

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
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Sh.Gurpreet Singh, S/o Sh.Surinder Singh,
Village Hussainpura, P/O Badhochi.Kalan
Tehsil & Distt Shri Fatehgarh Sahib.

Appellant.

Versus

Public Information Officer,
O/o DC,
Distt. Shri. Fatehgarh Sahib.

First Appellate Authority,
O/o Addl, DC,
Distt. Shri. Fatehgarh Sahib.

...Respondent

Appeal Case No. 1795 of 2018

Present: None for the Appellant
Sh. Rajinder Singh, Panchayat Secretary for the Respondent

ORDER:

The case was first heard on 20.08.2018. The respondent was absent. The Commission received a letter diary No.16039 dated 06.8.2018 from the PIO, DDPO Fatehgarh Sahib vide which the PIO-DDPO has transferred the RTI to BDPO, Sirhind, instructing them to provide the information directly to the appellant. The PIO was directed to provide the information within 15 days and be present on the next date of hearing along with the reasons for delay.

The case was again heard on **26.09.2018**. The appellant informed that he has not received the information. Sh. Rajinder Singh, Panchayat Secretary appeared and informed that he has just joined the seat as the earlier dealing person. Sh. Tajinder Singh has been transferred. The respondent further assured to send the information within 10 days. The PIO was directed to provide the information explain the reasons for delay in providing the information on an affidavit.

The case again came up for hearing on **19.11.2018**. Sh. Iqbal Singh, Panchayat Secretary o/o BDPO Sirhind appeared and pleaded he has received the RTI application recently and assured to provide the information within 10 days. The PIO, BDPO Sirhind was given one more opportunity to provide the information to the appellant within 10 days and be present personally on the next date of hearing along with explanation for delay in providing the information on an affidavit.

The case was again heard on **15.01.2019**. The appellant informed that no information has been provided to him. The PIO was absent on 4th consecutive hearing. The PIO-BDPO Sirhind was issued **show cause notice under section 20 of the RTI Act** and directed to file an affidavit in this regard. The commission also directed the PIO to provide the information to the appellant within 10 days and send a compliance report to the Commission.

The case was again heard on **11.03.2019**. The appellant informed that the information has not been provided so far. The respondent Sh. Rajinder Singh appeared late and pleaded that since the earlier BDPO has been transferred and new BDPO has recently joined, the case be adjourned for the next date. The respondent further assured to provide the information within 15 days. The PIO was directed to appear personally on the next date of hearing and submit reply to the show cause notice on an affidavit. The PIO was also directed to provide the information within 15 days and send a compliance report to the Commission.

The case was further heard on **06.05.2019**. The respondent present pleaded that the information has been provided to the appellant. The appellant informed that he has received the information but still there is some discrepancy.

During this hearing, it came to the notice that the BDPO Sirhind had transferred the RTI application to Sh. Rajinder Singh, Panchayat Secretary-cum-PIO Gram Panchayat, Hussainpura, Block Sirhind under section 6(3) of the RTI Act vide letter dated 08.02.2018 with a direction to provide the information to the appellant. Since the application was transferred to the Panchayat Secretary-cum-PIO Gram Panchayat, the PIO-Gram Panchayat submitted a reply to the show cause which, however did not justify the enormous delay in providing the information. The PIO-Panchayat Secretary, Gram Panchayat, Hussainpurawas held guilty for not providing the information on, and a penalty of **Rs.10,000/-** was imposed upon him and directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

Further, the PIO was also directed to pay an amount of **Rs.5000/-** via demand draft drawn 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 was directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant. The PIO was again directed to provide rest of the information and send a compliance report to the Commission.

The case was again heard on **02.07.2019**. The respondent brought a demand draft of Rs.5000/- and handed over to the appellant. The appellant had received the same. The appellant however, pleaded that some information is still pending. The PIO was directed to complete the information.

Regarding the deposit of penalty, the respondent informed that the BDPO has directed the concerned accountant to deduct the amount from the salary of the respondent for the month of June and to deposit the same in the Govt. Treasury. The PIO was directed to produce a copy of challan justifying the deposit of the penalty in the Govt Treasury.

