

PUNJAB STATE INFORMATION COMMISSION
RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Kashmir Singh Bhinder,
S/o Sh. Kartar Singh,
H.No.2414, Phase XI, Sector – 65,
S.A.S Nagar.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Kot Isse Khan, Tehsil Dharamkot,
Distt. Moga.

First Appellate Authority,
O/o Block Development and Panchayat Officer,
Kot Isse Khan, Tehsil Dharamkot,
Distt. Moga.

Respondents

Appeal Case No.2282/2018

Date of RTI application: 05.02.2018
Date of First Appeal : 30.04.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 09.07.2018

Present: **Sh. Kashmir Singh Bhinder, Appellant in person.**
1. Sh. Jagdeep Singh, Assistant Project Officer, MNREGA, and
2. Sh. Ravinderjeet Singh, Gram Sewak, BDPO Office, Kot Isse Khan – for Respondents.

ORDER

The following order was passed by this forum on 03.10.2018:

“Vide application dated 05.02.2018 the appellant had sought to know the details of development works with the description mentioned in his original application and the connected information.

Due to technical glitch the video conference could not mature. The appellant is present at Commission’s office, Chandigarh. From the perusal of record and hearing the appellant it transpires that the original application was filed on 05.02.2018. Having failed to receive the information even after filing first appeal the appellant has been constrained to file second appeal with the Commission. None is present on behalf of the respondents. No reply has been filed.

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Appeal Case No.2282/2018

The Commission takes strong exception to such a lackadaisical attitude on the part of respondents. At the face of it the respondents have violated Section 7(1) of the RTI Act and rendered themselves liable for penal consequences.

The PIO – cum - BDPO, Kot Isse Khan, District Moga is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”

The case has come up today. The parties are present. The proxy for the respondents submit that the information has been dispatched to the appellant under registered cover today. They have brought along a copy of the same which has been handed over on spot to the appellant. The appellant may like to go through it and point out in writing the deficiency, if any, which shall be addressed to by the respondents. The Commission further observes that there has been a glaring and inordinate delay in responding to the application. The respondents are desired to explain

Appeal Case No.2282/2018

in writing as has been mentioned in the show cause notice before the next date of hearing failing which it shall be presumed that they have nothing to say and suitable call on the same shall be taken accordingly.

To come up on **01.01.2019 at 11.30 AM.**

Sd/-

22.11.2018

**(Yashvir Mahajan)
State Information Commissioner**

CC: The PIO – cum – Block Dev. & Panchayat Officer, Kot Isse Khan, Distt. Moga, for n/a.

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Sh. Shingara Singh
S/o Sh. Hari Singh (Panch),
Village Lasadi, PO-Nurpur Bedi,
Tehsil Anandpur Sahib,
Distt. Ropar.

Complainant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Nurpur Bedi, Ropar.

Respondent

Complaint Case No.731/2018

Date of RTI application: 06.04.2018
Date of First Appeal : Nil
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 09.07.2018

Present: **Sh. Shingara Singh, Complainant in person.**
 Sh. Surjit Kumar, V.D.O, BDPO Office, Nurpur Bedi – for Respondent.

ORDER

The following order was passed by this forum on 04.10.2018:

“The respondent is absent on trot. No reply in response to the notice issued by the

Commission has been filed.

From the perusal of the record it seems that the respondent has violated the provision of Section 7(1) of the Act and has rendered himself liable for penal action under Section 20(1) of the Act.

The PIO – cum – BDPO, Nurpur Bedi is, thus, issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.

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Complaint Case No.731/2018

In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”

The case is being taken up today. Sh. Surjit Kumar, VDO is present on behalf of the respondent. He submits that he has just joined and the previous incumbent has still not handed over the charge to him. He further says that he has been informed by his predecessor that the complainant was duly informed vide a memo under a registered cover. The Commission has gone through the copy of the same. It does not commensurate with the requisition in the application. On being questioned the respondent assures that he shall meet the deficiency quickly. The matter shall be reheard on **01.01.2019 at 11.30 AM.**

Sd/-

22.11.2018

**(Yashvir Mahajan)
State Information Commissioner**

CC: The PIO – cum – Block Dev. & Panchayat Officer, Nurpur Bedi, Distt. Ropar, for n/a.

