**PUNJAB STATE INFORMATION COMMISSION**

**RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

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Sh. Hakam Parshad,

S/o Sh. Hazari Lal,

R/o #180, Sector 20-C,

Subhash Nagar,

Mandi Gobindgarh Appellant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

Kharar, S.A.S Nagar.

First Appellate Authority,

O/o Deputy Commissioner,

District Administrative Complex,

Sector-76, S.A.S Nagar Respondents

**APPEAL CASE NO.1201/2018**

Date of RTI application: 14.09.2017

Date of First Appeal : 09.02.2018

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 05.02.2018

**Present: Sh. Vivek Kumar on behalf of the Appellant.**

**Sh. Ravinder Kumar, Tehsildar, Kharar – for Respondents.**

**ORDER**

 The Commission had made the following observations on 26.07.2018:

*“To make the facts clear it shall be appropriate to reproduce the orders passed on 31.05.2018 and 05.07.2018:*

**Order dated 31.05.2018**

  *“The appellant is seeking the outcome of an application made by him for the demarcation of a property the part of which reportedly has been acquired by the Land Acquisition Officer for the widening of the State highway. The appellant says that he is running from pillar to post without success to lay hand to the information.*

 *The response of the respondents is evasive. Sh. Tarsem Singh Mittal, Tehsildar, Kharar is directed to file a written reply and explain the inordinate delay having been taken in disposing of the original application, failing which the penal action shall be taken.”*

 *Contd…page…2*

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**APPEAL CASE NO.1201/2018**

 **Order dated 05.07.2018**

 *“Vide order dated 31.05.2018, the Tehsildar, Kharar was directed to file a written explanation for the inordinate delay in providing the information. He is neither present nor any communication has been received from him.*

 *The Commission takes a serious note of it. While taking it as a case of willful defiance in providing the information the PIO is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

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

 *“The case has come up today. It transpires that the noticee namely Sh. Tarsem Singh Mittal the then Tehsildar, Kharar has superannuated. The Commission deems it appropriate to call off the notice thus served on him as mentioned above. Meanwhile the new incumbent Sh. Ravinder Kumar Bansal is directed to look into the entire issue and arrange to provide the information to the appellant within fifteen days from the receipt of this order.”*

The case has again come up today. Sh. Ravinder Kumar, Tehsildar, Kharar who is present submits that as the property in question is in the joint ownership no demarcation is possible Contd…page…3

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**APPEAL CASE NO.1201/2018**

without partition of the same. Having discussed the issue the upshot is that the land belonging to the appellant to an extent of 1.4 biswas has been acquired and the possession taken thereof by the Land Acquisition Collector without the payment of the compensation.

 The Commission has been made to understand that this amount is payable only from its receipt from the Project Director of the National Highway Authority. Be that as it is the responsibility lies with the Land Acquisition Collector i.e. Sub Divisional Magistrate, Kharar to ensure the payment to its legitimate claimant. The SDM, Kharar is accordingly directed to inform the appellant about the status of the issue under intimation to the Commission.

 To come up on **13.09.2018 at 11.30 AM.**

 **Sd/-**

**23.08.2018 ( Yashvir Mahajan )**

 **State Information Commissioner**

**CC: The Sub Divisional Magistrate, Kharar, for n/a.**

**Cc: Sh. Ravinder Kumar Bansal, Tehsildar, Kharar, Distt. Mohali, for n/a.**

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Sh. Amritpal Singh,

S/o Sh. Gurdas Singh

VPO Cheema, Tehsil Sunam,

Distt. Sangrur Appellant

Versus

Public Information Officer,

O/o President,

Gurdwara Sahib, Nanaksar,

Cheema Tehsil Sunam, Distt. Sangrur

First Appellate Authority

O/o President,

Shiromani Gurdwara Parbhandhak Committee,

Sri Amritsar Sahib. Respondents

 **APPEAL CASE NO.3133/2017**

Date of RTI application : 16.05.2017

Date of First Appeal : 06.07.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :03.11.2017

**Present: None on behalf of the Appellant.**

1. **Sh. Kuldip Singh, Assistant Supervisor, SGPC, Amritsar,**
2. **Sh. Gurcharan Singh, Presidence Gurdwara Sahib Nanaksar Cheema,**
3. **Sh. Surinderjeet Singh, Manager, Gurdwara Sahib Nanaksar Cheema – for Respondents.**

**ORDER**

The appellant is absent.

The case has come up today. Sh. Surinderjeet Singh, Manager, Gurdwara Sahib Nanaksar Cheema says that they are not a Public Authority within the meaning of Section 2(h) of the RTI Act. Besides they say that the information is not being sought in public interest. The appellant intends to blackmail them for his personal gains. The appellant is directed to react to the submissions thus made by the respondents.

