

Sh Samdeep Singh, S/o Sh Darshan Singh,
R/o Bhai Bakhtor, Tehsil Maur,
Distt Bathinda.

... Complainant

Versus

Public Information Officer,
O/o Inspector,
Food Supply Department,
Maur, Distt Bathinda.

...Respondent

Complaint Case No. 245 of 2021

PRESENT: None for the Complainant
Sh.Harpreet Singh, AFSO and Sh.Manpreet Singh, Inspector for the
Respondent

ORDER:

The complainant through an RTI application dated 27.07.2020 has sought information regarding details of items of ration issued to depot holders from 01.01.2020 to 30.06.2020 – distribution of ration to consumers and other information as enumerated in the RTI application concerning the office of Inspector, Food Supply Department, Maur, Distt.Bathinda. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 25.02.2021.

The case first came up for hearing on 20.07.2022 through video conferencing at DAC Bathinda. As per the complainant, the PIO had not supplied the information.

The respondent was absent. The PIO was directed to provide information to the complainant as per RTI application and send a compliance report to the Commission. The PIO was also directed to appear before the Commission on the next date of hearing along with an explanation for not attending to the RTI application within the time prescribed under the RTI Act.

On the date of the next hearing on **29.03.2022**, both the parties were absent.

There was nothing on record that showed that the PIO had complied with the order of the Commission to provide the information nor has appeared.

There has been an enormous delay of more than one year and seven months in providing the information. The Commission having taken a serious view of this issued a **show cause notice to the PIO under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file reply to the show cause notice on an affidavit.**

On the date of the last hearing on **31.05.2022**, the complainant informed that the PIO has not supplied the information.

The respondent was absent 3rd consecutive hearings as well as not filed a reply to the show cause notice.

Since the PIO-Inspector Food Supply Department, Maur, District Bathinda was not appearing before the commission despite various orders of the Commission, to secure an erring PIO's presence before the commission, a bailable Warrant of the PIO-Inspector Food Supply Department, Maur, District Bathinda was issued under Section 18(3) of the RTI Act through Senior Superintendent of Police, **Bathinda** for his presence before the Commission on **23.06.2022**.

Hearing dated 23.06.2022:

Sh.Harpreet Singh, AFSO and Sh.Manpreet Singh, Inspector **are** present on behalf of the PIO who informed that the complete information has already been provided to the appellant and the appellant has acknowledged having received the information. The Commission has also received a reply of Sh.Manpreet Singh, Inspector Food Supply and a copy of the acknowledgement of the appellant through email which has been taken on record.

In the reply, Sh.Manpreet Singh has mentioned that due to fieldwork, the information could not be delivered to the complainant by hand and now the complete information has been provided to the appellant vide letter dated 15.06.2022.

The reply is rejected since the RTI application was filed on 27.07.2020 whereas the information has been provided on 15.06.2022 after a gap of 23 months. Further, the reply is not from the PIO as well as there is nothing on record, which shows that the assistance of the inspector was used under section 5(5) of the RTI Act.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO and as per the respondent, the following were the PIO's from the date of filing of the RTI application:

1.	17.03.2020 to 31.07.2020	Sh.Mandeep Singh Mann	DFSC
2	03.08.2020 to 03.08.2020 28.08.2020 to 02.06.2022	Sh.Jaspreet Singh Kahlon	DFSC – Bathinda (now transferred to Faridkot as Dy.Director, Food Supply
3	05.08.2020 to 27.08.2020	Sh.Raj Rishi Mehra	

From the above, it is clear that Jaspreet Singh Kahlon has been the PIO when the RTI application was filed and at the time of issue of show cause notice(03.08.2020 to 03.08.2020 & 28.08.2020 to 02.06.22). Sh.Jaspreet Singh Kahlon –PIO-cum-DFSC Bathinda (now transferred and posted as Dy.Director, Food Supply Faridkot) 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. The PIO is also held guilty of repeated defiance of the orders of the Punjab State Information Commission to provide the information. Moreover, the PIO has chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

Hence given the above facts, a penalty of **Rs.10,000/-** is imposed on the Sh.Jaspreet Singh Kahlon –PIO-cum-DFSC Bathinda (now transferred and posted as Dy. Director, Food Supply Faridkot) which will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

The case is adjourned. To come up for further hearing on **19.09.2022 at 11.00 AM at Chandigarh.**

Chandigarh
Dated : 23.06.2022

Sd/-
(Khushwant Singh)
State Information Commission

CC to :1. District Food Supply Controller,
Bathinda.