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Sh. Ravinder Kumar,
#Flat No. 603, G.H. 27,
Sector-20, Panchkula.

Complainant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Committee, Zirakpur,
Distt. S.A.S Nagar, Punjab.

Respondent

Complaint Case Nos.732 and 733 of 2018

Date of RTI application:	18.01.2018
Date of First Appeal :	Nil
Date of Order of FAA or Reply:	Nil
Date of 2 nd Appeal/complaint:	09.07.2018

Present: None on behalf of the Parties.

ORDER

The parties are consistently absent and have not appeared on hearings fixed on 04.09.2018 and 04.10.2018. The complainant does not seem interested to pursue the issue. Seemingly, he is satisfied with the status of the matter. The complaint is closed for want of its feedback and follow up by him.

Disposed.

22.11.2018

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Talwinder Singh,
S/o Sh. Sewa Singh,
Vill. Dharamgarh, PO- Bujark,
Tehsil- Samana, Distt. Patiala.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block-Samana, Distt. Patiala.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Distt. Patiala.

Respondents

Appeal Case No.2702/2018

Date of RTI application: 26.07.2017
Date of First Appeal : 08.09.2017
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 07.08.2018

Present: **Sh. Talwinder Singh, Appellant in person.**
Sh. Brish Bhan, V.D.O., BDPO Office, Samana – for Respondents.

ORDER

The following order was passed by the Commission on 04.10.2018:

"It is a very long standing case. The original application was filed on 26.07.2017. Even after filing first appeal the appellant was not delivered the information. The respondents are neither present nor any reply has been filed on the notice issued by the Commission. Seemingly, it is a violation of provision of Section 7(1) of the Act and the PIO has rendered himself liable for penal action.

The PIO – cum –BDPO, Block Samana is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of

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Appeal Case No.2702/2018

hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”

The case has come up today. Sh. Brish Bhan, VDO appearing on behalf of the respondents submits that the information comprised in about 200 pages was sent to him under registered cover. The appellant denies its receipt. When confronted with the receipt of a registered post by the respondent, the appellant admits its receipt but reports its deficiency. However, he has failed to specify any deficiency.

The respondent further says that the appellant is in illegal possession of the panchayat land. The Department is pursuing its eviction in the Civil Court. He alleges that the appellant is filing the applications vexatiously and out of malice. Had the appellant been serious he should have gone through and pin-pointed the deficiency, if any in the information provided to him. His failure suggests his flippancy. The Commission feels that he has been sufficiently informed and no more intervention is called for. The SCN issued to the PIO – cum – BDPO, Block Samana is filed.

Disposed.

22.11.2018

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

CC: The PIO – cum – Block Dev. & Panchayat Officer, Block Samana, Distt. Patiala.

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Sh. Lakhveer Singh,
S/o Sh. Jeet Ram,
Vice President, Dr. Ambedkar Sewa Societies,
Village Lakhawal Kalan,
Tehsil-Samrala, Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block Sri Machhiwara Sahib, Distt. Ludhiana.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Distt. Ludhiana.

Respondents

Appeal Case No.2651/2018

Date of RTI application: 19.04.2018
Date of First Appeal : 16.02.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 03.08.2018

Present: Sh. Lakhveer Singh, Appellant in person.
Sh. Ragbir Singh, Panchayat Secretary, Gram Panchayat Lakhawal Kalan,
Block Sri Machhiwara – for Respondents.

ORDER

The appellant has sought information pertaining to various activities of the gram panchayat of village Lakhawal Kalan, Block Machhiwara.

Sh. Ragbir Singh, Panchayat Secretary, who is the custodian of the record, in question says that his predecessor has not handed over the record. He further says that the senior functionaries of the Department are in picture. At their behest a criminal case for the loss/malafidely withholding of the official record has been lodged against him. The Commission would like to see a copy of the FIR thus lodged to proceed further in the matter. The respondent Panchayat Secretary is directed to send it across to the Commission before the next date of hearing. Meanwhile, he shall ensure to recast the record to the extent possible and arrange to provide it to the appellant to the extent possible.

To come up on **01.01.2019 at 11.30 AM.**

22.11.2018

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Sh. D.R Singla,
R/o House No. 3987,
Sector-56, Chandigarh.

