JE, Nagar Panchayat, Chauke, Tehsil Maur, Distt.Bathinda. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 21.07.2020.

The case first came up for hearing on **03.02.2021** through video conferencing at DAC Bathinda. Both the parties were absent.

The PIO was directed to provide the information to the complainant within 15 days.

A copy of the order was sent to the DC Bathinda with the direction to ensure that the concerned PIO provides information to the complainant as per the RTI Act.

On the date of last hearing on **24.05.2021**, both the parties were absent.

The Commission received a copy of letter from the APIO-O/o DC Bathinda vide which the APIO sent the notice of the Commission to the Joint Deputy Director, Local Govt. Bathinda and BDPO Bathinda with the direction to attend the hearing in the Commission on 24.05.2021 since the Nagar Panchayat Chauke after denotification, has been converted into Gram Panchayat.

From the above, it was transpired that the information lies in the custody of BDPO-Bathinda or Joint Deputy Director, Local Govt. Bathinda. A copy of the RTI application was sent to PIO-BDPO Bathinda and PIO-Joint Deputy Director, Local Govt. Bathinda and the PIOs were directed to look at the RTI application and provide the information to the complainant.

Hearing dated 22.09.2021:

The case has come up for hearing today through video conferencing at DAC Bathinda. None is present on behalf of the BDPO Bathinda and Joint Deputy Director Local Govt.. Bathinda as well as for the complainant.

The commission has again received a copy of letter dated 07.07.2021 from the office of DC Bathinda vide which DC Bathinda has directed the Joint Deputy Director, Local Govt Bathinda to attend the hearing in the Commission.

Complaint Case No. 459 of 2020

In an another complaint case No.363/2020(Hardyal Singh v/s PIO-EO, Nagar Panchayat, Chouke), Sh.Jagjit Singh, Panchayat Secretary, Gram Panchayat, Chouke appeared on behalf of BDPO Rampura and informed that the Nagar Panchayat Chouke has been denotified in December 2020 and converted into a Gram Panchayat which is under the control of BDPO Rampura and the BDPO-Rampura is the PIO in this case.

Further as per information from the office of Local Govt. Pb Chandigarh, Sh.Bhartvir Singh was the EO-cum-PIO, Nagar Panchayat Chouke at the time of filing of RTI application (05.12.2019) till July 2020 who has been transferred and is now posted as EO-Nagar Panchayat, Mehraj, District Bathinda.

Sh.Bhartvir Singh, EO-Nagar Panchayat Mehraj(earlier PIO-cum-EO Nagar Panchayat Chouke) is directed to appear before the commission on the next date of hearing and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.

Further since the Nagar Panchayat Chouke has been denotified and converted into a Gram Panchayat which is under the control of BDPO Rampura, the PIO-BDPO Rampura is directed to file a detailed reply and appear personally before the Commission on the next date of hearing.

The complainant is absent nor is represented.

A copy of the order is being sent to the ADC(D), Bathinda with the direction to ensure that the order is served to the PIO under whose custody the record exists and the RTI application is attended to as per the RTI Act. as well as to ensure that the information that is available on record is provided to the appellants.

The case is adjourned. To come up for further hearing on **25.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

Chandigarh
Dated 22.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

- CC to: 1. Sh.Bharatvir Singh, EO-Nagar Panchayat,
Mehraj, Distt.Bathinda
(Earlier EO-cum-PIO, Nagar Panchayat Chouke)
2. BDPO-Rampura, District Bathinda
3. ADC(Rural), Bathinda.
4. PIO-Joint Dy Director, Local Govt.
Bathinda.



Sh Anil Mittal, S/o ShDharam Pal,
22121, Gali No-11/4, Power House Road,
Bathinda.

... Appellant

Versus

Public Information Officer,
O/o EO, BDA,
Bathinda.

First Appellate Authority,
O/o Addl, Chief Administrator,
BDA, Bathinda.