The case was last heard on **22.08.2019**. The respondent present pleaded that the amount of penalty has been deducted from his salary and assured to deposit the same within a week. The appellant was absent nor communicated regarding receipt of pending information nor any discrepancy. The PIO was directed to produce a copy of challan justifying the deposit of penalty in the Govt Treasury.

Hearing dated 23.10.2019:

The respondent present has submitted a copy of challan alongwith a letter of BDPO, Sirhind justifying the deposit of penalty amount of Rs.10000/- in the Govt Treasury which is taken on the file of the Commission.

Since the information stands provided and the respondent has deposited the penalty amount in the Govt Treasury as per order of the Commission, no further course of action is required.

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

Chandigarh
Dated: 23.10.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

- CC to 1. The PIO, DDPO Sri Fatehgarh Sahib**
2. The PIO- BDPO Sirhind
3. PIO-Panchayat Secretary, Gram Panchayat, Hussainpura

Sh Sat Pal Sharma, S/o Shgian Chand Sharma,
H NO-3623, St No-1, DurgaPuri,
HaibowalKalan Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Commissioner Of Police,
Ludhiana.

First Appellate Authority,
O/o Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 3685 of 2018

PRESENT: Sh.Satpal Sharma as the Appellant
Sh.Tehal Singh, HC for the Respodent

ORDER:

The appellant through RTI application dated 03.04.2018 has sought information regarding action taken on complaint UID No.1203963 and other information concerning the office of Commissioner of Police Ludhiana. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 24.05.2018 which took no decision on the appeal.

The case was first heard by Sh.S.S.Channy, CIC on 21.01.2019. The appellant was absent. Sh.Dev Raj Inspector appeared on behalf of the respondent brought the information to be supplied to the appellant. The respondent was directed to send the information to the appellant through registered post and the appellant was directed to point out the discrepancies. The case was again heard on 27.02.2019. The appellant was absent. The respondent informed that the information has been sent to the appellant vide letter dated 23.02.2019. The appellant was directed to send his observations, if any with a copy to the Commission.

The case was last heard on 08.04.2019. The appellant was absent. The appellant sent his observations through email and the respondent present was directed to sort out the discrepancies.

The case has come up for hearing today before this bench. The appellant informed that he has received the information on points-3 & 4 only. Regarding points-1 & 2, the respondent informed that the record is missing. The Commission however, will not consider the record missing until an enquiry is conducted and the complete enquiry report is submitted which establishes that the record is missing. The Commission directs the department to conduct an enquiry into the matter and fix responsibility of the person under whose custody the record has gone missing.

The information regarding points 5 has also not been provided. The PIO to provide the information on point 5. The respondent also does not now know about the case fully. The PIO is directed to appear personally or send a representative who is well aware of the case so that the time of the Commission is not wasted.

To come up for further hearing on **13.01.2020 at 11.00 AM.**

Chandigarh
Dated 23.10.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Bharat Bhushan,
H No-153, Akash Nagar,
Near Greenland School,
P.O Netaji Nagar, Sale, Tabri,
Ludhiana

... Appellant

Versus

Public Information Officer,
O/o Secretary, 6th Pay Commission,
Punjab, Chandigarh.

First Appellate Authority,
O/o Chairman, 6th Pay Commission,
Punjab, Chandigarh.

...Respondent

Appeal Case No. 3983 of 2018

PRESENT: None for the Appellant
None for the Respondent

ORDER: The appellant through RTI application dated 27.08.2018 has sought information regarding action taken report on his application dated 08.06.2017 and other information concerning the office of Secretary, 6th Pay Commission, Punjab, Chandigarh. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 01.10.2018 which took no decision on the appeal. After filing appeal, the PIO sent reply on 01.11.2018 to the appellant. On being not satisfied with the reply, the appellant filed second appeal in the Commission on 20.11.2018.

