

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864111, Visit us @ www.infocommpunjab.com,
Email: psic21@punjabmail.gov.in



REGISTERED SHOW CAUSE NOTICE

Pankaj Kumar,
S/o Shri Nabh Singh,
Z-6 03225, Gali No. 1-B,
Surakhpeer Road, Bathinda.

Versus

Public Information Officer,
o/o Bathinda Canal Division,
Mini Secretariat, Bathinda – 151 001.
First Appellate Authority,
o/o Superintending Engineer, Sirhind Canal Circle,
Urban Estate, Phase-1, Ludhiana.

Appeal Case No. 343 of 2022 (Video Conference Proceedings)

PRESENT:

Sanjeev Goyal (for the Appellant) 99882-41285
(Respondent) Absent

ORDER:

1. The RTI application is dated **10.9.2021** vide which the appellant has sought information **regarding neharbandi and maintenance, work orders etc.**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **11.10.2021** and Second Appeal was filed in the Commission on **10.1.2022** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **22.6.2022**.

2. The respondent PIO is absent without intimation. This RTI application was submitted on 10.9.2021, to which no reply/information from the respondent PIO. First Appeal was filed to the FAA on 11.10.2021. As per the appellant, the FAA also failed to convene a hearing as per the RTI Act 2005. In view of the above, this Commission deems it fit to issue the respondent PIO with this Show Cause Notice.

3. The respondent **PIO-cum-Executive Engineer, Gursagar Singh Chahal**, is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on **10.9.2021**.

“In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) provision there to, 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*.” Copies of this order be sent to the parties through registered post.

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Appeal Case No. 343 of 2022 (Video Conference Proceedings)

4. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

5. **Next hearing on 23.8.2022 at 11.30 am via Video Conference Facility at DC Office, Bathinda.**

Sd/-

(ASIT JOLLY)

State Information Commissioner, Punjab.

Chandigarh

22.6.2022

Cc: Superintending Engineer,
Sirhind Canal Circle,
Urban Estate, Phase-1,
Ludhiana, for information and further necessary action.

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REGISTERED **SHOW CAUSE NOTICE**

Yogesh Mahajan,

S/o Late Shri Kuldip Raj Mahajan,
(President of Anti Corruption Council),
Opp. Water Tank, Municipal Market,
Mission Road, Pathankot.

Versus

Public Information Officer,

o/o Executive Engineer, Bathinda Canal Division,
Bathinda.

First Appellate Authority,

o/o Superintending Engineer, Sirhind Canal Circle,
Urban Estate, Phase-1, Ludhiana.

Appeal Case No. 608 of 2022 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

(Respondent) Absent

ORDER:

1. The RTI application is dated **1.11.2021** vide which the appellant has sought information **regarding comparative statements etc.**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **6.12.2021** and Second Appeal was filed in the Commission on **27.1.2022** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **22.6.2022**.

2. Both parties are absent. The appellant has informed the Commission vide his email dated 21.6.2022, that he has received no reply from the respondent PIO. The Commission also notes that the FAA did not convene any hearing as he/she was required to do as per RTI Act. This RTI application was submitted on 1.11.2021. This Commission deems it fit to issue the respondent PIO with this Show Cause Notice.

3. The respondent **PIO-cum-Executive Engineer, Gursagar Singh Chahal**, is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on **1.11.2021**.

“In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) provision there to, 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*.” Copies of this order be sent to the parties through registered post.

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Appeal Case No. 608 of 2022 (Video Conference Proceedings)

4. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

5. **Next hearing on 23.8.2022 at 11.30 am via Video Conference Facility.** (The appellant will attend the hearing at DC office Pathankot and the respondent PIO will attend the hearing at DC Office, Bathinda.)

Sd/-

(ASIT JOLLY)

State Information Commissioner, Punjab.

Chandigarh

22.6.2022

Cc: Superintending Engineer,
Sirhind Canal Circle,
Urban Estate, Phase-1,
Ludhiana, for information and further necessary action.

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Rajinder Kumar Gupta,
S/o Sh. Dev Raj Gupta,
33, New Vikas Nagar,
Baltana, Zirakpur.

Versus

Public Information Officer,
o/o Executive Engineer,
Canal Department (East Division),
Ferozepur.
First Appellate Authority,
Superintendent Engineer,
Ferozepur Canal Circle,
Ferozepur.

Appeal Case No. 3130 of 2021 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

Paramvir Singh, Clerk (for the Respondent) 98789-37947

ORDER:

(To be read in continuity with earlier orders on 5.4.2022)

1. The RTI application is dated **25.1.2021** vide which the appellant has sought information **regarding Gram Panchayat Kahansinghwala by way of cultivators as per cited khasra numbers etc.,** as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **15.3.2021** and Second Appeal was filed in the Commission on **9.7.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard on **5.4.2022**.