...Respondent

Appeal Case No. 1943 of 2019

PRESENT: Sh.Anil Mittal as the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 19.05.2018 has sought information regarding land comprising khasra No.2527 situated in Patti Mehna Tehsil & Distt.Bathinda comprising copy of notification for acquiring the said land, name of land owners, compensation awarded and other information concerning the office of EO, BDA Bathinda. The appellant was not satisfied with the information provided by the PIO vide letter dated 22.06.2018 after which the appellant filed a first appeal before the First Appellate Authority on 25.06.2018, which took no decision on the appeal.

The case has already been heard on 17.10.2019, 23.12.2019, 17.03.2020, 07.09.2020, 09.03.2021 & 15.06.2021.

On the date of hearing on 17.10.2019, as per appellant, the information on point 6,12 & 13 were related to Revenue Patwari, Patti Mehna. The revenue patwari was impleaded in the case and directed to provide the information.

On **07.09.2020**, the Revenue Patwari, Patti Mehna was present and informed that the information concerning them has been supplied to the appellant. The appellant stated that he had received information on point-6 only and other information that had been provided by the PIO-BDA was also not legible.

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

- | | |
|-----------------|---|
| - Point-1,2,3&4 | - As per the appellant, the information is not legible. The PIO-BDA to provide a legible copy of the information. |
| - Point-5 | - PIO to respond appropriately |
| - Point-6 | - Copy of jamabandi to be provided by Patwari |
| - Point-7 | - NA |
| - Point-8 | - BDA to provide the information |
| - Point-9 | - The appellant is not satisfied with the reply. The PIO to Provide complete information. |
| - Point-10 | - PIO to provide list of litigations |
| - Point-11 | - Appellant not satisfied, PIO to provide complete information |
| - Point-12 | - PIO to provide demarcation |
| - Point-13 | - PIO to reply suitably |
| - Point-14 | - To reply appropriately |

Since the information was voluminous, the PIO was directed to contact the appellant on his mobile No.9643122971 and sort out all the discrepancies and provide complete information within a week of the receipt of this order. Further, since there was an enormous delay in providing the information, a copy of the order was sent to the Chief Administrator, BDA Bathinda with the direction to ensure compliance of the order.

On the date of the last hearing on **09.03.2021**, the respondent informed that the record was inspected by the appellant and the available information has been supplied to the appellant. The appellant was still not satisfied.

Hearing both the parties, the PIO was directed to sort out the discrepancies and provide whatever information is available point-wise to the appellant with a copy to the Commission. If the information is not available, give in writing on an affidavit that the information that has been provided is true, complete and no further information is available in the record relating to this RTI application.

On the date of last hearing on 15.06.2021, Sh.Amandeep Singh, Jr Assistant o/o BDA Bathinda and Sh.Gurjant Singh, Naib Tehsildar were present who informed that, the information has already been provided. As per the appellant, the PIO had not provided complete information nor had provided an affidavit. As per the appellant, the information on points 1,2,3&4 was not legible nor attested, the information on point-5 was incomplete and information on the remaining points as per the previous order of the Commission had not been provided by the PIO.

The PIO was given one last opportunity to comply with the earlier order of the Commission and sort out the discrepancies and provide complete information on each point duly attested. If the information is not available, to either procure from the concerned authorities and provide to the appellant or give in writing on an affidavit that the information that has been provided is true, complete and no other information is available with this public authority under which RTI application was filed.

Hearing dated 22.09.2021

The case has come up for hearing today through video conferencing at DAC Bathinda. As per appellant, the PIO has not supplied the information.

The respondent is absent. Earlier order stands.

The case is marked to the Deputy Commissioner, Bathinda with the direction to ensure that the order of the Commission are complied with by the concerned PIOs and the information is provided to the appellant

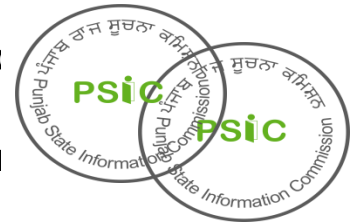
To come up for further hearing on **25.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

Chandigarh
Dated 22.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: 1. Revenue Patwari,
Patti Mehna, Distt.Bhatinda

2.Deputy Commissioner, Bathinda



Sh. Gurinder Singh S/o sh. Harnek Singh,
R/o Bhagta Bhaika, Tehsil Phul,
Distt Bathinda.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Bathinda.