The case was first heard by Sh.S.S.Channy, CIC on 07.01.2019. Sh.Rajinder Singh, Section Officer appeared and informed that the information has been sent to the appellant vide letter dated 20.12.2018. The appellant was absent. The appellant was directed to go through the information and send his observations. The case was again heard on 05.02.2019. Both the parties were absent. The appellant vide letter dated 22.01.2019 sent deficiencies in the provided information and a copy of same was sent to the PIO with the direction to remove the same. The case was again heard on 13.03.2019. None was present. The appellant vide letter dated 02.03.2019 sought exemption due to ill health and furnished deficiencies. The respondent was also absent. Copies of both the letters dated 22.01.2019 and 02.03.2019 were sent to the PIO to supply complete information and directed to submit status report.

The case was last heard on 08.04.2019. Both the parties were absent. The appellant vide letter dated 29.03.2019 informed that the PIO has not replied/removed the discrepancies. The PIO was again directed to sort out the discrepancies before the next date of hearing.

The case has come up for hearing today before this bench. The appellant has been seeking exemption due to ill health but has pointed out deficiencies which the PIO had been asked to remove. The respondent is continuously absent. The Commission has taken a serious view of this dereliction and hereby directs the PIO to show **cause why penalty be not imposed on the PIO under section 20 of the RTI Act 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 persons of the show cause and direct them to appear before the Commission alongwith the written replies. The PIO is again directed to sort out the discrepancies in the information.

To come up for further hearing on **13.01.2020 at 11.00 AM.**

Chandigarh
Dated 23.10.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. R C Tandon
146, Urban Estate, Phagwara,
DisttKapurthala.

... Appellant

Versus

Public Information Officer,
O/o Jalandhar Development Authority,
Jalandhar.

First Appellate Authority,
O/o Estate Officer,
Jalandhar Development Authority,
Jalandhar.

...Respondent

Appeal Case No. 252 of 2019

PRESENT: None for the Appellant
Sh.Sanjiv Sharma, PIO for the Respondent

ORDER:

The case was last heard on 01.05.2019. The appellant was absent and vide email informed that the PIO has not provided the complete information. The respondent was absent. The PIO was directed to relook at the RTI application and provide the information to the appellant. The PIO was also directed to be present on the next date of hearing.

The case came up for hearing again on 01.07.2019. The respondent present pleaded that some of the information has been sent to the appellant. The appellant vide email has informed that the PIO has not provided the information. The respondent further pleaded that the information lies with the APIO (Estate Officer) and the APIO has been asked to provide the information.

The PIO was directed to relook at the RTI application and provide the information point-wise. The PIO was also directed to not create the information but send the information available on file. The APIO was impleaded in the case under section 5(4) of the RTI Act and directed to assist the PIO to provide the complete information.

Hearing dated 23.10.2019:

The respondent present pleaded that in compliance with the order of the Commission, remaining information has been sent to the appellant vide letter dated 22.10.2019 and a copy of the same is submitted to the Commission. The appellant is absent.

I have gone through the RTI application and the information supplied by the PIO and find that the information has been supplied to the best possible extent. No further course of action is required.

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

Chandigarh
Dated 23.10.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Gurdip Singh, S/o Sh.Chanan Singh,
215-Ajit Nagar, Sultarnwind Road,
Amritsar.

... Appellant

Public Information Officer,
President, Chief KhalsaDiwan,
GT Road, Amritsar.

First Appellate Authority,
President, Chief KhalsaDiwan,
GT Road, Amritsar.

...Respondent

Appeal Case No.1362/2018

Present: **Sh.Basant Singh advocate for Appellant**
 Sh.ManishPrabhakar, advocate on behalf of the Respondent

ORDER: The case was first heard on **20.06.2018**. Sh.Inderjit Singh, Under Secretary was present for the respondent.

Sh.Inderjit Singh was directed to submit list of all properties against which the benefit of exemption in stamp duty has been availed and Govt land, if any, allotted on concessional rates to the Society or any other financial aid from the Government. He was also directed to submit copy of constitution under which act the society is registered, name and position of nominee of the State Govt or SGPC, if any, to the Commission before 25.7.2018 and be present on the next date of hearing.

The case was again heard on **01.08.2018**: The respondent was represented through their counsel Sh.Manish Parabhakar. During the hearing, the appellant submitted certain more documents which he said were further evidences to establish his earlier point. which is that CKDCS is a regular beneficiary of government aid and hence its functioning should be made transparent. The evidences the appellant produced were taken on record.