2. Sh.Jaspreet Singh Kahlon, Dy.Director
Dept. of Food & Civil Supply, Mini Secretariat,
Faridkot.
(Earlier PIO-Food Supply Maur)

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh Ravi Kumar, S/o Sh Dharminder Kumar,
R/o H NO-107, Near Santpur Gurudwara Sahib,
Patiala Gate, Sangrur.

... Appellant

Versus

Public Information Officer,
O/o EO, NC,
Sangrur.

First Appellate Authority,
O/o Deputy Director,
Local Bodies Govt, Patiala.

...Respondent

Appeal Case No. 860 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 30.09.2019 has sought information regarding details of shops sold/leased out by Improvement Trust Sangrur in Kila Market with their maps, size and rule & regulation for sale and other information as enumerated in the RTI application concerning the office of EO-NC Sangrur. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 25.11.2019 which took no decision on the appeal.

The case first came up for hearing before Ms.Preeti Chawla, State Information Commissioner on 09.06.2020 when the respondent present informed that the information has been supplied to the appellant. The appellant was absent and the case was adjourned.

On the date of the next hearing on 07.07.2020, the appellant claimed that the PIO has not supplied the complete information. The respondent was absent and the case was adjourned. The respondent was directed to provide complete information.

On the date of the hearing on 13.08.2020, the respondent was absent nor has complied with the order of the Commission to provide the complete information. The PIO was issued a show cause notice u/s 20 of the RTI Act and directed to file his submission.

On the date of the next hearing on 30.09.2020, the respondent was absent on the 3rd consecutive hearing nor has supplied complete information as well not filed a reply to the show cause notice. The PIO was directed to pay a compensation of **Rs.5000/-** to the appellant within 15 days under intimation to the Commission.

On the date of the hearing on 03.02.2021, the appellant claimed that the PIO has neither supplied the complete information nor paid the compensation amount.

The respondent was absent on 4th consecutive hearing. In view of defying attitude of the respondent-PIO, the Commission came to the logical conclusion that it is a fit case for imposition of a penalty of Rs.25000/-, but taking a lenient view, a penalty of Rs.5000/- in AC-856 of 2020, Rs.5000/- in AC-857 of 2020, Rs.5000/- in AC-859 of 2020 and Rs.5000/- in AC-860 of 2020 was imposed on the respondent-PIO and the Director Local Govt was directed to deduct the amount of penalty of Rs.20000/- from the salary of respondent-PIO and deposit in the State Treasury and report its compliance to the Commission.

On the date of the hearing on 03.05.2021, the appellant informed that the PIO has neither provided the complete information nor paid the compensation. The respondent was absent. However, the respondent-PIO vide letter received in the Commission on 16.03.2021 informed that the penalty amount has been deposited in the Govt treasury and sent a copy of challan to the Commission which was taken on record. The PIO was given one more opportunity to pay the compensation amount to the appellant.

On the date of the hearing on 07.06.2021, the appellant informed that the PIO has neither provided the complete information nor paid the compensation. The respondent PIO was present. He was directed to pay the compensation amount to the appellant. The appellant was directed to inspect the record on 15.06.2021 and get the relevant information.

On the date of the hearing on 16.08.2021, the appellant was absent. The respondent Sh.Ajay Modgill, Jr.Assistant appeared on behalf of the PIO and informed that the information has been supplied to the appellant and filed a copy of the receiving given by the appellant in lieu of receiving the information. Case No.AC-856 of 2020 and AC-857 of 2020 were **disposed of and closed**.

The respondent further informed that the available information in AC-859 of 2020 has been provided and filed their reply which was taken on record. In view of the reply, the AC-859 of 2020 was **disposed of and closed**.

Regarding AC-860 of 2020, the respondent informed that the information relates to Improvement Trust, Sangrur. The PIO-Improvement Trust, Sangrur was impleaded in the case and directed to provide complete information before the next date of hearing.

The case last came up for hearing **before this bench on 16.05.2022** through video conferencing at DAC Sangrur. Both the parties were absent.

At the hearing on 16.08.2021, Sh.Ajay Modgil, Jr.Assistant present from the office of EO-NC Sangrur informed that the information relates to Improvement Trust Sangrur. The PIO-Improvement Trust Sangrur was directed to provide information and appear before the Commission on the next date of hearing.

The PIO-Improvement Trust Sangrur was absent. The PIO-Improvement Trust was given one more opportunity to comply with the earlier order of the Commission and appear before the Commission on the next date of hearing failing which the Commission will take action against the PIO under section 20 of the RTI Act.

Hearing dated 23.06.2022:

Both the parties are absent. The PIO-Improvement Trust, Sangrur is also absent and vide letter received in the Commission on 09.06.2022 has informed that due to election duty, he is unable to attend the hearing. It has further been mentioned in the reply by the EO-Improvement Trust that the information does not relate to them since there is no scheme in the name of Kila Market of Improvement Trust Sangrur.