Complainant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
District Administrative Complex, Sector-76,
SAS Nagar.

Respondent

Complaint Case No.863/2018

Date of RTI application: 05.06.2018
Date of First Appeal : Nil
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 10.08.2018

Present: **Sh. D.R.Singla, Complainant in person.**
ASI Ravinder Singh, RTI Br., O/o SSP, Mohali – for Respondent.

ORDER

The following order was passed by this forum on 04.10.2018:

“The complainant had sought to know the particulars of Proclaimed Offenders in the Mohali district. The respondent seems evasive. The matter is of public concern and a citizen is entitled to know the particulars of such offenders.

ASI Ravinder Singh appearing on behalf of the respondent says that the same is available on the website of the department. They should intimate it in writing along with the website link of the site to the appellant else it should be provided to him in hard copy before the next date of hearing positively.”

The case has come up today. ASI Ravinder Singh appearing on behalf of the respondent says that vide communication dated 16.10.2018 the complainant was intimated the weblink of the Public Authority. He further states that the detailed information about the proclaimed offender along with the status of their apprehension etc. is also regularly updated. Since the information is already in public domain the complainant can have access to it. No action on the complaint is desirable to be taken which is filed and **disposed**.

Sd/-

22.11.2018

(Yashvir Mahajan)
State Information Commissioner

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Sh. D.R Singla,
R/o House No. 3987,
Sector-56, Chandigarh.

Complainant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
District Administrative Complex, Sector-76,
SAS Nagar.

Respondent

Complaint Case No.864/2018

Date of RTI application: 26.06.2018
Date of First Appeal : Nil
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 10.08.2018

Present: Sh. D.R.Singla, Complainant in person.
ASI Ravinder Singh, RTI Br., O/o SSP, Mohali – for Respondent.

ORDER

Heard.

It transpires that a complaint has been filed by the complainant with the jurisdictional police following an altercation with a colleague in a meeting. The S.H.O. of Police Station, Kharar has intimated in writing that a counter complaint has also been received. The issue is being endeavoured to be resolved between the contesting parties. He has sought a period of thirty days to clinch the issue and inform the complainant.

The complainant says that his original application on perusal of the record has been found to be missing. The respondent is directed to look into it and arrange to send a copy of the same.

To come up on **01.01.2019 at 11.30 AM.**

22.11.2018

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Jathedar Mohan Singh Kartarpur,
President, Punjab Sikh Council
Vill. Kartarpur,
VPO Charason, Patiala.

Complainant

Versus

Public Information Officer,
O/o Director Education,
Shiromani Gurudwara Prabandhak Committee,
Bahadurgarh, Patiala.

Respondent

COMPLAINT CASE NO. 566/2018

Date of RTI application: 17.03.2018
Date of First Appeal : Nil
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 18.05.2018

Present: Jathedar Mohan Singh Kartarpur, Complainant in person.
None on behalf of the Respondent.

ORDER

The respondent is absent on trot. The Commission takes a serious note of the non-chalant and lackadaisical attitude of the respondent. Having failed to respond to the application the Commission takes it as a violation of Section 7(1) of the Act and issues a show cause notice to the Respondent PIO as to why a penalty as set forth in Section 20(1) of the RTI Act should not be imposed and the applicant may not be awarded compensation for the detriment suffered by him. If he fails to show any cause besides providing the information it shall be presumed that he has nothing to say on the matter and the appropriate decision as per provision of law shall be taken.

To come up on **01.01.2019 at 11.30 AM.**

22.11.2018

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Sh. Mukesh Kumar,
R/o House No. 4518,
Mauli Jagran Complex, Chandigarh.

Appellant

Versus

Public Information Officer,
O/o Superintendent of Police (Headquarters),
Nodal Officer, RTI Branch,
District Administrative Complex, Sector-76,
SAS Nagar.

First Appellate Authority,
O/o Superintendent of Police (Headquarters),
Nodal Officer, RTI Branch,
District Administrative Complex, Sector-76,
SAS Nagar.