First Appellate Authority,
O/o IGP, Bathinda Range,
Bathinda.

...Respondent

Appeal Case No. 2616 of 2020

PRESENT: Sh.Gurinder Singh as the Appellant
Sh.Sh.Jasbir Singh, DSP-Rampuraphul for the Respondent

ORDER:

The appellant through RTI application dated 2.03.2020 has sought information regarding copies of log book of vehicle No.PB03A2329 from 01.09.2018 to 02.02.2019 as enumerated in the RTI application concerning the office of SSP Bathinda. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 21.07.2020 which took no decision on the appeal on 02.09.2020 with the decision that as per report of SSP Bathinda, the information cannot be provided since the said vehicle is being used by the Police Department for secret duties and for investigation of complicated cases and disclosure of information may hamper the investigation as well as risk to the life of witnesses.

The case was last heard on 01.06.2021. The Commission received a reply of the PIO on 16.02.2021 which was taken on the file of the Commission.

Hearing dated 22.09.2021:

The case has come up for hearing today through video conferencing at DAC Bathinda. The respondent has reiterated his earlier plea that the information cannot be provided since the said vehicle is being used by the Police Department for secret duties and for investigation of complicated cases and disclosure of information may hamper the investigation as well as risk the life of witnesses.

The appellant pleaded that the information that he has sought cannot hamper any investigation since he has sought the record of some vehicles of Bathinda police which is covered under section 2(f) of the RTI Act. Further the PIO can apply section 10(1)(a) and provide part of the record after severance of the record containing information which is exempt from disclosure.

The appellant has also brought to the notice of the commission whereby he has alleged that his crop was forcibly harvested by police officials and this information will help him to get justice.

Appeal Case No. 2616 of 2020

From the arguments, it is concluded that though the sought information is for personal reasons, it can enable the appellant to prove his above allegation and get whatever justice he is seeking. However, at the same time, this bench is of the view that the appellant only requires that part of the log book which helps him achieve his goal and hence acquisition of information further than what is required is a waste of time and pointless.

Given the above, the PIO is directed to allow the appellant to inspect the logbook pertaining to the visits of vehicle No.PB03A2329 to the location of his land situated at Dayalpur, Kalyan Sadda & Bhagta Bhai (from 1.09.2018 to 02.02.2019) and provide the relevant information.

The case is adjourned. To come up for further hearing on **25.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

Chandigarh
Dated :22.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Gurinder Singh S/o Sh. Harnek Singh,
R/o Bhagta Bhaika, Tehsil Phul,
Distt. Bathinda.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Bathinda.

First Appellate Authority,
O/o IGP, Bathinda Range,
Bathinda.

...Respondent

Appeal Case No. 2617 of 2020

PRESENT: Sh.Gurinder Singh as the Appellant
Sh.Sh.Jasbir Singh, DSP-Rampuraphul for the Respondent

ORDER:

The appellant through RTI application dated 17.02.2020 has sought information regarding case No.144 dated 21.10.2018 – date of SFL testing of empty bullet cartridges recovered during enquiry - RC number, Docket Number and deposit receipt of the cartridge along with final result as enumerated in the RTI application concerning the office of SSP Bathinda. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 21.07.2020 which disposed of the appeal on 02.09.2020 with the decision that as per the report of SSP Bathinda, since the SFL report has not yet been received and the case is still under investigation, the information cannot be provided.

The case last came up for hearing on 01.06.2021 through video conferencing at DAC Bathinda. The Commission received a letter from the PIO on 16.02.2021 vide which the PIO informed that since the SFL report relating to case No.144 was not received and the information was not provided. Thereafter the appellant filed the first appeal on 21.07.2020 which was disposed of by the First Appellate Authority on 02.09.2020.