The case is adjourned. To come up for further hearing on **19.09.2022** at 11.00 AM at Chandigarh.

Chandigarh
Dated: 23.06.2022

Sd/-
(Khushwant Singh)
State Information Commission

CC to :PIO-Improvement Trust, Sangrur.



Sh.Gurinder Singh Sodhi,
R/o 47, Bank Colony,
Patiala

Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Local Govt. Department, Sector 35,
Chandigarh.

First Appellate Authority,
O/o Additional Director,
Local Govt. Department, Sector 35,
Chandigarh

Respondents

Appeal case No.2101 of 2020

PRESENT: Sh.Gurinder Singh as the Appellant
Sh.Arun Kumar-PIO and Sh.Sandeep Singh, APIO for the Respondent

ORDER:

The appellant, through RTI application dated 23.03.2018 has sought information regarding CPW No.19788 of 2015 Gora Lal Jindal v/s State of Punjab – a document filed before the High Court and other information concerning the office of Principal Secretary, Local Govt. Department, Punjab Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal with the first appellate authority on 28.07.2018 which took no decision on the appeal.

The case has already been heard on 09.11.2020, 01.12.2020, 02.02.2021, 28.05.2021, 31.08.2021, 01.12.2021, 06.04.2022 & 16.05.2022.

On the date of the last hearing on 16.05.2022 the appellant stated that he received a letter from the PIO dated 29.03.2022 vide which the PIO had informed him that the information is being sent. However, no document was attached to the letter. The appellant also submitted a copy of the said letter to the Commission which has been taken on record.

The respondent is absent nor has complied with the order of the Commission to bring the entire record as well as not appearing despite the issuance of bailable warrants. However, the Commission received a copy of the letter from the Supt. (LG-2) O/o Principal Secretary Local Govt., stating that the information has been sent to the appellant again.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO- O/o Principal Secretary, Local Govt. Department, Pb Sector 35 Chandigarh was held guilty of not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request. The PIO was also held guilty of repeated defiance of the orders of the Punjab State Information Commission to provide the information. Moreover, the PIO had chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

Further, the Commission was of the view that since the complainant had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

Appeal case No.2101 of 2020

Hence the PIO-O/o Principal Secretary, Local Govt. Department, Pb Chandigarh was directed to pay an amount of **Rs.5000/-** via demand draft through Govt. Treasury as compensation to the appellant and submit proof of having compensated the appellant.

The current PIO was also directed to submit a full detail of all the PIOs from the time this RTI was filed along with name, tenure and current status.

Hearing dated 23.06.2022:

The PIO is present and has submitted his reply which has been taken on record. The respondent further informed that the complete information has been provided to the appellant.

As per the appellant, the information has been provided but the compensation has not been paid.

The PIO is given one last opportunity to pay the compensation amount to the appellant and send a compliance report to the Commission.

To come up for compliance only on **19.09.2022 at 11.00 AM at Chandigarh.**

Chandigarh
Dated: 23.06.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: Suptd.(LG-2),
O/o Principal Secretary,
Local Govt. Department, Sector 35
Chandigarh.



Sh.Surinder Kumar s/o Sh.Hakam Rai
H.No.1869/92, Kila Mohalla,
Daresi Road, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o District Controller,
Food Supply Department,
Ludhiana.

First Appellate Authority,
O/o District Controller,
Food Supply Department,
Ludhiana.

...Respondent

Appeal Case No.3909 of 2021

PRESENT: Sh.Surinder Kumar for the Appellant
Mrs.Damanjit Kaur AFSO and Sh.Nitin Inspector for the Respondent

ORDER:

The appellant through an RTI application dated 24.04.2021 has sought information on 05 points cardholders' details relating to depot holder Smt.Surinder Kaur ward No.59, Kila Mohalla, Daresi Road, Ludhiana – detail of the wheat supplied to each member of the family – wheat supplied in the full year to a cardholder – detail of wheat allotted to a depot holder and other information as enumerated in the RTI application from the office of District Controller, Food Supply Department, Ludhiana. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 08.06.2021 which took no decision of the appeal.

The case first came up for hearing on 28.02.2022 before Bench through video conferencing at Ludhiana. The appellant claimed that the PIO has not supplied the information.

The respondent was absent. Due to an enormous delay of more than nine months in providing the information, 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 as well as for misleading the court and directed to file reply on an affidavit.** The PIO was again directed to provide information to the appellant within 15 days of the receipt of the order and send a compliance report to the Commission.

On the date of the last hearing on **30.05.2022**, due to some other urgent VC relating to the CM office in DAC Ludhiana, the hearing could not take place.

The appellant was present at Chandigarh and informed that the PIO has not supplied the information.