In the **Interim Order**, apart from the documents asked in the previous hearing on 20.06.2018, the respondent was further directed to submit in writing (i) whether CKDCS has, for any of its institutions, ever been allotted free land, availed grants, grants-in-aid or concessions from the State Govt since independence (15th, August 1947). If so, it was directed to furnish full details of the all lands/plots allotted, and what stands on them as of August of 2018. If buildings have been constructed, what are they being used for?

(ii) The names of all the educational institutions, which are beneficiaries of grants, along with the amount in rupees each institute has received as well as the total percentage of the grant in the budget of these institutions.

(iii) Details of any other grants given by various governments from to time for the functioning of CKDCS.

The case again came up for hearing on **26.09.2018**. The counsel representing the Chief Khalsa Diwan Charitable Society did not bring the documents which were asked in the interim orders dated 20.06.2018 & 01.08.2018 but pleaded that the documents could not be submitted since the appellant has not provided the documents which the appellant has submitted before the Commission as evidences to establish his case that CKDCS is a public authority. The documents were provided to the advocate from the file of the Commission. The respondent was directed to submit the documents as per order dated 20.06.2018 and order dated 01.08.2018.

The case was again heard on **13.11.2018**. The counsel could not produce documents as per previous orders and pleaded that due to sudden demise of the spouse of Sh.Narinder Singh Khurana who is holding office of the main authority, the documents could not be collected. The CKDCS was granted one last opportunity to bring the record as per the previous orders which still stands.

The case was again heard on **07.01.2019**. The counsel representing the CKDCS has submitted an affidavit which was not found in order and the respondent was directed to file fresh affidavit clarifying the following:

1. Details of each and every property against which the benefit of exemption in stamp duty has been availed and Govt land, if any, allotted on concessional rates to the Society or any other financial aid from the Government.
2. Whether CKDCS has, for any of its institutions, ever been allotted free land, availed grants, grants-in-aid or concessions from the State Govt since independence (15th, August 1947). If so, to furnish full details of the each and every land/plot allotted, and what stands on them as of August of 2018. If buildings have been constructed, what are they being used for?
3. The names of all the educational institutions, which are beneficiaries of grants along with the amount in rupees each institute has received as well as the total percentage of the grant in the budget of these institutions.
4. Details of any other grants given by various governments from to time for the functioning of CKDCS."

Also submit copy of constitution under which act the society is registered, name and position of nominee of the State Govt or SGPC, if any, to the Commission.

The case was again heard on **25.02.2019**. The counsel representing the CKDCS sought adjournment pleading that the general election of the Chief Khalsa Dewan Charitable Society was held on 17.02.2019 and the elected members have not yet taken their respective charge. The case was adjourned. The PIO was directed to comply with the earlier order of the Commission which still stands.

The case again came up for hearing on **30.04.2019**. The counsel representing the CKDCS submitted a fresh affidavit and other documents related to the donations received which was taken on the file of the Commission. Having gone through the affidavit, it was observed that the affidavit has been submitted in a very casual manner and without any rigour. The respondent was directed to submit a new comprehensive affidavit by taking into account all its records pertaining to allotment of free land if any, concessions by the government and all the other points stated in the earlier interim order of 07.01.2019. The counsel, for the appellant, was directed to submit a written reply with all the arguments put together. A copy of the documents be provided to both the parties vice-versa.

The case was last heard on **25.07.2019**. The counsel representing the appellant submitted some more documents alongwith a newspaper cutting which was taken on the file of the Commission. A copy of the same was provided to the counsel representing CKDCS. The counsel however, did not submit comprehensive reply as per previous order. The respondent also did not submit a new comprehensive affidavit as per previous order. Both the parties were directed to comply with the earlier order of the Commission which still stands.

Hearing dated 23.10.2019:

The counsel representing the appellant pleaded that the respondent has neither submitted the requisite information nor the affidavit as directed by the adjudicating authority. The counsel has however, submitted some more documents which have been taken on the file of the Commission. The counsel for the CKDCS has not submitted fresh affidavit as per earlier order. A copy of the documents submitted by the counsel for the appellant is being provided to the counsel for the CKDCS.