As per appellant, the PIO had given wrong information since the First Appellate Authority vide letter dated 02.09.2020 stated that the SFL report has not been received whereas vide letter dated 09.10.2020, the PIO had informed that the empty cartridges are yet to be sent to SFL Lab for inspection.

Hearing both the parties, the PIO was directed to provide the following:

1. Date of sending of empty cartridge for testing in the SFL Lab
2. If the case is still under investigation at the time of the hearing, it may be held back

Hearing dated 22.09.2021:

The case has come up for hearing today through video conferencing at DAC Bathinda. The respondent reiterated his earlier plea that since the case is still under investigation, the information cannot be provided.

The Commission has also received a letter dated 20.09.2021 from the PIO stating that as per report of Chief Officer, Thana Dayalpura, the case No.144 dated 21.10.2018 is being investigated by a special investigating team and since the investigation is pending, the information cannot be provided.

Part-1

The reply of the PIO is not sustainable since an interim order has already been passed to provide-

- (1) date of sending of empty cartridges for testing in the SFL Lab.
- (2) if the case is still under investigation at the time of hearing, the information may be held back.

Earlier order stands -The PIO is directed to provide the information within fifteen days on point one.

Part-2

The appellant has claimed that the PIO had given misleading information since the First Appellate Authority vide letter dated 02.09.2020 stated that the SFL report has not been received whereas vide letter dated 09.10.2020, the PIO had informed that the empty cartridges are yet to be sent to SFL Lab for inspection.

I am marking this observation of the appellant to the First appellate authority, Inspector General of Police, Bathinda Range, Bathinda to enquire as to why two replies are at a variance. Accountability be fixed as per rules.

To come up for further hearing on **25.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

Chandigarh
Dated :22.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Sh. Gurinder Singh S/o sh. Harnek Singh,
R/o Bhagta Bhaika, Tehsil Phul,
Distt. Bathinda.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Bathinda.

First Appellate Authority,
O/o IGP, Bathinda Range,
Bathinda.

...Respondent

Appeal Case No. 2620 of 2020

PRESENT: Sh.Gurinder Singh as the Appellant
Sh.Sh.Jasbir Singh, DSP-Rampuraphul for the Respondent

ORDER:

The appellant through RTI application dated 03.03.2020 has sought information regarding the copy of DDR relating to case Jasbir Singh dated 21.10.2018 PS Diyalpura relating to departure, return etc. and other information as enumerated in the RTI application concerning the office of SSP Bathinda.. The appellant was not satisfied with the reply of the PIO dated 13.07.2020 whereby the PIO denied the information stating that since the information sought relates to case No.144/2018 which is pending for enquiry, the information cannot be provided. Thereafter the appellant filed the first appeal before the First Appellate Authority on 21.07.2020 which disposed of the appeal on 02.09.2020 upholding the PIOs view.

The case last came up for hearing on 01.06.2021 through video conferencing at DAC Bathinda. The respondent informed that the information has been provided to the appellant.

The appellant informed that he has received the information relating to the departure(Ravangi) of Jasbir Singh but information relating to his return (Vapsi) was been provided.

The PIO was directed to provide the remaining information to the appellant within 10 days and send a compliance report to the commission.

Hearing dated 22.09.2021:

The case has come up for hearing today through video conferencing at DAC Bathinda. The appellant claims that the PIO has not provided the information as per order of the Commission.

The Commission has received reply of the PIO vide letter dated 20.09.2021 stating that the information has been sent to the appellant vide letter dated 06.07.2021 and a copy of same being sent to the commission.

Appeal Case No. 2620 of 2020

In the letter dated 06.07.2021, the PIO has mentioned that as per report of Chief officer, Thana Dayalpura, the official Sh.Jasbir Singh had come back within time on 21.10.2018 but no specific time of return is recorded in the Rojnamcha. However, his entry and exit on 21.10.2018 relating to duties in other cases has been mentioned in the Rojnamcha.