Hearing dated 23.06.2022:

The respondent present pleaded that the information has been supplied to the appellant vide letter dated 27.01.2022.

Appeal Case No.3909 of 2021

The appellant stated that the information has been provided with a delay of more than eight months, as well as the information, is not legible.

The PIO is directed to provide legible copies of the information duly certified by the PIO to the appellant.

Further, the Commission is of the view that since the complainant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

Hence the PIO- District Controller, Food Supply Department, Ludhiana is directed to pay an amount of **Rs.5000/-** via demand draft through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO is directed to duly inform the commission of the compliance of the order and submit proof of having compensated the appellant.

To come up for compliance on **19.09.2022 at 11.00 AM** at Chandigarh.

Chandigarh
Dated: 23.06.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Bharat Bhushan
H.No.153, Akash Nagar,
Near Green Land School Central
P.O.Ludhiana, Distt.Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Civil Surgeon,
Ludhiana.

First Appellate Authority,
O/o Director, Health and Family Welfare, Pb
Sector 34-A, Chandigarh.

...Respondent

Appeal Case No.3961 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 04.06.2021 has sought information on 05 points regarding a copy of the logbook of the official car used by DHO Ludhiana from 01.02.2020 to 04.06.2021 - attendance record of staff/duty register/movement register/order and other information as enumerated in the RTI application from the office of Civil Surgeon, Ludhiana. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 12.07.2021 which took no decision of the appeal.

The case last came up for hearing on 28.02.2022 before Bench through video conferencing at Ludhiana. The appellant was absent and vide letter received in the Commission on 21.02.2022 informed that the PIO has not supplied the information.

The respondent present pleaded that since the information relates to DHO Ludhiana, the RTI application was forwarded to them.

The respondent from DHO Ludhiana was absent. The PIO-DHO Ludhiana was implicated in the case and directed to look at the RTI application and provide information to the appellant as per the RTI Act.

On the date of the last hearing on **30.05.2022**, due to some other urgent VC relating to the CM office in DAC Ludhiana, the hearing could not take place. The case was adjourned.

Hearing dated 23.06.2022:

Both the parties are absent. The appellant vide email has informed that the PIO has not supplied the complete information and the discrepancies have already been communicated to the PIO.

The DHO O/o Civil Surgeon, Ludhiana is absent on 2nd consecutive hearing. The DHO vide email has sought adjournment on the plea that the FSO who is dealing the case is on election duty.

Appeal Case No.3961 of 2021

Keeping the above-mentioned facts of the case, it is clear that the PIO-cum-DHO O/o Civil Surgeon Ludhiana is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not appearing before the commission despite various orders of the Commission.

To secure an erring PIO's presence before the commission, the Information Commission is empowered to issue warrants to the PIO Under Section 18(3) of the RTI Act. A bailable Warrant of the PIO-DHO O/o Civil Surgeon, Ludhiana is hereby issued through Senior Superintendent of Police, Ludhiana for his presence before the Commission on **19.09.2022**.

The PIO is directed to sort out the discrepancies as pointed out by the appellant and send a compliance report to the Commission.

The case is adjourned. To come up for further hearing on **19.09.2022 at 11.00 AM** at Chandigarh.

Chandigarh
Dated: 23.06.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-cum-DHO-
O/o Civil Surgeon, Ludhiana

**BAILABLE WARRANT OF PRODUCTION
BEFORE
SHRI KHUSHWANT SINGH
STATE INFORMATION COMMISSIONER,
PUNJAB AT CHANDIGARH**

In case: Bharat Bhushan V/s DHO-O/o Civil Surgeon, Ludhiana

APPEAL CASE NO.3961/2021

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing: 19.09.2022

To

**The Senior Superintendent of
Police, Ludhiana**

Whereas PIO-DHO O/o Civil Surgeon, Ludhiana has failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to the PIO-DHO O/o Civil Surgeon, Ludhiana to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on **19.09.2022 at 11.00A.M.**

Chandigarh
Dated: 23.06.2022

(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh Parmod Kumar, S/o Sh Achoor Singh,
R/o PAM, C-9, Phase-5, Focal Point,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o GLADA,
Ludhiana.

First Appellate Authority,
O/o GLADA,
Ludhiana.

...Respondent

Appeal Case No. 4166 of 2019

PRESENT: None for the appellant
Sh.Manpreet Singh, Sr.Assistant for the Respondent

ORDER:

That the appellant through RTI application dated 31.07.2019 has sought information regarding plot no.C-9 & C-10 Bhrdman Join Industry Focal Point Ludhiana – number of plots allotted, rules/regulations, number of registries and other information concerning the office of GLADA Ludhiana. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 16.09.2019 which took no decision on the appeal.