The case is adjourned. To come up for further hearing on **24.02.2020 at 11.00 AM.**

Sd/-

**Chandigarh
Dated: 23.10.2019**

**(Khushwant Singh)
State Information Commissioner**

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Sh.Parminder Singh,
H No-422, Palam Enclave,
Morinda, DisttRoopnagar.

Versus

... Appellant

Public Information Officer,
O/o EO, PUDA,
Mohali.

...Respondent

Complaint Case No. 277 of 2019

PRESENT: Sh.Parminder Singh as the Complainant
None for the Respondent

ORDER:

The case was last heard on 24.07.2019. The complainant claimed that the PIO has not provided the information even after a reminder issued to them on 23.02.2019.

The respondent was absent. The Commission observed that there has been an enormous delay 7 months in attending to the RTI application. 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 and directed to** 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 was again directed to provide the information to the appellant within 10 days.

Hearing dated 23.10.2019:

The Commission has received a letter diary No.16239 on 26.08.2019 from the PIO stating that the information has been sent to the complainant vide letter dated 22.07.2019. The appellant claims that he has not received the information.

The respondent is absent nor has sent any reply to the show cause notice. The PIO is given one last opportunity to reply to the show cause notice on an affidavit and provide the information to the appellant as per earlier order which still stands, otherwise it will be presumed that he has nothing to say in the matter and the Commission will be constrained to penalize the PIO u/s 20 of the RTI Act. The PIO is also directed to be present personally at the next date of hearing.

The case is adjourned. To come up for further hearing on **02.01.2020 at 11.00 AM.**

Sd/-

Chandigarh
Dated:23.10.2019

(Khushwant Singh)
State Information Commissioner

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Smt. Renu Bala, W/o Sh. Davinder Kumar,
H No-7, Chotta Chowk, Malerkotla..

... Appellant

Versus

Public Information Officer,
Principal, S.A Jain High School,
Malerkotla.

First Appellate Authority,
DEO (SE),
Sangrur

...Respondent

Appeal Case No. 1747 of 2018

Present: Renu Bala as the Appellant
None for the Respondent

ORDER:

The order should be read in continuation to the earlier order.

The case was first heard on **30.08.2018**: The respondent was absent and has sought adjournment due to hearing before the Educational Tribunal in another case. The PIO was directed to provide the information to the appellant within 15 days of the receipt of orders of the Commission. The PIO was also directed to explain the reasons for not responding to the RTI application within time prescribed under the RTI Act.

The case was again heard on **09.10.2018**. The respondent present pleaded that the information is with the Management Committee and the appellant has been informed vide letter dated 18.04.2018. The PIO was directed to procure the information from the Management Committee and send the same to the appellant within 15 days. The PIO was also directed to send a compliance report to the Commission.

The case again came up for hearing on **21.11.2018**. The counsel present on behalf of the respondent sought adjournment. The counsel further pleaded that he only came about the case a day before and assured to provide the information before the next date of hearing. The PIO was directed to comply with the previous order which still stands and in case the order is not complied with, the Commission will be constrained to take action as per the RTI Act.

The case was further heard on **15.01.2019**. The respondent was absent and vide email had sought exemption for personal appearance on medical grounds. The appellant was also absent not had communicated whether the appellant had received the information or not. The PIO was directed to comply with the earlier order of the Commission.

The case was again heard on **11.03.2019**. The appellant informed that no information had been provided by the PIO. The respondent was absent. The PIO was issued a **show cause notice under section 20 of the RTI Act** and the PIO was directed to file reply on an affidavit. The PIO-Principal, S.A.Jain High School, Malerkotla was also directed to provide the information within 10 days and appear before the Commission alongwith the written reply on the next date of hearing.

Appeal Case No. 1747 of 2018

The Commission also observed that the school appears to be an aided school and falls under the jurisdiction of DEO (Secondary Education), Sangrur. The PIO-DEO (SE) Sangrur was also impleaded as a party of the case and directed to ensure compliance of the order of the Commission and be present on the next date of hearing.