2. The appellant is absent but has informed the Commission of his inability to attend this hearing. The respondent PIO was issued a Show Cause Notice at the last hearing on 5.4.2022. This RTI application was submitted to the Executive Engineer, Canal Department on 25.1.2021, since then there has been no reply or information furnished by the respondent PIO. The respondent PIO further failed to submit a reply to the Show Cause Notice issued to him by this Commission on 5.4.2022. He has also not availed of the opportunity to be heard in person at this hearing.

3. The respondent PIO is hereby permitted a final opportunity to submit a reply to the Show Cause Notice issued by this Commission on 5.4.2022 and also furnish a pointwise reply to this RTI application along with certified copies of the information requested therein, within 15 days of receipt of this order.

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Appeal Case No. 3130 of 2021 (Video Conference Proceedings)

4. Next hearing on 23.8.2022 at 11.30 am via Video Conference Facility at DC Office, Ferozepur.

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
22.6.2022

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Subhash Chander,
C/o Shri Tirath Ram,
R/o Gali No. 2, New Luxmi Nagar,
Kapurthala – 144 601.

Versus

Public Information Officer,
o/o Divisional Forest Officer,
NH-354, Shaheed Bhagat Singh Colony,
Ferozepur- 152002.

First Appellate Authority,
o/o Conservator of Forests,
Ferozepur Circle, Deptt. of Forest & Wildlife,
Near Elementary School, Ferozepur.

Appeal Case No. 1085 of 2022 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

Gurpreet Singh, Superintendent (for the Respondent) 94781-59677

ORDER:

1. The RTI application is dated **7.6.2021** vide which the appellant has sought information **regarding CAMPA Scheme**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **26.7.2021** and Second Appeal was filed in the Commission on **26.7.2021** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **22.6.2022**.

2. The appellant is absent but has informed the Commission via email on 14.6.2022 that the information supplied to him is incomplete. The respondent PIO has submitted a copy of the point wise reply vide Letter No. 1564 Dated 9.6.2022, alongwith more than 300 pages by way of information. This was sent to the appellant by registered post on 9.6.2022.

3. The appellant is advised to examine the said information and list any specific deficiency to the respondent PIO with a copy to this Commission within 15 days of this Order.

4. **Next hearing on 23.8.2022 at 11.30 am via Video Conference Facility at DC Office, Ferozepur.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
22.6.2022

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REGISTERED

Himanshu Raj,
C/o # 102, Sector 10 A,
Chandigarh.

Versus

Public Information officer,
o/o ATP, Building Branch, Zone B,
Municipal Corporation,
Mata Rani Chowk, Ludhiana.
First Appellate Authority,
Commissioner, Municipal Corporation,
Ludhiana.

Appeal Case No. 3448 of 2021 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

Harjit Singh, Building Inspector from Zone B (for the Respondent) 84277-26451

Pawanpreet Singh, JE from Zone B, B&R Branch (for the Respondent) 98886-63023

ORDER:

(To be read in continuity with earlier orders on 30.3.2022)

1. The RTI application is dated **21.10.2019** vide which the appellant has sought information **regarding Vardhman Park, Park Estate, Park Avenue, Vardhman Amrante, Park Lane etc.,** as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **5.2.2020** and Second Appeal was filed in the Commission on **31.3.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard on **30.3.2022**.

2. The appellant is absent, but has informed the Commission of his inability to attend this hearing. At the last hearing on 30.3.2022, a Show Cause Notice was issued to the PIO-cum-ATP, Building Branch, Zone-B, MC, Ludhiana. Said PIO has failed to submit any written reply to the Show Cause Notice or be heard in person. Pursuant to this, the Commission deems it fit to impose a penalty of Rs. 5000.00 on the concerned PIO-cum-ATP, Building Branch, Zone-B, MC, Ludhiana.

Order: Keeping all the facts of the case in mind, this is a fit case to invoke Section 20 of RTI Act and impose a penalty on the respondent PIO Section 20(1), which reads as under:

"Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub Section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of 250/- Rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed Twenty Five Thousand Rupees;

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Appeal Case No. 3448 of 2021 (Video Conference Proceedings)

Provided that the Central Public Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him;

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be."

The onus and responsibility lie on the PIO to ensure the transmission of the complete information to the appellant. The **concerned PIO, who was incumbent at the time this RTI application was submitted (21.10.2019)**, is hereby held guilty for not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of Rupees Five Thousand (Rs. 5000/-) is hereby imposed upon the **concerned PIO, who was incumbent at the time this RTI application was submitted (21.10.2019)**, which be deducted from his / her salary and deposited in the Punjab Government Treasury under head **"0070-Other Administrative Services-60-other Services-800-Other Receipts-86-Fees Under the Right to Information Act."** The **concerned PIO**, is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan. Copies of this order be sent to the parties through registered post.

3. The respondent PIO is further directed to submit duly attested copies of all the requested information with a covering letter bearing a pointwise reply to the RTI application. This must be sent by registered post to the appellant with a copy to this Commission within 10 days of receipt of this order.

4. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

5. Next hearing on 23.8.2022 at 11.30 am via Video Conference Facility at DC Office, Ludhiana.

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
22.6.2022

Cc: Commissioner,
Municipal Corporation,
Ludhiana, for information and further necessary action.