The case has already been heard on 26.02.2020, 02.06.2020, 21.07.2020, 27.01.2021, 02.08.2021, 10.11.2021 ,21.03.2022 & 16.05.2022.

On the date of hearing on **10.11.2021**, the appellant informed that the PIO has not supplied the information nor has provided any affidavit as per the order of the Commission dated 27.01.2021.

The respondent was absent nor had sent any reply to the show cause notice as well not complied with the order of the Commission to provide the remaining information.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO-GLADA Ludhiana was 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. He was also held guilty of repeated defiance of the orders of the Punjab State Information Commission to provide the information. Moreover, the PIO has chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

As per information from the office of GLADA Ludhiana, the following officials remained PIO in the office of GLADA Ludhiana from the date of filing of the RTI application till date:

- | | |
|---------------------------------|--|
| - Sh.S.S. Bains, SDE(B) | - 04.01.2017 to 15.06.2020 – (05 Months) (Retired) |
| - Sh.Khshpreet Singh, SDE(PH) | - 15.06.2020 to 26.08.2020 –(02 months) |
| - Sh.Gagandeep Singh, ATP | - 26.08.2020 to 07.05.2021 –(09 months) |
| - Sh.Gulshan Kumar, EO | - 07.05.2021 to 27.07.2021 –(02 months) |
| - Sh.Divleen Singh SDE(Elect) | - 27.07.2021 to 01.11.2021 –(03 months) |
| - Sh.Ashish Vochher, SDE(Civil) | - 01.11.2021 to till date |

Appeal Case No. 4166 of 2019

From the above, it was clear that Sh.S.S.Bains was the PIO for 05 months(04.01.2017 to 15.06.2020) when the RTI application was filed, and appeared at the hearing on 26.02.2020 & 02.06.2020 and was directed to provide information. However, he had since retired. Thereafter, Sh.Gagandeep Singh remained the PIO for a maximum period (09 months) but neither appeared before the Commission on 27.01.2021 nor complied with the interim order of the Commission to provide the remaining information. However, when the show cause was issued on 02.08.2021, Sh.Divleen Singh was the PIO who has also not appeared nor has filed a reply to the show-cause notice.

Hence, given the above facts, it was concluded that Sh.S.S.Bains was the PIO when the RTI application was filed and did not comply with the direction of the Commission dated 26.02.2020 & 02.06.2020 to provide the information. Hence a penalty of **Rs.25,000/-** was imposed on Sh.S.S.Bains, the then PIO. However, since he had retired, no penalty could not be imposed on such a person.

Further since Sh.Gagandeep Singh, ATP-cum-PIO- GLADA, Ludhiana has been the PIO for the maximum period (09 months) but has not responded to the interim order of the Commission, Sh.Gagandeep Singh was issued a **show cause notice under section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

Further since Sh.Divleen Singh who was the PIO when the show cause notice was issued on 02.08.2021, did not file any reply, Sh.Divleen Singh was given one more opportunity to file a reply to the show-cause notice otherwise it will be presumed that he has nothing to say in the matter and the decision will be taken as per provisions of section 20 of the RTI Act.

If Sh. Gagandeep Singh has been transferred elsewhere, the present PIO to inform him and to get the compliance of the order.”

On the date of the last hearing on 21.03.2022, both the parties were absent. The case was adjourned.

On the date of last hearing on **16.05.2022**, the appellant claimed that the PIO has not supplied the information.

None was present on behalf of the respondents. The Commission received a reply of Sh.Divleen Singh which was taken on record. Further, the PIO-cum-EO GLADA vide email sought adjournment.

The PIO-cum-EO GLADA was directed to comply with the earlier order of the Commission and supply complete information to the appellant. The PIO was also directed to appear personally on the next date of hearing.

Further, the Commission was of the view that since the complainant has had to suffer undue inconvenience to get the information, the PIO-cum-EO GLADA Ludhiana was directed to pay an amount of **Rs.5000/-** via demand draft through Govt. Treasury as compensation to the appellant and submit proof of having compensated the appellant.

Hearing dated 23.06.2022:

Sh.Manpreet Singh, Sr.Assistant is present on behalf of the PIO and informed that the information has been supplied to the appellant and the appellant has acknowledged having received the information.

Appeal Case No. 4166 of 2019

The appellant is absent and vide email has informed that he has received the information and does not want to pursue the case further.

The PIO has however not paid the **compensation** amount to the appellant. The PIO is given one last opportunity to pay the compensation amount to the appellant and send proof of having compensated the appellant.

The case is adjourned. To come up for compliance on **19.09.2022 at 11.00 AM at Chandigarh.**

Chandigarh
Dated: 23.06.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Sawinder Singh, s/o Sh Bal Singh,
VPO Shutrana, Tehsil Patran,
Distt Patiala.

