

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
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Shri Rohit Sabharwal (President),
Kundan Bhawan,
126, Model Gram,
Ludhiana.

..... Appellant

Vs

Public Information Officer,
O/o Asstt. Town Planner,
Zone-A, M.C., Ludhiana.

First Appellate Authority,
O/o Municipal Commissioner,
Ludhiana.

.....Respondent

Appeal Case No. 3423 of 2019

Present:- Shri Rohit Sabharwal, appellant is absent.
Shri Harvinder Singh, PIO-cum-ATP, O/o Zone-A, MC, Ludhiana is present.

O R D E R

Shri Rohit Sabharwal, appellant filed RTI application dated 19.06.2019 and sought some information from the PIO, O/o Asstt. Town Planner, Zone-A, M.C., Ludhiana.

The appellant is absent today, but a mail has been sent by Ms. Sukhjinder Kaur, Advocate, authorized person of the appellant, which was received in the office of the Commission on 20.01.2020 and diarized vide no.1271 and it is submitted in the mail that the remaining information regarding the deficiencies has not been removed by the PIO.

Shri Harvinder Singh, PIO-cum-ATP, Zone-A, M.C., Ludhiana is present today and he has submitted a copy of letter no.143/ATP/A/RTI/D dated 22.01.2020 along with a photocopy of postal receipt dated 22.01.2020 through which remaining information regarding the deficiencies comprising of 7 pages was sent to the appellant through speed post.

The PIO stated that the deficiencies which were brought to his notice in writing by the appellant has been removed and the information sought by the appellant was sent to him through speed post on 22.01.2020.

As the PIO has resolved the matter involved in the RTI application and sent the sought for information to the appellant, so the present appeal case is **disposed of and closed**.

Dated: 23.01.2020

(Avtar Singh Kaler)
State Information Commissioner, Punjab.

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Shri Rohit Sabharwal (President),
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126, Model Gram,
Ludhiana.

..... Appellant

Vs

Public Information Officer,
O/o Asstt. Town Planner,
Zone-A, M.C.,
Ludhiana.

First Appellate Authority,
O/o Municipal Commissioner,
Ludhiana.

.....Respondent

Appeal Case No. 3425 of 2019

Present:- Shri Rohit Sabharwal, appellant is absent.
Shri Harvinder Singh, PIO-cum-ATP, O/o Zone-A, MC, Ludhiana is present.

O R D E R

Shri Rohit Sabharwal, appellant filed RTI application dated 19.06.2019 and sought some information from the PIO, O/o Asstt. Town Planner, Zone-A, M.C., Ludhiana.

The appellant is absent today, but a mail has been sent by Ms. Sukhjinder Kaur, Advocate, authorized person of the appellant, which was received in the office of the Commission on 20.01.2020 and diarized vide no.1272 and it is submitted in the mail that the remaining information regarding the deficiencies has not been removed by the PIO.

Shri Harvinder Singh, PIO-cum-ATP, Zone-A, M.C., Ludhiana is present today and he has submitted a copy of letter no.145/ATP/A/RTI/D dated 22.01.2020 along with a photocopy of postal receipt dated 22.01.2020 through which remaining information regarding the deficiencies comprising of 106 pages was sent to the appellant through speed post.

The PIO stated that the deficiencies which were brought to his notice in writing by the appellant has been removed and the information sought by the appellant was sent to him through speed post on 22.01.2020.

As the PIO has resolved the matter involved in the RTI application and sent the sought for information to the appellant, so the present appeal case is **disposed of and closed**.

Dated: 23.01.2020

(Avtar Singh Kaler)
State Information Commissioner, Punjab.

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Shri Dharam Singh,
S/o Shri Darshan Singh,
VPO Jaura,
Tehsil & Distt. Tarn Taran.

..... Appellant

Vs

Public Information Officer,
O/o Tehsildar,
Tarn Taran.

First Appellate Authority,
O/o Deputy Commissioner,
Tarn Taran.

.....Respondent

Appeal Case No. 3319 of 2019

Present:- Shri Dharam Singh, appellant is present.
Shri Karan Pal Singh, (M: 62803-85915), PIO-cum-Naib Tehsildar, Naushehra Pannua, Distt. Tarn Taran is present.

O R D E R

Shri Dharam Singh, appellant filed RTI application dated 03.01.2019 and he sought attested copy of Order through which the land was acquired and also sought copy of lease deed. The information sought by the appellant pertains to the year 1958-59, which is about 60 years old information.