The case was further heard on **02.04.2019**. Sh.Imran Farooqi Advocate representing the respondent brought the information and handed it over to the appellant. The appellant was not satisfied with the information that the respondent had brought and alleged that the copy of the attendance register, which was being handed to her was not a factual document and that the SA Jain High School management has tampered with the record to hide their discrepancies. The appellant pointed out that the register does not have her attendance, even though she has been paid a salary for that period where she has been marked absent, which itself is self-explanatory that the document is fudged.

The Commission observed that the case is unique in ways more than one. Firstly, the issue before the commission was to ascertain whether the sought information on 13.02.2018 was provided on time as per the RTI Act. Secondly, if not, what were the circumstances that lead to the delay in providing the information that was finally brought on 02.04.2019, and thirdly whether the information provided was factual or not, and if not what was the next course of action to be taken.

Having gone through the merits of the case and its history, it was clear that the information was delayed time and again in spite of the various orders of the commission (30.08.2018, 09.10.2018, 21.11.2018 & 15.01.2019), which also proved the fact that the respondent was reluctant in sharing the information and kept dilly-dallying to part with the sought information.

The pretext largely by the PIO to deny the information was based on the claim that the custody of the information was with the management of the school and it had to be procured from them to provide the information, after which the PIO was directed to do the needful and hand out the sought information. The PIO on not following the directions of the commission repeatedly, was finally show-caused under section 20 of the RTI Act on 11.03.2019 that why penalty should not be imposed for not supplying the information on time as well as not complying with the orders.

Even though the commission found a grave error on the part of the PIO, it also observed that the designated PIO is a mere PT teacher in the school and cannot on his own, provide the information without the consent of the Management. The facts also lead to the inference that the delay happened at the end of the management, which was the actual custodian of the sought information and there was no way that the PIO could provide the information on his own. The PIO is a mere employ and the difference in rank between the management and the PIO is huge, a fact virtually renders the PIO helpless in case the management decides to withhold information.

From the arguments, it was concluded that there is no point in pursuing the show cause against the PIO and hence, the show-cause against the PIO was dropped and the fact that since the Management was responsible for this delay in providing the information to the appellant, the Commission declared the President of the management Committee as the deemed PIO ((ref.Central Information Commission order No.CIC/DGEAT/A/2018/117567 dated 02.11.2018 – Sandeep Singh Jadoun v. PIO,PGEAT) and directed him to **show cause** why a maximum penalty should not be imposed on him for the reasons above. The President was directed to appear personally with his reasons on an affidavit.

Appeal Case No. 1747 of 2018

Regarding the allegation by the appellant about the provided copies of the attendance register being fudged, the Commission directed the President of SA Jain High School to come with the original register from the period 01.01.2016 to 31.12.2016 and 01.01.2017 to 13.02.2018 to the commission, which will be corroborated with the record that must have been submitted to the District Education Officer's since it is a govt. aided school. The PIO-DEO Sangrur was directed to bring the original attendance record and all the relevant documents to the case, which were submitted by the school authorities at the next date of hearing.

On the next date of hearing which was held on **21.05.2019**, the appellant claimed that the PIO has not provided the information. The PIO-DEO Sangrur sought exemption being on election duty. The PIO-Management Committee was absent. The Commission directed the PIO-President, SA Jain High School to be present at the next date of hearing alongwith the written reply on an affidavit as well as the original record, otherwise the Commission will be constrained to issue Warrants u/s 18(3) of the RTI Act. The PIO-DEO(SE) Sangrur was also directed to be present on the next date of hearing alongwith relevant record to the case.

The case was last heard on **17.07.2019**. The appellant claimed that the PIO has not provided the information. The PIO was again absent. The PIO-President, S.A.Jain High School, Malerkotla was issued a bailable warrant through SSP Sangrur for his presence before the Commission on 23.10.2019.

The PIO was also directed to provide the information within five days of receipt of this order. The PIO-DEO (SE) Sangrur was also directed to be present alongwith the relevant record.

Hearing dated 23.10.2019:

In the last order, the PIO President, S.A.Jain High School was issued a bailable warrant for his presence before the Commission and the PIO-DEO(SE) Sangrur was also directed to be present alongwith the relevant record. The respondent is absent.