The appellant has also claimed that in a different letter (No.29/RTI dated 09.02.2020) of the Chief Officer, Thana Dayalpura, Sh.Jasbir Singh No.1701 was not present in the police station on 21.10.2018. The appellant has sent a copy of letter dated 09.02.2020 which has been taken on the file of the Commission.

From the above, there is prima-facie evidence that there are two different pieces of information being provided by the PIO to the appellant.

The PIO is directed to file a reply in the matter on an affidavit that out of the two replies, which one is the correct information. That correct information to be provided on the same affidavit.

To come up for further hearing on **25.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

Chandigarh
Dated :22.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sector 16, Chandigarh.
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Sh. Gurinder Singh S/o sh. Harnek Singh,
R/o Bhagta Bhaika, Tehsil Phul,
Distt.Bathinda.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Bathinda.

First Appellate Authority,
O/o IGP, Bathinda Range,
Bathinda.

...Respondent

Appeal Case No. 2627 of 2020

PRESENT: Sh.Gurinder Singh as the Appellant
Sh.Sh.Jasbir Singh, DSP-Rampuraphul for the Respondent

ORDER:

The appellant through RTI application dated 18.01.2020 has sought information regarding case No.144 dated 21.10.2018 – PS Dialpura – a copy of statement recorded under section 161 relating to recovery of the empty bullet as enumerated in the RTI application concerning the office of SSP Bathinda. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 21.07.2020 which disposed of the appeal on 02.09.2020 with the decision that as per the report of SSP Bathinda dated 14.08.2020, the enquiry is still pending, the information cannot be provided.

The case last came up for hearing 01.06.2021 through video conferencing at DAC Bathinda. The appellant claimed that the PIO has not provided the information.

The Commission received a reply from the PIO on 16.02.2021 which was taken on the file of the Commission. The reply was not justified since the appellant had sought a copy of the statement recorded under section 161 relating to the recovery of an empty bullet cartridge.

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

Hearing dated 22.09.2021:

The case has come up for hearing today through video conferencing at DAC Bathinda. The respondent reiterated his earlier plea that since the case is still under investigation, the information cannot be provided.

The Commission has also received a letter dated 20.09.2021 from the PIO stating that as per report of Chief Officer, Thana Dayalpura, the case No.144 dated 21.10.2018 is being investigated by a special investigating team and since the investigation is pending, the information cannot be provided.

The reply of the PIO is not sustainable since the order has already been passed to provide the information and the respondent at the last hearing had assured to provide the document.

The PIO is given one last opportunity to comply with the earlier order of the commission which still stands and provide information to the appellant within 15 days with a copy to the Commission, otherwise the Commission will be constrained to initiate action against the PIO under section 20 of the RTI Act.

To come up for further hearing on **25.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Bathinda.

Chandigarh
Dated :22.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Ms. Nippy Garg, D/o Sh. Sukhdarshan Lal Garg,
21784, Street No-2, Shiv Mandir Colony,
PowerHouse Road, Bathinda.

... Appellant

Versus

Public Information Officer,
O/o Director,
Department of Local Govt,
Sec-35-A, Chandigarh.

First Appellate Authority,
O/o Director,
Department of Local Govt,
Sec-35-A, Chandigarh.

... Respondent

Appeal Case No. 3348 of 2020

Present: Ms. Nippy Garg as the Appellant
Sh. Aman Kumar, Sr. Assistant (Establishment branch) for the Respondent

ORDER:

The case first came up for hearing on 03.03.2021 through video conferencing at DAC Bathinda. The respondent present pleaded that the information has been provided to the appellant vide letter dated 04.09.2020 with a copy to the Commission.

The appellant was not satisfied and informed that the information is incomplete. Having gone through the RTI application, the information provided by the PIO and hearing both the parties, the following was concluded:

- | | | |
|--------------|---|---|
| Point-1 to 4 | - | Sufficiently replied |
| Point-5 | - | To provide salary calculation |
| Point-6 | - | To provide copy of rule/order according to which Retired persons were recruited/working in the department |
| Point-7 | - | Provide heads of account |

The information was to be provided within 10 days of the receipt of the order.