Respondents

Appeal Case Nos.2784 and 2785 of 2018

Date of RTI application:	14.11.2017
Date of Reply :	Nil
Date of First Appeal :	29.01.2018
Date of Order of FAA :	Nil
Date of 2 nd Appeal/complaint:	20.08.2018

Present: **None on behalf of the Appellant.**
ASI Ravinder Singh, RTI Incharge, SSP Office, Mohali – for Respondents.

ORDER

The following observations were made by this forum on 30.10.2018:

“Since the appellant, the respondents and information is almost identical single order shall dispose of the above appeals.

The respondents are absent. A communication has been received from them in both the appeals that the information was sent to him by registered post on 21.08.2018. The appellant denies having received such information. The respondents are directed to produce the proof of having dispatched the information and bring along the copy of such information sent to him on the next date of hearing in the Court itself.”

The case has come up today. The respondents have produced a copy of the letter addressed to the appellant. It purports to say that the matter is still under enquiry and no information as such can be provided. The appellant may like to comment on the same after which the suitable call on the fate of the appeal shall be taken.

To come up on **01.01.2019 at 11.30 AM.**

22.11.2018

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Sh. Harbans Singh
S/o Sh. Mahinder Singh R/o House No.40,
Aggarsain Colony, Near Greenland School, Bareta Kainchian
Bareta Tehsil Budhlada Distt. Mansa.

Appellant

Versus

Public Information Officer
O/o Director,
Vigilance Bureau, Punjab,
SCO No.60-61, Sector-17-D, Chandigarh

First Appellate Authority
O/o Director,
Vigilance Bureau, Punjab,
SCO No.60-61, Sector-17-D, Chandigarh

Respondents

APPEAL CASE NO.162/2018

Date of RTI application :05.08.2017
Date of First Appeal :24.11.2017
Date of order of FAA :Reply 05.09.2017
Date of 2nd Appeal/complainant: 26.12.2017

Present: None on behalf of the Appellant.
1. SI Avtar Singh, RTI Incharge, Pb. Vigilance Bureau, Chandigarh.
2. Sh. Jaswinder Singh, Sr. Assistant, Forest Br., Pb. Civil Sectt. 2,
3. Sh. Karnail Singh, Sr. Assistant, O/o Chief Conservator of Forests & Wild Life,
Pb. – for Respondents.

ORDER

This should be read in continuation of the order passed by this forum on 09.10.2018.

It shall be prudent to reproduce it hereunder:

"This should be read in continuation of order passed on 17.07.2018 duly endorsed to the Chief Conservator of Forests & Wild Life, Punjab.

The issue is serious which requires due notice of the concerned Authorities. The matter of misconduct and misappropriation after due enquiry by the Punjab Vigilance Bureau had been forwarded to the Government. The respondents in the Forest Branch, Pb. Civil Sectt. 2 submit that the report of Punjab Vigilance Bureau was inadvertently tagged with another file and could not be dealt with. It has further been submitted that the issue has been referred to the Principal Chief Conservator of Forests for appropriate comments on the matter within three weeks. Though it is not

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APPEAL CASE NO.162 /2018

within the domain of this forum to pass any executive instructions yet this inaction cannot be glossed over as well. The respondents are required to apprise the Commission as well as the appellant about the status of case before the next date of hearing.”

“The appellant is not present. Nothing has been heard from him also.

SI Avtar singh appearing on behalf of the respondents submits that they have already sent the information to him a copy of which has been endorsed to the Commission as well. As the issue involved is grave it shall be appropriate to afford an opportunity to the appellant to confirm the satisfactory receipt of information.”

As mentioned above the case was fixed to ascertain the delivery of the appropriate information as informed by the respondents. The consecutive absence of the appellant suggests that he is in receipt of the information to his satisfaction. The appeal is closed with the observations that the Public Authorities involved in this case shall take the issue to the logical ends as the malfeasance alleged has not been impugned at any quarter.

Disposed.

22.11.2018

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

- CC: PIO – cum – Superintendent, Forests Branch, Punjab Civil Sectt., 2, Sector 9, Chandigarh, for n/a.**
- CC: PIO, O/o Principal Chief Conservator of Forests & Wild Life, Punjab, Forest Bhawan, Mohali, for n/a.**
- CC: The Additional Chief Secretary to Govt., Punjab, Department of Forests & Wild Life, Punjab Civil Secretariat – 1, Chandigarh for information and n/a.**