Today the appellant, Shri Dharam Singh and Shri Karan Pal Singh, PIO-cum-Tehsildar, Naushehra Pannua, Distt. Tarn Taran both have come present. The PIO has submitted a copy of letter no.761 dated 16.12.2019. The original letter is handed over to the appellant and the photocopy is taken in the file of the Commission. It is submitted in the letter that the record sought by the appellant is very old pertaining to the year 1958-59 and is not available in the office of Sadar Kanungo, Tarn Taran. The said letter bears the noting by hand by Shri Karan Pal Singh, PIO that the record is not available in the record room, so he is unable to provide it to the appellant.

A Show Cause Notice was issued to Shri Karan Pal Singh, PIO-cum-Tehsildar, Naushehra Pannua, Distt. Tarn Taran vide Order dated 27.11.2019 that why you have not provided the sought for information to the appellant within the stipulated period and so why you may not be penalized under the provisions of the RTI Act, 2005.

Appeal Case No. 3319 of 2019

Today Shri Karan Pal Singh, PIO has filed reply dated 23.01.2020 to the Show Cause Notice duly signed by him, which is taken in the file of the Commission. I have gone through the reply and also heard Shri Karan Pal Singh on the Show Cause Notice. I am satisfied with the reply submitted by him, so the Show Cause Notice issued to him is hereby dropped and filed.

A compensation of Rs.5,000/- was awarded in favour of the appellant to be paid through demand draft from the funds of public authority. In compliance Shri Karan Pal Singh, PIO provided to the appellant the Demand Draft No.000881 dated 22.01.2020 of HDFC Bank today before the Bench.

The information sought by the appellant is about 60 years old and is not available or traceable in the office of the PIO, so he is unable to provide it to the appellant. Hence the present appeal case is **disposed of and closed.**

Dated: 23.01.2020

(Avtar Singh Kaler)
State Information Commissioner, Punjab.

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Shri Sat Narain Bansal, (M: 97791-89592),
127, Phulkian Enclave,
Patiala-147004.

..... Appellant

Vs

Public Information Officer,
O/o Superintendent,
Irrigation, Personnel-1 Branch,
Department of Water Resources, Punjab,
3rd Floor, Mini Civil Secretariat, Sector-9,
Chandigarh;.

First Appellate Authority,
O/o Principal Secretary,
Department of Water Resources, PB.,
3rd Floor, Civil Sectt.-2, Sector-9,
Chandigarh.

.....Respondent

Appeal Case No. 3414 of 2019

Present:- Shri Sat Narain Bansal, appellant is absent.
Ms. Kirandeep Kaur, PIO-cum-XEN, O/o Department of Water Resources,
Punjab is present.
Shri Manoj Sharma, Sr. Asstt. is present on behalf of the First Appellate
Authority.

ORDER

Shri Sat Narain Bansal, appellant filed RTI application dated 12.06.2019 and sought some information from the office of the PIO.

Shri Sat Narain Bansal, appellant though is absent, however he has sent an e-mail that the information has been provided to him, but provided after a period of 6 months.

Ms. Kirandeep Kaur, PIO-cum-XEN has come present today and she stated that the action taken report was provided to the appellant and was sent through speed post on 07.01.2020 and then on 15.01.2020. The appellant himself admitted in his e-mail that he has received the information.

So, the PIO has resolved the matter involved in the RTI application and provided the whole information to the appellant. Hence the present appeal case is **disposed of and closed.**

(Avtar Singh Kaler)

Dated: 23.01.2020

State Information Commissioner, Punjab.

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Shri Gurmukh Singh, (M: 94637-52998),
S/o Shri Jagat Ram,
R/o Village Maira, P.O. Kot Maira,
Tehsil Garhshankar, Distt. Hoshiarpur.

.....Complainant.

Vs

Public Information Officer,
O/ o Block Development & Panchayat Officer,
Garhshankar, Distt. Hoshiarpur.

.....Respondent

Complaint Case No. 1258 of 2018

Present:- Shri Gurmukh Singh, complainant/applicant is present.
None present on behalf of Smt. Mahinder jit Kaur, PIO, O/o BDPO, Garhshankar.

O R D E R

The present complaint case was earlier heard by the Bench of Hon'ble Punjab State Information Commissioner, Ld. Shri Yashvir Mahajan and after his retirement the case was re-allocated to the present Bench for hearing. The notice of hearing was issued to both the parties for today.

Shri Gurmukh Singh, complainant/applicant filed RTI application dated 16.04.2018 and sought some information from the PIO, O/o Block Development & Panchayat Officer, Garhshankar, Distt. Hoshiarpur.

A Show Cause Notice was issued to the PIO in office of the BDPO, Garhshankar that 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. The PIO was asked to come personally present and file reply to the Show Cause Notice, but none has come present today before the Bench.