... Appellant

Versus

Public Information Officer,
O/o Child Development Project Officer,
Patran, Distt Patiala.

First Appellate Authority,
O/o Distt Program Officer,
Social Security Women & Child Development,
Patiala.

...Respondent

Appeal Case No. 5250 of 2021

PRESENT: Sh.Sawinder Singh as the Appellant
Sh.Rahul Arora, CDPO for the Respondent

ORDER:

The appellant through an RTI application dated 20.08.2021, has sought copies of notices issued to old aged pensioners issued for their consent under 3rd party (RTI Act) – a copy of the written reply of each pensioner – number of old aged pensions from 17.08.2021 of village Shutrana and other information as enumerated in the RTI application concerning the office of Child Development Project Officer, Patran, Distt.Patiala. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 24.09.2021, which did not decide on the appeal.

The case last came up for hearing on 01.06.2022 through video conferencing at DAC Patiala. Due to some other VC relating to DC office at DAC Patiala, the hearing could not take place. The case was adjourned.

Hearing dated 23.06.2022:

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent present pleaded that the information has been supplied to the appellant vide letter dated 27.10.2021.

The appellant claims that the PIO has denied the information stating that the appellant has not been able to establish a larger public interest involved in disclosure of the information.

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

- | | | |
|-----------|---|--|
| - Point-1 | - | The PIO to provide copies of notices issued to the beneficiaries |
| - Point-2 | - | The PIO to provide copies of replies received against notices from the beneficiaries |
| - Point-3 | - | As per point-1 |
| - Point-4 | - | To provide document if any available |

The information be provided within 15 days of the receipt of the order with a copy to the commission.

The case is adjourned. To come up for further hearing on **19.09.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated: 23.06.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh Sawinder Singh, s/o Sh Bal Singh,
VPO Shutrana, Tehsil Patran,
Distt Patiala.

... Appellant

Versus

Public Information Officer,
O/o Child Development Project Officer,
Patran, Distt Patiala.

First Appellate Authority,
O/o Distt Program Officer,
Social Security Women & Child Development,
Patiala.

...Respondent

Appeal Case No. 5263 of 2021

PRESENT: Sh.Sawinder Singh as the Appellant
Sh.Rahul Arora, CDPO for the Respondent

ORDER:

The appellant, through an RTI application dated 06.08.2021 has sought information regarding the list of old age pensions of village Shutrana from 01.04.2018 – the names of beneficiaries with the date of submission of OAP application – date of sanction – age as per aadhar card and voter card and other information as enumerated in the RTI application concerning the office of Child Development Project Officer, Patran, Distt.Patiala. The appellant was not satisfied with the reply of the PIO dated 17.08.2021(denied being 3rd party information) after which the appellant filed a first appeal before the first appellate authority on 16.09.2021 which took no decision on the appeal.

The case last came up for hearing on 01.06.2022 through video conferencing at DAC Patiala. Due to some other VC relating to the DC office at DAC Patiala, the hearing could not occur.

The appellant vide email also informed that the PIO has not supplied the information.

The Commission received a letter from the PIO dated 24.05.2022 stating that since the information is 3rd party and the 3rd parties have not given their consent to part with their information, it cannot be provided.

Hearing dated 23.06.2022:

The case has come up for hearing today through video conferencing at DAC Patiala. The appellant claims that the PIO has not supplied the information.

The respondent reiterated his earlier plea of dated 24.05.2022 that since the information is 3rd party and the 3rd parties have not given their consent to part with their information, it cannot be provided.

Having gone through the RTI application and the reply of the PIO, the Commission observes that the information that has been sought by the appellant does not pertain to 3rd party as stated in Section-11 of the RTI ACT. Section 11 of the RTI Act reads as follows 11. Third party information.—

“(1) Where a Central Public Information Officer or the State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information: Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision.”

In this particular instance, the appellant has asked for a list of old aged pensioners of village Shutrana, information which the beneficiaries would have volunteered to share themselves with the public authority to get an available benefit, which clearly means that this is information has not been given in any confidentiality. Moreover, even if the PIO in his wisdom used Section-11 to deny information, a strange methodology has been adopted by the PIO to get submissions for third parties to get their views whether their information should be disclosed or not? There is prima facie evidence that the PIO, instead of inviting the many third parties (since the exemption was sought under section 11) through any written communication, organized a mass collection of all the beneficiaries and took their thumb impressions on excel sheets against their names.

In conclusion, where the thumb impressions end, there a note saying that the appellant Sawinder Singh has sought information regarding your name, name of father/husband, Aadhar Card, voter card, records about your old age pension forms and documents regarding the sanction of the old age pension is recorded.