The matter shall be reheard on **30.10.2018 at 11.30 AM.**

 **Sd/-**

**23.08.2018 ( Yashvir Mahajan )**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Pardeep Singh,

S/o Sh. Joginder Singh,

Village Jounpura, Patran, Patiala. Complainant

Versus

Public Information Officer,

O/o Station House Officer,

Police Station Patran, Distt. Patiala. Respondent

**Complaint Case No.464/2018**

Date of RTI application: 18.09.2017

Date of First Appeal : Nil

Date of Order of FAA or Reply: Nil

 Date of 2nd Appeal/complaint: 24.04.2018

**Present: Sh. Pardeep Singh, Complainant in person.**

1. **Insp. Ranbir Singh, PS: Patran,**
2. **HC Rajbir Singh, PS: Patran – for Respondents.**

**Order**

The following order was made by this forum on 24.07.2018.

*“The Commission had made the following observations on 26.06.2018:*

 *“The respondents are absent despite issue of notice. The Commission takes a strong exception to the lackadaisical and non-chalant demeanour of the respondents. They are directed to file a written reply besides providing the information to the information seeker and explain their conduct in having taken undue delay in providing the information.”*

 *“The case has come up today. Despite the strong observations of this forum the respondent is maintaining a studied silence. None is present. Nor any reply has been filed. It is a clear case of violation of a provision of Section 7(1) of the RTI Act. Taking its due cognizance the PIO in the office of the SHO, PS: Patran, Distt. Patiala is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, Contd…page…2*

 *-2-*

***Complaint Case No.464/2018***

*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.*

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

The case has come up today. Insp. Ranbir Singh, PS: Patran is present. He says that the available record pertaining to the FIR No. 29 dated 25.05.2017 registered under Section 323, 341, 34 etc. IPC in P.S. Patran, has been provided to him. They have also produced a copy of the postal receipt as a proof of having dispatched the information. It is their plea that further revelation shall impede the completion of their investigation and filing of challan. While accepting their request the Respondents are directed to expedite the proceedings and file a challan, the copy of which should be provided to the appellant. No malafide on their part to withhold the information has been detected. As the available information has been provided no further action seems called for.

**Disposed.**

 **Sd/-**

**23.08.2018**  **(Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Senior Superintendent of Police, Patiala.**

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Mohammad Aslam,

Punjab Waqf Board,

First Floor, Sector 22B,

Chandigarh. Appellant

Versus

Public Information Officer,

O/o Chief Executive Officer,

Punjab Waqf Board,

SCO-1062-63, Sector 22B,

Chandigarh.

First Appellate Authority,

O/o Chairman,

Punjab Waqf Board,

SCO-1062-63, Sector 22B,

Chandigarh. Respondents

**Appeal Case No.1627/2018**

Date of RTI application: 20.11.2017

Date of First Appeal : 17.01.2018

Date of Order of FAA or Reply: Nil

 Date of 2nd Appeal/complaint: 08.05.2018

**Present: Sh. Mohammad Aslam, Appellant in person.**

**Sh. Mohammad Nasir, Officiating S.O., Pb. Wakf Board, Chd. – for Respondents.**

**Order**

The following order was passed by the Commission on 26.06.2018:

 *“The appellant is seeking the information concerning his personnel matters as he has suffered a demotion. Primarily he is seeking the copy of seniority list of the officials in his cadre and other connecting issues.*

 *The proxy of the respondents, Sh. Shakeel Ahmed is taking a vague plea and making some wishy-washy excuses to deny him the information. The appellant per-se is entitled to the information under the Civil Services Rules as applicable on the respondents. Even his approach through RTI has been stone-walled. The original application has been filed on 20.11.2017. Despite the lapse of seven months they have neither intimated to the applicant nor provided any information. It is blatant violation of the provision of the law.*

 *The PIO (by name) is issued a show cause notice to explain in a self- attested Contd….page…2*

 *-2-*

***Appeal Case No.1627/2018***

*affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

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

The case has come up today. Mohammad Nasir, officiating S.O. has brought along the information which has been handed over on spot to the appellant. From its cursory glance it appears that the copies of the original seniority list in the case of Section Officers, Estate Officers, Accountants etc. has not been provided. Rather a hastily drawn fresh seniority list without the concomitant information, has been provided.

 The respondents are trying to mislead the information seeker as well as the Commission. The Commission takes it as a willful denial under Section 7(1) of the Act punishable under Section 20(1) of the RTI Act as enunciated in the SCN earlier. A final opportunity is afforded again to the respondents to provide him the information and file a reply to the SCN already issued. To come up on **13.09.2018 at 11.30 AM.**

 **Sd/-**

**23.08.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Prem Chand Bansal,

Flat No 102, Tower B-6,

Surya Towers, VIP Road, Zirakpur,

S.A.S Nagar Complainant

Versus

Public Information Officer,

O/o Naib Tehsildar,

Sub Tehsil Zirakpur

Tehsil Dera Bassi, Distt S.A.S Nagar Respondent

**COMPLAINT CASE NO.319/2018**

Date of RTI application: 18.01.2018

Date of First Appeal : Nil

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint 05.03.2018

**Present: Sh. Prem Chand Bansal, Complainant in person.**

**Smt. Gurmeet Kaur, Reader to Naib Tehsildar, Sub Tehsildar, Zirakpur – for Respondent.**

**ORDER**

 Smt. Gurmeet Kaur has come present. She has filed a written statement. A photo copy of the same has been handed over on spot to the complainant. The main defence the respondent has taken is that the information pertains to the third party and is being sought in a self-designed proforma. They further claim that it is not the dictate of law to the respondents to collect and collate the information.

 The Complainant is interested in information only. In a complaint case it is not within powers of Commission to provide an access to it as ruled by *Hon’ble Supreme Court of India in its order rendered on 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)* ***– titled -- Chief Information Commr. And Another ...Appellant(s) - Versus - State of Manipur and Another …Respondent(s).*** *It has been held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information.”* Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

 *Contd…page…2*

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**COMPLAINT CASE NO.319/2018**

 An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case.

In the scenario the Commission remands his complaint to the First Appellate Authority to look into it and arrange to provide the admissible information and pass an appropriate order. The complainant, if still aggrieved, can approach the Commission with the second appeal under Section 19(3) of the Act. The First Appellate Authority – cum – Sub Divisional Magistrate, Dera Bassi shall pass an appropriate order within a month of the receipt of this order from the Commission.

 **Disposed.**

 **Sd/-**

**23.08.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The First Appellate Authority – cum – Sub Divisional Magistrate, Dera Bassi, for n/a.**

**CC: The Tehsildar, Sub Tehsil, Zirakpur, District SAS Nagar (Mohali) for n/a.**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Raj Kumar Sethi,

#71-D, Rajguru Nagar,

Ludhiana Appellant

Versus

Public Information Officer

O/o Executive Officer,

Nagar Improvement Trust, Ludhiana

First Appellate Authority

O/o Addl. Chief Secretary to Govt. of Punjab,

Department of Local Govt. Plot No.3, Sector-35-A,

Sathanik Sarkar Bhawan, Chandigarh. Respondents

 **APPEAL CASE NO.105/2018**

 Date of RTI application :14.09.2017

Date of First Appeal :03.11.2017

Date of order of FAA : Reply 04.10.2017

Date of 2nd Appeal/complainant:23.12.2017

**Present: Sh. Raj Kumar Sethi, Appellant in person.**

 **Sh. Abhisek, Sr. Assistant, LG 2 Br., Local Govt. Deptt. and,**

**ORDER**

 The Commission had made the following observations on 08.05.2018:

 *“The appellant is aggrieved with the inaction on the part of the respondents towards restoration of the cancelled plot even when the government has already taken a policy decision to do the needful following the directions of Hon’ble Punjab & Haryana High Court made in the civil writ. The respondents are evasive. They have not provided him the information sought on the above score.*

 *Sh. Jasbir Singh Dhanoa, PIO – cum – Superintendent, Local Govt. 2 Br., Plot No. 3, Sathanik Bhawan, Sector – 35, Chandigarh, is directed to come present in person and explain the reasons of suppression of the information.”*

 *“It transpires that the issue in hand pertains to the Trust Service Cell, O/o Director of Local Govt., Pb. Whereas LG 2 branch deals with the establishment matters only.*

 *The Commission feels that the appellant is being put to needless harassment by withholding the information. The PIO – cum – Superintendent, Trust Service Cell, O/o Director, Local Government, Pb. is directed to furnish the information and file a written statement before the next date of hearing positively.”*

 *Contd…page…2*

 *-2-*

***APPEAL CASE NO.105/2018***

Thereafter the matter was adjourned on a couple of occasions with the hope that the status of the action taken by the Government in the concerned branch shall be intimated to the appellant.

 The case has again come up today. None is present on behalf of the respondent. The lackadaisical and non-chalant attitude smacks of defiance and willful withholding of the information. The Commission feels that the respondent has rendered liable for penal consequences.