So, a last and final opportunity is granted to Smt. Mahinder jit Kaur, PIO-cum-BDPO, Garhshankar that she should personally come present on the next date of hearing and file reply to the Show Cause Notice and an opportunity of personal hearing will be afforded to her. In case she would not come present and would not file reply to the Show Cause Notice, then the Show Cause Notice will be decided without hearing her by assuming that she do not want to file reply to the Show Cause Notice..

Both the parties should personally come present on the next date of hearing on
05.02.2020 at 11:00 A.M.

Dated: 23.01.2020

(Avtar Singh Kaler)
State Information Commissioner, Punjab

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Shri Sukhdev Singh, (M: 95927-78005),
226, Street No.3,
Guru Arjan Dev Nagar,
Tarn Taran Road, Amritsar.

.....Appellant.

Vs

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

Shri Harjit Singh,
PIO-cum-Superintendent,
Department of Local Govt. (LF-1 Br.),
Municipal Bhawan, Plot No. 3-A,
Sector 35, Chandigarh.

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

.....Respondent

Appeal Case No. 3009 of 2017

Present:- Shri Sukhdev Singh, appellant is absent.
Shri Harjit Singh, PIO-cum-Suptd., O/o Deptt. of Local Govt. (LF-1 Br.) is present.

O R D E R

The present appeal case was earlier heard by the Bench of Hon'ble Punjab State Information Commissioner, Ld. Shri Yashvir Mahajan and after his retirement the case was re-allocated to the present Bench for hearing. The notice of hearing was issued to both the parties for today.

Shri Sukhdev Singh, appellant filed RTI application dated 24.05.2017 and sought some information from the office of the PIO.

The appellant is absent today, but he PIO, Shri Harjit Singh has come present. On the request of the PIO as he is seeking some time, so the present appeal case is adjourned for further hearing on 28.01.2020.

Both the parties should personally come present on the next date of hearing on **28.01.2020 at 11:00 A.M.**

Dated: 23.01.2020

**(Avtar Singh Kaler)
State Information Commissioner, Punjab**

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Shri Charanjit Singh, (M: 95308-88603),
S/o Shri Kartar Singh,
Village Hambran,
Distt. Ludhiana.

.....Appellant.

Vs

Public Information Officer,
O/ o Block Development & Panchayat Officer,
Ludhiana.

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

.....Respondent

Appeal Case No. 3637 of 2019

Present:- Shri Charanjit Singh, appellant is present.
Shri Baldev Singh, PIO-cum-Panchayat Secretary, Gram Panchayat, Hambran,
Distt. Ludhiana is present.

O R D E R

The present appeal case was earlier heard by the Bench of Hon'ble Punjab State Information Commissioner, Ld. Shri Yashvir Mahajan and after his retirement the case was re-allocated to the present Bench for hearing. The notice of hearing was issued to both the parties for today.

Shri Charanjit Singh, appellant is present today and he stated that he has filed RTI application dated 10.07.2018, but till today no information has been provided to him by the PIO.

Shri Baldev Singh, PIO-cum-Panchayat Secretary, Gram Panchayat, Hambran, Distt. Ludhiana is present along with un-attested copies of information. So, he is directed that attested copies of sought for information be provided to the appellant within 5 days.

I have gone through the Order dated 26.11.2019 passed by my Predecessor and a compensation of Rs. 3,000/- was awarded in favour of the appellant to be paid from the funds of the public authority by way of demand draft, but as stated by the appellant that he has yet not received any compensation.

So, the PIO is directed that an amount of Rs. 3,000/- which was awarded as compensation to the appellant be provided to him by way of demand draft from the funds of Gram Panchayat.

Contd..p2..

Appeal Case No. 3637 of 2019

An amount of Rs. 10,000/- was imposed as penalty upon Shri Baldev Singh PIO-cum-Panchayat Secretary which has not yet been recovered from his salary. So the BDPO, Ludhiana-1 or the Drawing and Disbursement Officer is directed that the amount of penalty of Rs. 10,000/- be deducted from the salary of Shri Baldev Singh, Panchayat Secretary for the month of January, 2020 and be deposited in the Govt. Treasury in the following heads:-

" Major Head	0070-Other Administrative Services
Sub Major Head	60-Other Services
Minor Head	800-Other Receipts
Sub Head	86-Right to Information Act, 2005."

The BDPO is further directed that after deducting the amount of penalty from the salary of Shri Baldev Singh, PIO-cum-Panchayat Secretary, compliance report be sent back to the Commission before the next date of hearing.

Both the parties should personally come present on the next date of hearing on **18.02.2020 at 11:00 A.M.**

Dated: 23.01.2020

**(Avtar Singh Kaler)
State Information Commissioner, Punjab**

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Shri Jagshir Singh, (M: 81958-00345),
S/o Shri Gian Singh,
R/o H.No. 9/20, Back side Pandori Nursing Home,
Mandi Mullanpur,
Distt. Ludhiana.