It may be noted that all the signatures have a similar hand writing against the names, followed by thumb impressions of the pensioners, and the word nahi (no) written against each name. This alludes two things-a) that the petitioners cannot read and write and there is every possibility that the petitioners are not aware of the note that is given below their signatures and have been informed about this particular RTI application orally, b) that they have been ill informed about the exact nature of information that has been sought and coerced into saying no.

Appeal Case No. 5263 of 2021

The above facts allude to a prima-facie evidence that the PIO has deliberately tried to conceal the information as well as influence the minds of the old age beneficiaries to respond in a particular way, which is not only against the spirit of the RTI Act but also against the provisions of the ACT when using exemption under section 11 of the RTI ACT.

Hence, the PIO is hereby **show caused as to why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time. He/she should file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is again directed to provide information on all points by invoking section 10 by severing the undisclosed information/personal information and provide list of beneficiaries with name, age, parents name.

The case is adjourned. To come up for further hearing on **19.09.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated: 23.06.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh Nanak Singh, S/o Sh Dalan Singh,
VPO Kaganwal (Via Sandora),
Tehsil Ahmedgarh, Distt Sangrur.

... Appellant

Versus

Public Information Officer,
O/o Punjab State Scheduled Caste Commission,
Pb, 4th Floor, Room No-8, Punjab Civil Secretariat-1,
Chandigarh.

First Appellate authority,
O/o Punjab State Scheduled Caste Commission,
Pb, 4th Floor, Room No-8, Punjab Civil Secretariat-1,
Chandigarh.

...Respondent

Appeal Case No. 4141 of 2021

PRESENT: Sh.Nanak Singh as the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 16.06..2021, has sought a copy of the action taken by the Chairperson/member secretary on the complaint of the appellant dated 09.08.2017 about a letter dated 05.04.2021 (which was closed on 19.01.2021) and other information as enumerated in the RTI application concerning the office of Punjab State Scheduled Castes Commission, Pb Chandigarh. The appellant was not satisfied with the reply of the PIO dated 02.07.2021, after which the appellant filed a first appeal before the first appellate authority on 15.07.2021, which did not decide on the appeal.

The case last came up for hearing on 01.06.2022 through video conferencing at DAC Sangrur. Due to some other VC relating to DC office at DAC Sangrur, the hearing could not take place. The case was adjourned.

Hearing dated 23.06.2022:

The case has come up for hearing today through video conferencing at DAC Patiala. As per the appellant, the PIO has not supplied the information since there was no information/document attached the letter dated 02.07.2021 received from the PIO.

The respondent is absent nor is represented.

The PIO is given one last opportunity to provide whatever action has been taken on the complaint of the appellant along with a copy of the noting/correspondence otherwise the Commission will be constrained to issue a show cause notice to the PIO under section 20 of the RTI Act.

The case is adjourned for compliance. To come up for further hearing on **19.09.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Sangrur. The PIO to appear at Chandigarh.

Chandigarh
Dated: 23.06.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh Subhash Chander Goyal,
1B-7, Sukhariya Nagar,
Near Adarsh Nursing Home,
Sriganga Nagar.

... Appellant

Versus

Public Information Officer,
O/o Baba Barsiana Sahib,
Charitable Hospital, Mandi Dirba,
Distt Sangrur.

First Appellate authority,
O/o Baba Barsiana Sahib,
Charitable Hospital, Mandi Dirba,
Distt Sangrur.

...Respondent

Appeal Case No. 4989 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 15.01.2021, has sought information on 10 points regarding the registration of Baba Barsiana Sahib Charitable Hospital – a copy of the register containing the name of the patients visited in the hospital from 01.10.2020 to 31.12.2020 – a copy of the audit report for the year 2018 to 2020 – number of staff working – list facilities available for operation/test and other information as enumerated in the RTI application concerning the office of Baba Barsiana Sahib, Charitable Hospital, Mandi Dirba, Distt Sangrur. . The appellant was not provided with the information after which the appellant filed a first appeal before the first appellate authority on 03.03.2021 which took no decision on the appeal.

The case last came up for hearing on 01.06.2022 through video conferencing at DAC Sangrur. Due to some other VC relating to the DC office at DAC Sangrur, the hearing could not occur. The case was adjourned.

Hearing dated 23.06.2022:

The case has come up for hearing today through video conferencing at DAC Sangrur. Both the parties are absent.

The Commission has received a reply from Baba Barsiana Sahib Charitable Hospital Dirba on 27.05.2022 which has been taken on record.

The case is adjourned. To come up for further hearing on **19.09.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Sangrur.