The appellant informed that due to award of imprisonment to Sh.Ajay Kumar Jain by the Addl. Session Judge, Sangrur, the charge of Grant-in-aid of S.A.Jain High School, has been now given to the DEO(SE) Sangrur. The PIO-DEO(SE) is also absent without intimation to the Commission. The Commission has taken a serious view of this dereliction and hereby directs the PIO-DEO(SE) Sangrur to **show cause why penalty be not imposed on the PIO under section 20 of the RTI Act for not complying with the order of the Commission and directed to file an affidavit in this regard.** The PIO is directed to be present personally on the next date of hearing alongwith the relevant record.

To come up for further hearing on **04.12.2019 at 11.00 AM.**

Chandigarh
Dated: 23.10.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :1. President, SA Jain High School, Malerkotla
2. PIO- DEO(SE) Sangrur



Sh.Kuldip Kumar,
5-C,Phase-1, Urban Estate,
Focal Point, Ludhiana.

....Appellant

Versus

Public Information Officer,
O/o PUDA,
Patiala.

First Appellate Authority,
O/oPDA, Urban Estate,
Phase-2, Patiala.

...Respondent

Appeal Case No. 4151 of 2018

Present: None for the Appellant
Sh.Vinod Kumar, Jr Assistant, PDA Patiala for the Respondent

ORDER:

The case was first heard on **12.03.2019**. The respondent present pleaded that the information is third party and there is no larger public interest involved. The PIO has further stated that the appellant has asked for specific information for the period Dec.2017 & Jan.2018 and not the salary or grade under which the employee draws his salary. The respondent stated that asking the specific salary amount is personal information. The respondent also denied the information on point-2 stating that this information is also personal and in both the points, quoted a Supreme Court order in case of Canara Bank V/s C.S.Shyam& Others.

The appellant was absent to plead his case. The case was adjourned.

The case was again heard on **14.05.2019**. The appellant produced a copy of voter list as a proof that Sh.Avtar Singh is a bonafide resident of Ludhiana. The appellant further alleged that Sh.Avtar Singh is enjoying free Govt accommodation in Ludhiana whereas he is drawing house rent allowance from the Department at Patiala which is against the service rule and to prove this fraud, the appellant has sought copy of salary certificate of Sh.Avtar Singh. The document was taken on the file of the Commission. The case was adjourned for adjudication on **16.07.2019**.

The case was again heard on **16.07.2019**. The appellant claimed that the PIO has not provided the information and also raised the point regarding section 4 of the RTI Act which pertains to the obligations of the Public Authorities, whereby, the public authorities create a system to maintain records, as well disseminate them suo-motto in easily accessible form, preferably electronic and the Internet, so that the public have minimum resort to use this Act to obtain information and further to publish within one hundred and twenty days from the enactment of this Act, the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its sub-section 1(b)(x).

Having seen the validity in the appellant's reason, the PIO was directed to provide the information regarding point-1 to the appellant within 15 days.

Further as per powers vested Under Section 19(8)(a)(iii) of the RTI Act, the Chief Administrator, PUDA Patiala was also directed to prepare a roadmap for implementation of the Section 4 of this Act and present it at the next date of hearing.

Hearing dated 23.10.2019:

The respondent present pleaded that as per order of the Commission, the information has been provided to the appellant vide letter dated 26.07.2019. Further, the details of employees and their salary etc. has also been uploaded on the website of the PDA.

The appellant is absent nor has sent any communication that whether he has received the information or not. It is presumed that the appellant has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Sd/-

**Chandigarh
Dated: 23.10.2019.**

**(Khushwant Singh)
State Information Commissioner**

**CC to PIO-Chief Administrator,
PUDA Patiala**



Sh.Pardeep Sehgal, S/o ShMohinderNath,
R/o H No-136, PushapVihar, BarewalRoad,
Ludhiana.

..Complainant

Versus

Public Information Officer,
O/o DC,
Ludhiana.

...Respondent

Complaint Case No. 382 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The case was last heard on 09.07.2019. The counsel for the appellant claimed that the PIO has not provided the information to the appellant till date. The respondent was absent. The PIO was directed to provide any paper/document available on record pertaining to money lending license applied by the appellant with the receipt No.327897/MA dated 01.10.2018.