.....Appellant.

Vs

Public Information Officer,
O/ o Block Development & Panchayat Officer,
Block Gandiwind, Distt. Tarn Taran.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Tarn Taran.

.....Respondent

Appeal Case No. 3888 of 2019

Present:- Shri Jagshir Singh, appellant is present.
Shri Kirandeep Singh, Panchayat Secretary, Gram Panchayat Hawelian, Block Gandiwind, District Tarn Taran and Shri Balkar Singh Former Panchayat Secretary, Gram Panchayat, Hawelian are present on behalf of Shri Pargat Singh, BDPO, Gandiwind.

ORDER

The present appeal case was earlier heard by the Bench of Hon'ble Punjab State Information Commissioner, Ld. Shri Yashvir Mahajan and after his retirement the case was re-allocated to the present Bench for hearing. The notice of hearing was issued to both the parties for today.

Shri Jagshir Singh, appellant filed RTI application dated 18.08.2018 and sought some information from the office of the PIO.

The appellant is present and the respondents have come present on behalf of the PIO. The appellant stated that he has received the information from the year 2014 onwards, but the information for the years 2002 to 2013 has not been provided to him by the PIO.

On the other hand Shri Kirandeep Singh, Panchayat Secretary submitted a copy of letter no. 6273 dated 22.01.2020, which is taken in the file of the Commission and the original letter is handed over to the appellant.

I have gone through the said letter and it is submitted that the information for the period 2014 to 2018 have been provided to the appellant, but the information for the years 2002 to 2013 is not available, so the PIO is unable to provide it to the appellant.

Contd..p2..

Appeal Case No. 3888 of 2019

Shri Pargat Singh, BDPO Gandiwind is directed that he being the Administrative Head of the office should submit duly attested affidavit that why the record pertaining to the years 2002 to 2013 is not available. If it has been destroyed then submit the office order vide which the record has been destroyed.

The BDPO should personally come present on the next date of hearing along with the affidavit that why the information pertaining to the years 2002 to 2013 is not available and in case any employee of the office is responsible for this then action be taken against that employee.

Both the parties should personally come present on the next date of hearing on **18.02.2020 at 11:00 A.M.**

Dated: 23.01.2020

**(Avtar Singh Kaler)
State Information Commissioner, Punjab**

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Shri Jagshir Singh, (M: 81958-00345),
S/o Shri Gian Singh,
R/o H.No. 9/20, Back side Pandori Nursing Home,
Mandi Mullanpur,
Distt. Ludhiana.

.....Appellant.

Vs

Public Information Officer,
O/ o Block Development & Panchayat Officer,
Ghal Khurd, Distt. Ferozepur.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Ferozepur.

.....Respondent

Appeal Case No. 3889 of 2019

Present:- Shri Jagshir Singh, appellant is present.
None present on behalf of the PIO.

O R D E R

The present appeal case was earlier heard by the Bench of Hon'ble Punjab State Information Commissioner, Ld. Shri Yashvir Mahajan and after his retirement the case was re-allocated to the present Bench for hearing. The notice of hearing was issued to both the parties for today.

Shri Jagshir Singh, appellant filed RTI application dated 18.08.2018 and sought some information from the office of the PIO.

The appellant is present today, but none has come present on behalf of the PIO. The appellant stated that no information has been provided to him by the PIO.

The Commission has received a letter no. 3048 dated 19.08.2019 sent by the BDPO, Ghalkhurd addressed to the Commission and the copy of the said letter was sent to Shri Jagshir Singh appellant. The said letter was received in the office of the Commission on 05.09.2019 and diarized vide no. 17117. It is submitted in the letter that there are three Gram Panchayats in the name of Rattakhera and it is not cleared in the RTI application of the appellant that for which Rattakhera village he is seeking information.

Today during the course of hearing Shri Jagshir Singh, appellant stated that he has informed the PIO that he is seeking information regarding Gram Panchayat, Rattakhera, Punjab Singhwala, but even then no information has been provided to him.

Contd..p2..

Appeal Case No. 3889 of 2019

The BDPO, Gharkhurd is directed that attested copies of the information sought by the appellant regarding Gram Panchayat, Rattakhera, Punjab Singhwala be provided to him within a week.

A Show Cause Notice had already been issued to the PIO vide Order dated 17.07.2019 that why the PIO has not provided the information to the appellant within the stipulated so why he may not be penalized U/s 20(1) of the RTI Act, 2005 and why the compensation may not be awarded to the appellant U/s 19(8)(b) of the RTI Act, 2005.