On the date of last hearing on **15.06.2021**, the respondent informed that the information on points 5, 6 & 7 has been sent to the appellant on 17.04.2021 with a copy to the Commission. As per the appellant, the information was been received.

Having gone through the information, the Commission observed that the PIO had sent the information to the wrong address. A copy of the information was sent to the appellant along with the order. The appellant was directed to point out the discrepancies to the PIO with a copy to the Commission and the PIO is directed to sort out the same.

Hearing dated 22.09.2021:

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

The appellant informed that he received a letter dated 01.09.2021 of the PIO on 06.09.2021 whereby the PIO informed that the RTI application relating to point No.5&7 has been sent to Deputy Controller(Finance & Accounts) Local Govt. whereas it should have been transferred under section 6(3) within five days. Further, relating to point-6, the PIO has provided application of Sh.Surmukh Singh and copy of order of Sh.Rajpal Suptd. whereas he had sought a copy of rule/office order on the basis of which the retired persons are recruited and working in the department.

As per respondent, there is no such rule.

The PIO is directed to give in writing on an affidavit that no such rule exists in the record. The PIO is also directed to procure the information relating to point 5 & 7 from the concerned PIO and provide to the appellant within 15 days with a copy to the Commission.

To come up for further hearing on **25.01.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Bathinda.

Chandigarh
Dated 22.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Sanjay Garg, S/o Sh Om Parkash Garg,
R/o H NO-301, Sector-7-A,
Chandigarh.

... Appellant

Versus

Public Information Officer,
O/o Joint Director,
Food civil Supplies and Consumer Affairs,
Pb, (Storage Branch),
Chandigarh.

First Appellate Authority,
O/o Director,
Food civil Supplies and Consumer Affairs,
Pb, (Storage Branch),
Chandigarh.

...Respondent

Appeal Case No. 3725 of 2020

PRESENT: None for the Appellant
Sh.Parampal Singh, Inspector for the Respondent

ORDER:

The appellant through RTI application dated 11.09.2020 has sought information on 20 points regarding tender dated 21.01.2020 floated by Pungrain for construction and hiring of CAP - a copy of relevant terms/rules/notification for taking over the CAP from the date of final completion - within what period - relevant rule for not being liable if Pungrain fails to use CAP - complaints received and action taken in last 10 years against T.S.Chopra, Distt.Food & Supplies Controller – contract agreement for labour and cartage, transportation of foodgrains for Sangrur from 2019-20 to 2020-21 and other information as enumerated in the RTI application concerning the office of Joint Director Storage Branch, Food Civil Supplies and Consumer Affairs, Pb Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 23.10.2020 which took no decision on the appeal.

The case was last heard on 10.03.2021. Both the parties were absent.

The Commission received a copy of the letter from the PIO on 05.02.2021 vide which the PIO had sent reply/information to the appellant which was taken on the file of the Commission.

The appellant had not communicated any discrepancies. The appellant was directed to point out the discrepancies if any to the PIO with a copy to the Commission and the PIO was directed to remove the same.

On the date of last hearing on 04.08.2021, both the parties were absent. The appellant vide email informed that the PIO has not supplied the complete information.

The appellant was directed to appear before the Commission on the next date of hearing to pursue his case.

Hearing dated 22.09.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. As per respondent, the information has already been supplied to the appellant vide letter dated 02.02.2021 with a copy to the Commission.

The appellant is absent and vide email has informed that since he is in Delhi due to his transfer and cannot attend the hearing. The appellant has further informed that the PIO has not supplied the required information.

The appellant is given one more opportunity to point out the discrepancies if any in writing to the PIO and the PIO is directed to remove the same. The appellant is also directed to appear before the Commission on the next date of hearing to pursue his case. A copy of the information received from the PIO on 05.02.2021 is being sent to the appellant alongwith the order.

The case is adjourned. To come up for further hearing on **25.01.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Mohali.

Chandigarh
Dated 22.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner