

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Smt Sinder Pal W/o Lt. Sh Harpreet Singh,
R/o HIG-920, Urban Estate, Chachoki, Tehsil Phagwara,
DisttKapurthala.
Complainant

...

Versus

Public Information Officer,
Principal, S.B.D.S Memorial Khalsa College Domeli,
Tehsil Phagwara, DisttKapurthala.

...Respondent

Complaint Case No. 485 of 2018

Present: None for the Complainant
 None for the Respondent

ORDER:

The case was first heard on 04.07.2018. The complainant was not satisfied with the information relating to point No.2 & 4. The PIO was directed to give the status of point No.2 in writing and also give in writing that what action has been taken on the legal notice relating to point No.4. He was further directed to provide the information to the complainant within 10 days of the receipt of order.

The case was last heard on **07.08.2018**. The order is reproduced hereunder:

“The complainant is absent. Vide email, she has informed that she being a senior citizen with ill-health is unable to attend hearing and has further informed that she has not received the information till date.

The respondent present has pleaded that the husband of Smt.Sinder Pal had expired on 02.12.2009, while in service and the leave encashment was not granted by the University. The same has been allowed by the University in its syndicate meeting dated 21.05.2014 for the staff who retired after January 2012. The respondent has further pleaded that as Sh.Harpreet Singh, the deceased husband of Smt.Sinder Pal had died during service, a case has been prepared for grant of leave encashment benefits to her wife and has been sent to the Secretary (Education), Shiromini Gurdwara Prabandhak Committee, Sri Amritsar Sahib vide letter dated 28.07.2018 for consideration. The respondent has submitted a copy of the letter to the commission which has been taken on the file of the Commission.

The respondent has also submitted a bill pertaining to leave encashment of Sh.Harpreet Singh which is subject to approval. The same is being sent to the appellant alongwith this order.

The PIO is directed to send appropriate reply to the complainant and comply with the earlier orders of the Commission.”

Hearing dated 23.10.2018:

In the last hearing, the respondent had submitted a bill pertaining to leave encashment of Sh.Harpreet Singh which was sent to the appellant alongwith the order. The PIO was also directed to send appropriate reply to the complainant and comply with the earlier orders of the Commission.

The complainant is absent on second consecutive hearing. It is presumed that the appellant is satisfied with the information.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 23.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

P.S. The respondent Sh.Girish Kumar from the office of S.B.D.S.Memorial Khalsa College Domeli came late and informed that the information has been sent to the complainant and a reminder to the Secretary Education, Shiromani Gurudwara Parabhandak Committee Sri Amritsar Sahib has also been sent for further necessary action.

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Sh Jaswant Singh, S/o Sh Khazan Singh,
R/o Basti Sunwa Wali, (Khoo Chubare Wala),
Border Road, Ferozepur.

... Complainant

Versus

Public Information Officer,
O/o SDM,
Ferozepur.

First Appellate Authority,
O/o SDM,
Ferozepur.

...Respondent

Complaint Case No. 557 of 2018

Present: None for the Complainant
None for the Respondent

ORDER:

The case was first heard on **13.08.2018**. The respondent reached later and submitted a copy of reply of First Appellate Authority stating therein that the information relates to the office of Tehsildar Ferozepur and they have transferred the RTI application to him. It was further mentioned in the letter that as per information from the office of Tehsildar Ferozepur, the complainant has already been informed that the information cannot be provided as the same is not available in their record. The case was adjourned and it was ordered since the matter has come to the Commission, the appeal will be heard by the Second Appellate Authority.

The case was last heard on **12.09.2018**. The order is reproduced hereunder:

“The respondent present has pleaded that they have already transferred the RTI application to the Tehsildar Ferozepur on 22.02.2018 as the information is not available in their record.

The appellant has brought a photo copy of the Sanad which he claims were provided to him vide some other RTI application from the office of Tehsildar Ferozepur. The appellant has pleaded that he needs a certified copy of the Sanad which now as per the Tehsildar is not available on their record. The Commission hereby encloses a copy of the Sanad (Ref No.684/Fzr/32560) which the appellant has brought, for the perusal of the Tehsildar and directs the Tehsildar Ferozepur to provide a certified copy of the same to the appellant. The PIO Tehsildar Ferozepur is also directed to be present personally or through his representative on the next date of hearing.”

Hearing dated 23.10.2018:

Since both the parties are absent without intimation to the Commission, the case is adjourned. The PIO, Tehsildar Ferozepur is directed to comply with the earlier orders of the Commission and be present personally or through his representative on the next date of hearing.

To come up on **03.12.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 23.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: The PIO, Tehsildar, Ferozepur

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Sh A.P Mehta,
88, Professor's Colony,
Tilak Nagar, Amritsar.

Appellant.

Versus

Public Information Officer,
DPI (C), P.S.E.B,
Phase-8, Mohali.

First Appellate Authority,
Principal Secretary,
Higher Education, Govt of Punjab,
Chandigarh.

...Respondent

Appeal Case No. 1398 of 2018

Present: Sh.R.C.Verma on behalf of Sh. A.P.Mehta Appellant
None for the Respondent

ORDER:

The case was first heard on **02.07.2018**. Sh.R.C.Verma was present on behalf of Sh.A.P.Mehra, appellant. Sh.Amarjot Singh, Sr.Assistant from the office of DPI Colleges Mohali was present on behalf of Respondent.

The PIO was directed to submit proof of dispatch of information relating to point A & I and exemption if any relating to point (F) and provide remaining information to the appellant in accordance with RTI Act within 15 days and send proof of dispatch of information to the Commission. The PIO was further directed to explain the reason for delay in providing the information and be present personally on the next date of hearing.

The case was last heard on **07.08.2018**. The order is reproduced hereunder:

"The respondent present has pleaded that the information relating to point –A has been provided to the appellant. The appellant has pleaded that he has received the same but the PIO has not provided the action taken on the complaint. The PIO is directed to provide status of the enquiry. Regarding point-B, copy of directions be provided. Regarding point-C, to provide time period, regarding point-D- to provide copies of all proceedings. For remaining information which was to be provided, the PIO is directed to provide point-wise information in accordance with the RTI Act."

Hearing dated 23.10.2018:

This order should be read in continuation to the earlier orders. The appellant informed that the information has not been provided to him.

The respondent is absent. The PIO is directed to send the information to the appellant within 10 days of the receipt of the orders of the Commission. A copy be also marked to the Principal Secretary, Higher Education, the First Appellate Authority to take note of this and ensure its compliance.

The case is adjourned. Both the parties to be present on **28.11.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 23.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

P.S. Sh.Amarjot Singh, Sr.Assistant DPI Colleges Mohali came late. He has brought the information and submitted a copy to the Commission. The respondent is directed to send the certified copies of the information to the appellant through registered post.

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ShJaswinder Singh, S/o ShKartar Singh,
Village Chak Bhaike, Tehsil Budhlada,
Distt Mansa.

.... Appellant.

Versus

Public Information Officer,
EO, Nagar Council,
Budhlada, Distt Mansa.

First Appellate Authority,
Deputy Director, Local Bodies,
Bathinda.

...Respondent

Appeal Case No. 1521 of 2018

Present: Sh.Jaswinder Singh as Appellant
None for the Respondent

ORDER: The case was first heard on **09.07.2018**. The respondent was absent. The appellant informed that against the deposit of fee of Rs.2000/-, he received only one page of information. The PIO was directed to be present personally on the next date of hearing and explain that why the appellant was asked to deposit Rs.2000/- at the first instance and also to explain the rationale behind Rs.2000/- fee for one page of information."

The case was last heard on **07.08.2018**. The order is reproduced hereunder:

"The respondent has pleaded that the information has been provided and the amount has been refunded to the appellant. The appellant has pleaded that the information is incomplete as in point No.2, qualification has not been mentioned.

I have seen the RTI and the copy of information sent by the respondent and found that the information has been provided as per RTI. However, the respondent has not been able to explain the reason why the appellant was asked to deposit Rs.2000/- for a single page information. It is a clear indication of harassment and mala fide intention of the PIO to ask the appellant to deposit Rs.2000/-. The PIO is hereby directed to explain why appropriate action under the RTI Act should not be taken against him and why he should not be penalized for not providing the information in time and for charging exorbitant fee in violation of the section 7(1) of the RTI Act. The reply should be submitted by way of an affidavit."

Hearing dated 23.10.2018:

The information has been provided. The appellant is exempted for further hearing.

In the last hearing, the PIO was directed to explain why appropriate action under the RTI Act should not be taken against him and why he should not be penalized for not providing the information in time and for charging exorbitant fee in violation of the section 7(1) of the RTI Act. The reply should be submitted by way of an affidavit.

The respondent is absent. One more opportunity is being provided to the PIO and he is directed to comply with the earlier orders of the Commission and submit reply by way of an affidavit.

To come up on **28.11.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 23.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Sukhdev Raj Devgan,
D-288, Ranjit Avenue,
Amritsar.

... Appellant

Versus

Public Information Officer,
The Registrar of Firms and Societies, Pb,
17 Bays Building, 3rd Floor, Sec-17, Chd.

First Appellate authority,
The Registrar of Firms and Societies, Pb,
17 Bays Building, 3rd Floor, Sec-17, Chd.

...Respondent

Appeal Case No. 1524 of 2018

Present: Sukhdev Raj as Appellant
None on behalf of Respondent

ORDER:

The case was first heard on 09.07.2018. The respondent was absent. The PIO was directed to provide the (1) copy of application alongwith documents attached at the time of registration (2) copy of registration certificate (5) list of present trustees to the appellant. The other points to be discussed on the next date of hearing. The PIO was also directed to be present personally on the next date of hearing.

The case was last heard on **07.08.2018**. The order is reproduced hereunder:

“The appellant has pleaded that he had filed RTI on 01.02.2018 and despite orders of the Commission, the information has not been provided to him so far.

The respondent is absent without intimation to the Commission on two consecutive hearings and has not complied with the orders of the Commission.

In view of the foregoing, the **PIO is directed to show cause 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 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 persons of the show cause and direct them to appear before the Commission along with the written replies.”

Hearing dated 23.10.2018:

In the last hearing the PIO was issued show cause notice and he was directed to be present personally on the next date of hearing and file the reply to the show cause by way of an affidavit.

The PIO is again absent and has not responded to the show cause. Sh.Satnam Singh, Sr.Assistant representing the PIO from the office of Registrar of Firms and Societies appeared late and has not brought any information.

The PIO is granted one last opportunity to explain the reasons for delay in providing the information as well as not abiding by the orders of the Commission to provide information. The PIO is also directed to be present personally on the next date of hearing and file reply to the show cause by way of an affidavit.

Both the parties to be present **on 28.11.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 23.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Rakesh Kumar Gupta,
8/237, Jagraon Road, MandiMullanpur,
Distt Ludhiana.

Appellant.

Versus

Public Information Officer,
DFSC, Ludhiana (West),
Zone-D, Municipal Corporation Building,
Sarabha Nagar, Ludhiana

First Appellate Authority,
The Director,
Food, Civil Supplies & Consumer Affairs,
Anaj Bhawan, Sector-39-C,
Chandigarh.

Respondent

Appeal Case No. 1669 of 2018

Present: Sh.Rakesh Kumar Gupta
Sh.Jaswinder Singh on behalf of the Respondent

ORDER:

The case was last heard on **06.08.2018**. The order is reproduced hereunder:

“The appellant is absent. Vide email the appellant has sought adjournment and informed that the information has not been provided so far.

The appellant through RTI application dated 29.12.2017 has sought information regarding license of M/s SKB Rice Mills and Ram Kripa Rice Mills located at village Budhail, Distt.Ludhiana and other related information concerning the office of DFSC Ludhiana(West). The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 12.02.2018 which disposed off the appeal on 21.03.2018 taking the plea that the information being third party information and the concerned third parties have not given their consent.

The respondents present have also reiterated the above plea. The appellant vide email while seeking an adjournment has also cited a decision of the Central Information Commission to establish his plea.

Having gone through the merits of the case, the claim of the PIO that the information is third party information is not fully justified. The PIO is hereby directed to provide the point-wise information to the appellant in accordance with the RTI Act.”

Hearing dated 23.10.2018:

The case has come up for hearing today. The respondent present has pleaded that the information has been provided to the appellant. The appellant is not satisfied and informed that the information is incomplete.

I have gone through the RTI application and heard both the parties. The PIO is directed to relook at the RTI application and send reply to the point No. 1 on an affidavit. The information regarding points 2, 4, 5, 6 & 9 be provided as per RTI application. Regarding point No.7, to provide certified copy of details of penalty. Regarding point No.8, to forward application to the PIO, Market Committee.

Both the parties to be present **on 04.12.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 23.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: The PIO, Distt.Mandi Officer,
District Mandi Bhawan, Gill Road,
Ludhiana.

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Sh Hardeep Singh, S/o Sh Tarsem Lal,
Village Nurpur, Tehsil Banga,
SBS Nagar, Nawashehar.

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Versus

.... Appellant.

Public Information Officer,
O/o BDPO,
SBS Nagar, Nawashehar.

First Appellate Authority,
O/o DDPO,
SBS Nagar, Nawashehar.

...Respondent

Appeal Case No. 1724/ 2018

Present: **Sh.Hardeep Singh as Appellant**
 None for the Respondent

ORDER: The case was first heard on 14.08.2018. The respondent was absent. The case was adjourned and the PIO was directed to provide point-wise information on all points to the appellant within 15 days and explain the reasons for not providing the information within the time prescribed under the RTI Act, 2005.

The case was last came up for hearing on **12.09.2018**. Since both the parties were absent, the case was adjourned.

Hearing dated 23.10.2018:

The appellant is present. He informed that the information has not been provided to him.

The respondent is absent on 3rd consecutive hearing. The Commission has taken a serious view of this for not complying with the orders of the Commission and hereby directs the PIO **show cause 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 and for not complying with the orders of the Commission**. He 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 persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is also directed to provide the information to the appellant within 10 days of the receipt of the orders and send compliance to the Commission.

To come up on **21.11.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 23.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Gurnam Singh, S/o ShKaram Singh,
Village SidhwaKalan, P.O Ladha Munda,
Tehsil Batala, DisttGurdaspur.

...Appellant.

Versus

Public Information Officer,
Food Supply Officer,
Shri Hargobindpur, DisttGurdaspur..

First Appellate Authority,
DFSC,
Gurdaspur

...Respondent

Appeal Case No. 1728 of 2018

Present: Sh.Gurnam Singh as Appellant
Sh.Pavitter Singh, Inspector Food Supply for the Respondent

ORDER:

The case was first heard on 06.08.2018. The appellant was directed to specify the information relating to point 6 within 3 days. The PIO was directed to provide the point-wise information relating to all points. The names, addresses and number of the depot holder relating to point No.1 be provided and for information relating to point 6, the appellant shall specify the information.

The case was last heard on **12.09.2018**. The respondent was absent. The order is reproduced hereunder:

“The appellant pleaded that as per the orders of the Commission, he has clarified the point No.6 on 08.08.2018, yet the information has not been provided to him. The PIO is directed to provide the information point-wise and be present on the next date of hearing. The PIO is also directed to submit written explanation for not providing the information under the RTI Act.”

Hearing dated 23.10.2018:

The respondent present pleaded that the information has been provided and the appellant has received the same.

Since the information has been provided, no further course of action is required.

The case is disposed off and closed.

Sd/-

Chandigarh
Dated: 23.10.2018

(Khushwant Singh)
State Information Commissioner

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Sh Gagan Deep Singh,
Village Tura, P.O Kumbh, Tehsil Amloh,
Distt Fatehgarh Sahib.

Appellant.

Versus

Public Information Officer,
Punjab State Civil Supplies Corp. Ltd,
SBS Nagar.

First Appellate Authority,
Punjab State Civil Supplies Corp. Ltd,
SBS Nagar.

...Respondent

Appeal Case No. 1735 of 2018

Present: None for the Appellant
 Sh.Rajiv Sehgal O/o PUNSUP, Jalandhar on behalf of the Respondent

ORDER: The case was first heard on 06.08.2018. Both the District Managers, PUNSUP, Jalandhar and Nawahshahar were directed to come clear on the position of the information sought by the appellant and provide the information within 15 days. They were further directed to reply the same in the affidavit form If the information is not available.

The case was last heard on **12.09.2018**. The order is reproduced hereunder:

“The appellant is absent. Vide email, he has sought adjournment.

The respondent present from the office of PUNSUP Nawanshahar has brought an affidavit stating that no information exists in their office. The respondent is directed to send the affidavit to the appellant through registered post. As per the last orders, the PIO, PUNSUP Jalandhar was directed to come clear on the position of the information sought by the appellant and provide the information to the appellant within 15 days. He was also directed that if the information is not available, the same be replied in an affidavit form.

The PIO, Nawanshahar has brought the affidavit but the PIO, PUNSUP Jalandhar has not complied the orders of the Commission. He is directed to comply with the earlier orders of the Commission and clarify on the position of the information sought by the appellant and provide the information within 5 days. The PIO PUNSUP Jalandhar is also directed to supply the information on an affidavit.”

Hearing dated 23.10.2018:

The respondent present on behalf of PIO PUNSUP Jalandhar has informed that in compliance with the orders of the Commission, the information has been provided to the appellant vide letter dated 24.09.2018. Vide email, the appellant has informed that he has received the affidavit from the PIO PUNSUP Jalandhar as per orders of the Commission.

Since the information has been provided, no further course of action is required.

The case is **disposed off and closed**.

Chandigarh
Dated: 23.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :The PIO, PUNSUP,
39-A, Cool Road, Green Park,Jalandhar.

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Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh Rohit Sabharwal,
Kundan Bhawan 126, Model Gram,
Ludhiana.

.....Appellant.

Versus

Public Information Officer,
O/o Estate Officer, GLADA,
Ludhiana

First Appellate Authority,
O/o Additional Chief Administrative,
GLADA, Ludhiana.

...Respondent

Appeal Case No. 2049 of 2018

Present: None for the Appellant
None for the Respondent

ORDER: The case was first heard on **13.08.2018**. The appellant was absent. The respondent present pleaded that the information relates to MC Ludhiana and they have already transferred the RTI to them.

The PIO MC Ludhiana was directed to provide the information to the appellant and be personally present on the next date of hearing. He was also directed to explain the reasons for not providing the information within the prescribed time limit under the RTI Act 2005.

The case was last heard on **12.09.2018**. The appellant was absent. The order is reproduced hereunder:

“The respondent present from the office of GLADA has reiterated that the information relates to MC Ludhiana and they have already transferred the RTI application to them. The PIO, MC Ludhiana is directed to provide the information and be present personally on the next date of hearing. He is also directed to explain the reasons for not appearing and for not providing the information within the prescribed time limit under RTI Act 2005.

The PIO GLADA is exempted for further appearance. The appellant is also directed to be present on the next date of hearing otherwise the case will be decided ex-parte.”

Hearing dated 23.10.2018:

The appellant is absent on 3rd consecutive hearing. It seems that the appellant is not interested to pursue his case further. No further course of action is required. The case is **disposed off and closed**.

In the last hearing, the PIO, MC Ludhiana was directed to provide the information and be present personally at the next date of hearing. However, he is absent and has not complied the orders of the Commission. The Commission has taken a serious note of this and recommends that the higher authority to look into the matter and take disciplinary action against the PIO for non-compliance of the orders of the Commission.

Chandigarh
Dated: 23.10.2018

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :1. The PIO, Municipal Corporation (Zone-D),
Ludhiana.
- 2. The Commissioner, MC Ludhiana.

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REGD POST

Sh Madan Lal, S/o Sh Parkash ,Jain Niwas,
MCB Zone-2, H No-10803, Street No-18,
Parinda Road 18, Guru Teg Bahadur Nagar,
Bathinda.

Appellant.

Versus

Public Information Officer,
SHO, Gidderbaha,
Distt Shri Mukatsar Sahib.

First Appellate Authority,
SHO, Gidderbaha,
Distt Shri Mukatsar Sahib.

...Respondent

Appeal Case No. 3085 of 2018

Present: **None for the Appellant**
 None for the Respondent

ORDER: The case was first heard on **03.10.2018**: The respondent was absent.

The PIO was directed to provide the information to the appellant as per RTI application within 48 hours of the receipt of the orders of the Commission. If the PIO wants to seek any exemption, he should give valid reasons and the section under which the exemption is sought.

The case was last heard on **09.10.2019**. The order is reproduced hereunder:

“The appellant has informed that the information has not been provided to him.

The respondent is absent. The PIO is directed to read this order in continuation to the previous order and provide the information to the appellant within 48 hours. The PIO is also directed to be present personally on the next date of hearing with explanation for delay in providing the information on an affidavit.

A copy of the order is being sent to the SSP, Shri Mukatsar Sahib for compliance of the orders of the Commission.”

Hearing dated 23.10.2018:

The case was last heard under Life and Liberty. The appellant is absent without intimation to the Commission. The respondent is also absent.

The PIO is again directed to provide the information to the appellant within 48 hours of the receipt of the order via email or registered post and send compliance to the Commission. The PIO is also directed to be present personally on the next date of hearing with explanation for delay in providing the information on an affidavit.

A copy of the order is being sent to the SSP, Sri Mukatsar Sahib for compliance of the orders of the Commission.”

To come up on **05.11.2018 at 11.00 AM** for further hearing.

Chandigarh
Dated: 23.10.2018.

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :SSP, Sri Mukatsar Sahib.