The PIO should personally come present on the next date of hearing and file reply to the show cause notice and an opportunity of personal hearing will be afforded to him. In case of non compliance of the order of the Commission strict action will be taken against the PIO and it will be assumed that the PIO do not want to file reply to the show cause notice and the show cause notice will be decided in his absence after the perusal of the case file.

Both the parties should personally come present on the next date of hearing on **18.02.2020 at 11:00 A.M.**

Dated: 23.01.2020

**(Avtar Singh Kaler)
State Information Commissioner, Punjab**

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Shri Gurmej Singh, (M: 62806-51090),
S/o Shri Atma Singh,
R/o Pir Mohammad, Tehsil Zira,
Distt. Ferozepur.

.....Appellant.

Vs

Public Information Officer,
O/ o Block Development & Panchayat Officer,
Block Makhu, Distt. Ferozepur.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Ferozepur.

.....Respondent

Appeal Case No. 1211 of 2019

Present:- Shri Gurmej Singh, appellant is present.
None present on behalf of Shri Kuldip Singh, PIO-cum-BDPO, Makhu.

O R D E R

The present appeal case was earlier heard by the Bench of Hon'ble Punjab State Information Commissioner, Ld. Shri Yashvir Mahajan and after his retirement the case was re-allocated to the present Bench for hearing. The notice of hearing was issued to both the parties for today.

Shri Gurmej Singh, appellant filed RTI application dated 24.12.2018 and sought some information from the office of the PIO. The appellant is present today, whereas none has come present on behalf of the PIO.

The appellant filed RTI application dated 24.12.2018 and he sought information regarding nomination applications filed for the post of Sarpanch and Panch for Gram Panchayat Pir Mohammad falling in Block Makhu, District Ferozepur.

The appellant stated that information regarding nomination papers of Boor Singh Sarpanch and Anoop Singh Panch has been provided to him, but the information is not attested by the PIO. He further stated that information regarding nomination papers of Sarabjit Singh for the post of Sarpanch has not been provided to him.

So, Shri Kuldip Singh, PIO-cum-BDPO Makhu is directed that attested copies of nomination papers of Boor Singh and Sarabjit Singh for the post of Sarpanch and attested copies of nomination papers of Shri Anoop Singh for the post of Panch filed for Gram Panchayat Pir Mohammad be provided to the appellant within 10 days.

Contd..p2..

Appeal Case No. 1211 of 2019

I have gone through the Order dated 31.10.2019 passed by my Predecessor Ld. Shri Yashvir Mahajan, Hon'ble Punjab State Information Commissioner and vide that order a compensation of Rs. 4,000/- was awarded in favour of the appellant U/s 19(8)(b) of the RTI Act, 2005 and the BDPO was imposed a penalty of Rs. 15,000/-.

In the present case the respondent is BDPO, Makhu, but the penalty has been imposed upon BDPO, Zira. It is a apparent error on the face of the record. The case is related with the office of the BDPO, Makhu and not with the office of the BDPO, Zira. So the Order dated 31.10.2019 is rectified and the amount of penalty of Rs.15,000/- be recovered from the salary of BDPO, Makhu.

The appellant stated that the amount of compensation has not been paid to him by the PIO. Moreover the Commission has received no compliance report regarding the deduction of amount of penalty from the salary of the BDPO.

So the BDPO, Makhu is directed that an amount of Rs. 4,000/- be paid to the appellant by way of demand draft from the funds of public authority.

The DDPO, Ferozepur is directed that an amount of Rs.15,000/- be deducted from the salary of the BDPO, Makhu and be deposited in the Govt. Treasury in the following heads:-

" Major Head	0070-Other Administrative Services
Sub Major Head	60-Other Services
Minor Head	800-Other Receipts
Sub Head	86-Right to Information Act, 2005."

The DDPO, Ferozepur is further directed that after deducting the amount of penalty from the salary of BDPO, Makhu, compliance report be sent back to the Commission before the next date of hearing.

Both the parties should personally come present on the next date of hearing on **18.02.2020 at 11:00 A.M.**

Dated: 23.01.2020

**(Avtar Singh Kaler)
State Information Commissioner, Punjab**

(Regd.) CC: District Development and Panchayat Officer, Ferozepur.

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Shri Lucas Bhatti,
C/o Adv. Neha Dewan,
House No. 2140, Second Floor,
Sector 21-C, Chandigarh.

.....Appellant.

Vs

Public Information Officer,
O/ o Municipal Council,
Zirakpur, Mohali.

First Appellate Authority,
O/o Regional Deputy Director,
Local Government, Patiala.

.....Respondent

Appeal Case No. 1944 of 2019

Present:- Ms. Neha Dewan, Advocate on behalf of Shri Lucas Bhatti, appellant is present.
Shri Lakhvir Singh Building Inspector is present on behalf of Shri Sukhjinder Singh PIO-cum-EO, MC, Zirakpur.

ORDER

The present appeal case was earlier heard by the Bench of Hon'ble Punjab State Information Commissioner, Ld. Shri Yashvir Mahajan and after his retirement the case was re-allocated to the present Bench for hearing. The notice of hearing was issued to both the parties for today.

Shri Lucas Bhatti, appellant filed RTI application dated 30.07.2018 and sought some information from the office of the PIO.

I have gone through the order dated 28.11.2019 passed by my Predecessor. The information has been provided except the information related to change of land use and non encumbrance certificate.

Shri Lakhvir Singh Building Inspector stated that the appellant sought information regarding the real estate company M/s Opera Infratech and Developers and M/s Chandigarh Colonizers Pvt Ltd. and in the year 2007 the Change of Land Use was not applicable and non encumbrance certificate is not in the file of the public authority.

So under these circumstances Shri Sukhjinder Singh PIO-cum-EO, MC, Zirakpur should personally come present on the next date of hearing and submit a duly attested affidavit as reply regarding Change of Land Use and Non Encumbrance Certificates.

A Show Cause Notice was issued to Shri Girish Verma, the then PIO-cum-EO, MC, Zirakpur who is now being transferred to M.C. Sangat Mandi, District Bathinda vide order

Contd..p2..

Appeal Case No. 1944 of 2019

dated 11.09.2019 that why you may not be penalized U/s 21(1) of the RTI Act, 2005 and why not compensation may be awarded in favour of the appellant U/s 19(8)(b) of the RTI Act, 2005.

So Shri Girish Verma, M.C. Sangat Mandi District Bathinda is directed that he should personally come present on the next date of hearing and file reply to the show cause notice through duly attested affidavit and an opportunity of personally hearing will be afforded to him. In case he would not come present then it would be assumed that he do not want to file reply to the show cause notice and the show cause notice will be decided in his absence by going through the case file.

Both the parties should personally come present on the next date of hearing on **12.02.2020 at 11:00 A.M.**

Dated: 23.01.2020

**(Avtar Singh Kaler)
State Information Commissioner, Punjab**

**Regd. CC: 1. Shri Girish Verma, M.C. Sangat Mandi District Bathinda – for compliance
of the above said order.**

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Shri Jagraj Singh Chahal, (M: 94784-82964),
S/o Shri Daljit Singh,
R/o Patti Usang, VPO Kokri Kalan,
Moga.

.....Appellant.

Vs

Public Information Officer,
O/ o Block Development & Panchayat Officer,
Block-1, Moga.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Moga.

.....Respondent

Appeal Case No. 1982 of 2019

Present:- Shri Jagraj Singh Chahal, appellant is present.
None present on behalf of the PIO.

O R D E R

The present appeal case was earlier heard by the Bench of Hon'ble Punjab State Information Commissioner, Ld. Shri Yashvir Mahajan and after his retirement the case was re-allocated to the present Bench for hearing. The notice of hearing was issued to both the parties for today.

Shri Jagraj Singh Chahal, appellant filed RTI application dated 30.01.2019 and sought some information regarding the funds received and spent under MANREGA scheme by Gram Panchayat Kokri kalan, Tehsil and District Moga for the period 2013 to 2018 from the office of the PIO.

The appellant is present today, but none has come present on behalf of the PIO. The appellant stated that no information has been supplied to him. The RTI application was transferred by the BDPO Moga-1 to Shri Sukhvir Singh Panchayat Secretary of Gram Panchayat Kokri kalan for supply the said information.

I have gone through the order dated 28.11.2019 and on that date Shri Partap Singh BDPO Moga-1 was present and he stated that the RTI application was transferred U/s 6(3) of the RTI Act to Panchayat Secretary Kokhrikalan and a show cause notice was ordered to be issued to Shri Sukhvir Singh Panchayat Secretary, Kokhrikalan by my Predecessor Bench. The gist of the order is as under:-

"The Commission takes a serious note of the aforesaid facts and issues a show cause notice to Shri Sukhvir Singh, Panchayat Secretary who is the deemed PIO

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Appeal Case No. 1982 of 2019

in the case. He is desired to explain in a self attested affidavit as to why a penalty of Rs. 250/- per day of delay subject to maximum of Rs. 25,000/- till the complete information is furnished be not imposed U/s 20(1) of the RTI Act, 2005 on him for causing willful delay/denial of information to the RTI applicant and why the compensation be not awarded to the complainant U/s 19(8)(b) of the Act for the detriment suffered by him”.

The appellant stated that no information has been provided to him neither Shri Sukhvir Singh PIO, Gram Panchayat Kokri kalan has come present today. So, a last and final opportunity is granted to Shri Sukhvir Singh, PIO-cum-Panchayat Secretary, Gram Panchayat Kokri kalan that he should personally come present on the next date of hearing and should file reply to the show cause notice and an opportunity of personal hearing will be afforded to him that why you may not be penalized for not providing the information to the appellant. In case he will not come present then it will be assumed that the PIO do not want to file the reply to the show cause notice and the show cause notice will be decided in his absence after going through the case file.

The BDPO, Moga-1 who is the Administrative Head of the office and have administrative control over the Panchayat Secretaries is directed that he should take serious note and provide the attested copies of sought for information to the appellant before the next date of hearing, otherwise, being the deemed PIO, action will be taken against the BDPO.

Both the parties should personally come present on the next date of hearing on **12.02.2020 at 11:00 A.M.**

Dated: 23.01.2020

**(Avtar Singh Kaler)
State Information Commissioner, Punjab**

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Shri Ramandeep Singh Ahluwalia, (M: 94645-00405),
Ward No.18, Street No.2,
Kartar Nagar, Amloh Road,
Khanna, Distt. Ludhiana.

.....Appellant.

Vs

Public Information Officer,
O/ o Sr. Superintendent of Police,
Punjab Police, Khanna, Distt. Ludhiana.

First Appellate Authority,
O/o Dy. Inspector General of Police,
Ludhiana Range, Ludhiana.

.....Respondent

Appeal Case No. 3166 of 2019

Present:- Shri Ramandeep Singh Ahluwalia, appellant is absent.
ASI Roor Singh No. 765/Khanna is present on behalf of Shri Gursharandeep
Singh Grewal, PIO-cum-SSP Khanna, Distt. Ludhiana.

ORDER

The present appeal case was earlier heard by the Bench of Hon'ble Punjab State Information Commissioner, Ld. Shri Yashvir Mahajan and after his retirement the case was re-allocated to the present Bench for hearing. The notice of hearing was issued to both the parties for today.

Shri Ramandeep Singh Ahluwalia, appellant filed RTI application dated 10.05.2019 and sought some information from the office of the PIO.

The present case was earlier heard by my Predecessor Ld. Shri Yashvir Mahajan, Punjab State Information Commissioner and the following order was passed on 26.11.2019:-

"The appellant had sought the certified copies of the documents on file on which a complaint of one Sh. Manish Kapila on 08.04.2019 in the office of SSP, Khanna and DSP, Khanna, against the appellant has been dealt. The respondents represented by Sh. ASI Roor Singh submit that the information has been provided. However, the appellant says that part information with reference to the office of DSP only has been given, whereas the information pertaining to the office of SSP has still not been communicated. The respondents assure the Commission

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to do the needful quickly. The respondents are directed to provide the deficient information as per provisions of law before the next date of hearing, which shall be intimated in due course.”

The appellant is absent today without any intimation to the Commission, whereas ASI Roor Singh is present on behalf of the PIO and he stated that in compliance to the order dated 26.11.2019 the remaining information was already provided to the appellant Shri Ramandeep Singh Ahluwalia. The part information related with the office of the DSP has already been provided to the appellant and the remaining information related with the office of SSP has also been provided to the appellant by the PIO.

The appellant has not come present before the Commission neither he sent any intimation regarding his absence, whereas the information has already been provided to him. So, the present appeal case is **disposed of and closed**.

Dated: 23.01.2020

**(Avtar Singh Kaler)
State Information Commissioner, Punjab**

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Shri Rakesh Kumar Gupta, (M: 98149-24851),
8/237, Jagraon Road,
Mandi Mullanpur,
Distt. Ludhiana.

.....Appellant.

Vs

Public Information Officer,
O/ o Dy. Inspector General of Police,
Ludhiana Range, Ludhiana.

First Appellate Authority,
O/o Director General of Police,
Punjab Police, HQs, Sector-9,
Chandigarh.

.....Respondent

Appeal Case No. 3473 of 2019

Present:- Shri Rakesh Kumar Gupta, appellant is present.
ASI Nirmal Singh No. 430/LDH(Rural), P.S. Dakha is present on behalf of PIO.

O R D E R

The present appeal case was earlier heard by the Bench of Hon'ble Punjab State Information Commissioner, Ld. Shri Yashvir Mahajan and after his retirement the case was re-allocated to the present Bench for hearing. The notice of hearing was issued to both the parties for today.

Shri Rakesh Kumar Gupta, appellant filed RTI application dated 12.09.2019 and sought some information from the office of the PIO.