Chandigarh
Dated: 23.06.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh Rajinder Pal, S/o Sh Hem Raj Jindal,
H No-378, Ward NO-4(Old),
New H NO-129, Ward No-17, Backside Eicher Tractor Agency,
Patiala Road, Ajit Nagar, Sunam.

... Appellant

Versus

Public Information Officer,
O/o District Manager,
PUNSUP, Sangrur.

First Appellate authority,
O/o District Manager,
PUNSUP, Sangrur.

...Respondent

Appeal Case No. 5096 of 2021

PRESENT: Sh.Rajinder Pal as the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 16.0..2021, has sought information on 15 points regarding payment of an amount of Rs.14,62,564/-due against Sh.Ashok Kumar Pro Mahadev Rice Mills, Sunam – nature of securities mortgaged – a copy of mortgage deed- a copy of the letter issued to Tehsildar for recording entry of mortgage – opinion of attorney obtained- the status of the case filed by PUNSUP against Ashok Kumar - -correspondence made with DC, Tehsildar, SDM and Patwar circle and other information as enumerated in the RTI application concerning the office of District Manager, PUNSUP Sangrur. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 02.09.2021 which did not decide on the appeal. After filing the first appeal, the PIO sent a reply to the appellant vide letter dated 04.10.2021, to which the appellant was not satisfied and filed 2nd appeal in the Commission.

The case last came up for hearing on 01.06.2022 through video conferencing at DAC Sangrur. Due to some other VC relating to the DC office at DAC Sangrur, the hearing could not take place.

The Commission received a reply from the PIO dated 26.05.2022, which has been taken on record.

The Commission also received a written reply through email from the appellant, which has been taken on record.

Hearing dated 23.06.2022:

The case has come up for hearing today through video conferencing at DAC Sangrur.

The appellant is directed to file a written submission as alluded during the hearing.

The case is adjourned. To come up for further hearing on **19.09.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Sangrur.

Chandigarh
Dated: 23.06.2022

Sd/-
(Khushwant Singh)
State Information Commission

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh Inderjeet Singh, S/o Sh. Leelu Singh,
R/o Village Cheema, Tehsil Dhuri,
Distt Malerkotla.

... Appellant

Versus

Public Information Officer,
O/o SMO, Rajindra Hospital,
Distt Patiala.

First Appellate authority,
O/o Director,
Health & Family Welfare,
Pb, Sector-34-A, Chandigarh.

...Respondent

Appeal Case No. 5221 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 14.07.2021, has sought a copy of the complete file relating to the admission of Sh.Gurvinder Singh S/o late Sh.Balwinder Singh, alongwith the date of admission in the hospital on 06.04.2021 and medical record as well as post-mortem report and other information as enumerated in the RTI application concerning the office of SMO-Rajindra Hospital, Patiala. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 09.09.2021, which did not decide on the appeal.

The case last came up for hearing on 01.06.2022 through video conferencing at DAC Patiala/Sangrur. Due to some other VC relating to the DC office at DAC Patiala & Sangrur, the hearing could not occur. The case was adjourned.

Hearing dated 23.06.2022:

The case has come up for hearing today through video conferencing at DAC Patiala/Sangrur. Both the parties are absent.

There is nothing on record which shows that the RTI application has been attended to by the PIO within time. There has been an enormous delay of more than eleven months in attending to the RTI application and the respondent is absent nor is represented.

Keeping the above-mentioned facts of the case, it is clear that the PIO-SMO Rajindra Hospital, Patiala is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not appearing before the commission despite various orders of the Commission.

To secure an erring PIO's presence before the commission, the Information Commission is empowered to issue warrants to the PIO Under Section 18(3) of the RTI Act. A bailable Warrant of the PIO-SMO Rajindra Hospital, Patiala is hereby issued through Senior Superintendent of Police, Patiala for his presence before the Commission on **19.09.2022**.

To come up for further hearing on **19.09.2022 at 11.00 AM** at Chandigarh.

Sd/-

Chandigarh
Dated: 23.06.2022

(Khushwant Singh)
State Information Commission

**BAILABLE WARRANT OF PRODUCTION
BEFORE
SHRI KHUSHWANT SINGH
STATE INFORMATION COMMISSIONER,
PUNJAB AT CHANDIGARH**

In case: Inderjeet Singh V/s PIO-SMO Rajindra Hospital, Patiala

APPEAL CASE NO.5221/2021

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing: 19.09.2022

To

**The Senior Superintendent of
Police, Patiala**

Whereas PIO PIO-SMO Rajindra Hospital, Patiala has failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to the PIO-SMO Rajindra Hospital, Patiala to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on **19.09.2022 at 11.00A.M.**

Chandigarh
Dated: 23.06.2022

(Khushwant Singh)
State Information Commissioner