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

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

 To come up on **13.09.2018 at 11.30 AM.**

**Sd/-**

**23.08.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The PIO – cum – Superintendent, Trust Service Cell, O/o Director of Local Government, Punjab, Sathanik Sarkar Bhawan, Plot No. 3 A, Sector 35 A, Chandigarh, for n/a.**

**CC: Sh. Jasbir Singh Dhanoa, PIO – cum – Superintendent, LG 2 Br., Department of Local Govt., Punjab, Sathanik Sarkar Bhawan, Plot No. 3 A, Sector 35 A, Chandigarh.**

**CC: The Director of Local Govt., Punjab, Sathanik Sarkar Bhawan, Plot No. 3 A, Sec.35 A, Chandigarh, for n/a.**

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Smt. Jasmine Sandhawalia,

#10, Aman Nagar,

 Opposite Excise and Taxation Office,

 Kapurthala. Complainant

Versus

Public Information Officer,

O/o Home Secretary,

Punjab Government,

Punjab Civil Secretariat,

Chandigarh. Respondent

**Complaint Case No.397/2018**

**­­­­­­­­­­­­­­­­**

Date of RTI application: 10.02.2018

Date of First Appeal : Nil

Date of Order of FAA : 14.03.2018(Reply)

Date of 2nd Appeal/complaint: 02.02.2018

**Present: Smt. Jasmine Sandhawalia - Complainant.**

 **None on behalf of the Respondent.**

**ORDER**

 The following order was made by this forum on 17.07.2018:

 *“Heard.*

 *The complainant had filed an application with the respondent seeking an information relating to the status of the acquisition of land belonging to her for the purpose of establishment of a Housing Complex for the Judicial Officers in Kapurthala. She submits that the information available with the Registry of Hon’ble Punjab & Haryana High Court, Chandigarh, relating to the issue has since been furnished to her. However, the Respondent is withholding it to the detriment of her interest.*

 *The reply submitted by the respondent is vague and leads us nowhere. They are desired to file a written reply with reference to the points raised by the complainant in her original application.”*

 *“The case has come up today. Sh. Parminder Kumar, Senior Assistant, proxy for the respondent is present. He has submitted a reply wherein it has been stated that the original*

 *Contd….page…2*

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***Complaint Case No.397/2018***

*­­­­­­­­­­­­­­­­application of the complainant was forwarded to the Deputy Commissioner, Kapurthala, under Section 6(3) of the RTI Act who had supplied the information to her vide his communication dated 22.05.2018. She admits having received a couple of letters from the Deputy Commissioner, Kapurthala. However, she mentions that she has not been informed of the status of the acquisition of land in the government. The respondents should apprise her about the status as it figures in record in case it does not attract any of the exemptions enunciated in Section 8 and 9 of the RTI Act.”*

The case has again come up today. The DRO – cum – PIO, DC Office, Kaputhala has communicated vide his letter dated 22.05.2018 that the available information has been provided to the complainant vide their letter dated 09.05.2018. The PIO, O/o Department of Home and Justice, (Judicial – 1 Br.), Punjab has also communicated that the status of the matter has been informed to her vide their letter dated 23.08.2018 with a copy to the Commission.

 The Commission feels that she has been appropriately and sufficiently informed with regard to her original application. No cause of action sustains.

 **Disposed.**

 **Sd/-**

**23.08.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Harbans Singh

S/o Sh. Mahinder Singh R/o House No.40,

Aggarsain Colony, Near Greenland School, Bareta Kainchian

Bareta Tehsil Budhlada Distt. Mansa. Appellant

Versus

Public Information Officer

O/o Director,

Vigilance Bureau, Punjab,

SCO No.60-61, Sector-17-D, Chandigarh

First Appellate Authority

O/o Director,

Vigilance Bureau, Punjab,

SCO No.60-61, Sector-17-D, Chandigarh Respondents

 **APPEAL CASE NO.162 /2018**

 Date of RTI application :05.08.2017

Date of First Appeal :24.11.2017

Date of order of FAA :Reply 05.09.2017

Date of 2nd Appeal/complainant: 26.12.2017

**Present:** Sh. Harbans Singh, Appellant in person.

1. SI Avtar Singh, RTI Incharge, Pb. Vigilance Bureau, Chandigarh.
2. Constable Anil Rattan, Pb. Vigilance Bureau, Chandigarh,
3. Sh. Jaswinder Singh, Sr. Assistant, Forest Br., Pb. Civil Sectt. 2 – for Respondents.

**ORDER**

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

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

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**APPEAL CASE NO.162 /2018**

over as well. The respondents are required to apprise the Commission as well as the appellant about the status of case before the next date of hearing.

The matter shall be reheard on **09.10.2018 at 11.30 AM.**

**Sd/-**

**23.08.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: PIO – cum – Superintendent, Forests Branch, Punjab Civil Sectt., 2, Sector 9, Chandigarh, for n/a.**

**CC: PIO, O/o Principal Chief Conservator of Forests & Wild Life, Punjab, Forest Bhawan, Mohali, for n/a.**

**CC: The Additional Chief Secretary to Govt., Punjab, Department of Forests & Wild Life, Punjab Civil Secretariat – 1, Chandigarh for information and n/a.**