Both the parties are present today. The appellant stated that he has received the information except few documents.

A photo copy of receipt dated 09.12.2019 duly signed by Shri Rakesh Kumar Gupta, appellant is in the file of the Commission. I have gone through the said receipt and it is submitted by the appellant that "I have today received the inquiry reports (two) regarding FIRNo. 90 running in 9 pages plus 6 pages equal to 15 pages conducted DSP Dakha at S.P.(H) Ludhiana Rural dated 12.7.2019 and 28.10.2019 respectively. Remaining information pending".

During the course of hearing the appellant stated that some documents are yet to be provided to him. In reply, ASI Nirmal Singh stated that he has come present along with the case file. The appellant has inspected the original case file and pointed out some documents in writing to ASI Nirmal Singh and he assured the Commission that attested copies of these documents will be provided to the appellant within 3 days. The appellant is satisfied and he stated that his appeal case be disposed of.

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Appeal Case No. 3473 of 2019

So I dispose of the present case with a direction to the PIO that attested copies of remaining documents be provided to the appellant within 3 days and compliance report be sent back to the Commission. With this observation the present appeal case is **disposed of and closed**.

Dated: 23.01.2020

**(Avtar Singh Kaler)
State Information Commissioner, Punjab**

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Shri Avtar Singh Sekhon, (M: 79862-44103),
S/o Shri Ajit Singh,
R/o Village Malakpur Bet,
Tehsil & Distt. Ludhiana.

.....Complainant.

Vs

Public Information Officer-cum
Addl. Dy. Commissioner of Police (H.Q.),
Ludhiana.

.....Respondent

Complaint Case No. 738 of 2019

Present:- Shri Avtar Singh Sekhon, complainant/applicant is absent.
HC Tarsem Singh 1689 on behalf of Shri Akhil Chaudhary, PIO-cum-DCP Ldh.

O R D E R

The present complaint case was earlier heard by the Bench of Hon'ble Punjab State Information Commissioner, Ld. Shri Yashvir Mahajan and after his retirement the case was re-allocated to the present Bench for hearing. The notice of hearing was issued to both the parties for today.

Shri Avtar Singh Sekhon, complainant/applicant filed RTI application dated 16.08.2019 and sought some information from the PIO, O/o Addl. Dy. Commissioner of Police, Ludhiana.

The complainant/applicant has not come present, whereas the respondent has come present on behalf of the PIO. I have gone through the order dated 28.11.2019 passed by my Predecessor which is as under:-

"The complainant, in fact, has filed a complaint with the Police against someone who allegedly had presented a forged affidavit on his behalf alluding the receipt of payment of about Rs.12.00 lacs by him. The respondents say that the appellant has made a couple of complaints which are under investigation of Assistant Commissioner of Police (HQ). The respondents say that the revelation of the information at this juncture shall adversely impact the outcome of their findings. Seeking exemption under Section 8(1)(h) of the RTI Act, the complainant has been denied the information. The Commission is not inclined to accept the plea unless they come up with specific explanation of their defence. The respondents are directed to allow the complainant access to the documents which they intend to rely

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Complaint Case No. 738 of 2019

upon for the successful completion of the enquiry so that he can file a counter reply, if any.”The matter has come up today. The status quo ante remains. The Commission feels that its directions are defied by the respondents. It is at loss to understand that he complainant, whose signatures has allegedly been forged, shall impede the investigation, when he himself is aggrieved. The Commission directs the ADCP (Headquarters), who is holding the enquiry, to show the documents to the Complainant at the earliest possible and send the compliance report before the next date of hearing positively, failing which it shall be constrained to take adverse view of his conduct and proceed to impose penalty on him for willful defiance of the orders of the Commission and withholding the information.

The next date of hearing shall be conveyed in due course.”

In compliance to the order dated 28.11.2019 the respondent has given access to the complainant-applicant, Shri Avtar Singh Sekhon and he has got inspection of the concerned file.

The respondent today submitted a copy of letter no.738/19 dated 16.01.2020 along with a copy of statement of Shi Avtar Singh Sekhon, complainant/applicant dated 30.12.2019 duly signed by him and attested by SI Harcharanjit Singh. Both the papers are taken in the file of the Commission.

I have gone through the letter dated 16.01.2020 and the statement of the complainant/applicant dated 30.12.2019. As the PIO has made the compliance of the Order dated 28.11.2019 passed by the Commission and the complainant/applicant is satisfied after the perusal of the enquiry file. Therefore, the present complaint case is **disposed of and closed**.

Dated: 23.01.2020

**(Avtar Singh Kaler)
State Information Commissioner, Punjab**