The Commission observed that there has been an enormous delay in attending to the RTI application and 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. The PIO was directed to file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO was again directed to send the information to the appellant within 10 days.

Hearing dated 23.10.2019:

Both the parties are absent. In the last hearing, the PIO was issued a show cause notice and directed to file reply on an affidavit. The PIO is absent nor has sent any reply to the show cause notice.

The PIO is given one last opportunity to file reply to the show cause notice on an affidavit and comply with the earlier order of the Commission which still stands, otherwise it will be presumed that he has nothing to say in the matter and the Commission will be constrained to penalize the PIO u/s 20 of the RTI Act. The PIO is also directed to be present personally at the next date of hearing.

The case is adjourned. To come up for further hearing on **02.01.2020 at 11.00 AM.**

Chandigarh
Dated:23.10.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

Ms.Prabhdeep Kaur,
H No-673, First Floor, Phase-6,
Mohali.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Mohali.

First Appellate Authority,
O/o IG,
Ropar.

...Respondent

Appeal Case No. 1563 of 2019

PRESENT: None for the Appellant
Sh.Gurnam Singh, HC for the Respondent

ORDER:

The appellant through RTI application dated 20.12.2018 has sought information regarding report of HC ParamjitKaur on call made on women helpline No.1091 on 19.12.2018 by the appellant and other information concerning the office of SSP Mohali. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 21.01.2019 which took no decision on the appeal.

The case was last heard on 08.07.2019. Since both the parties were absent, in the interest of justice, one more opportunity was granted and the case was adjourned. The PIO was directed to look at the RTI application and provide the information to the appellant within 15 days.

Hearing dated 23.10.2019:

The respondent present pleaded that the information has been sent to the appellant vide letter dated 20.02.2019 and again on 16.10.2019. The respondent has brought the information and submitted a copy of the same to the Commission.

The appellant is absent and vide email has sought exemption. I have gone through the RTI application and the information supplied by the PIO and find that the information has been provided to the best possible extent.

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

Sd/-

Chandigarh
Dated:23.10.2019

(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



ShSurjit Singh,
H NO-2990/76, Street No-4,
Guru Gobind Singh Nagar, Near Mair di Chakki,
P.O Lohara, Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Local Bodies Minster,
Sector-35-A, Chandigarh.

First Appellate Authority,
O/o Local Bodies Minster,
Sector-35-A, Chandigarh.

...Respondent

Appeal Case No. 1473 of 2019

PRESENT: None for the Appellant
Sh.Sanjay Tondon, Sr. Vigilance Officer for the Respondent

ORDER:

The appellant through RTI application dated 20.09.2018 has sought information regarding action taken report on the complaint dated 30.08.2018 and other information concerning the office of Local Bodies Minister, Punjab, Chandigarh. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 12.02.2019 which took no decision on the appeal.

The case was last heard on 09.07.2019. Since both the parties were absent, in the interest of justice, one more opportunity was granted and the case was adjourned.

Hearing dated 23.10.2019:

The respondent present pleaded that the appellant had earlier filed a similar appeal case No.2821/2019 for seeking exactly the same information which has been decided by the CIC on 15.10.2019.

Since the case has already been decided by the CIC and the appellant has given false certificate that the matter under appeal or complaint has not been previously filed or pending or decided by any of the SIC, the appellant is hereby warned not to repeat this, otherwise the Commission will be constrained to take action against the appellant for concealing the facts.

The appeal is dismissed and the case is **closed**.

Chandigarh
Dated:23.10.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Dr. NakulKundra, S/o ShNaresh Kumar,
NC-118, KotKishan Chand,
Jalandhar City.

... Appellant

Versus

Public Information Officer,
O/o Assistant, IGP (Crimes),
Sec-9, Punjab, Chandigarh..

First Appellate Authority,
O/o IGP, Headquarter,
Sec-9,Punjab, Chandigarh.

...Respondent

Appeal Case No. 1494 of 2019

PRESENT: Sh.NakulKundra as the Appellant
Sh.Amarjit Singh , ASI and Sh.Maninder Singh, Constable for the
Respondent

ORDER:

The case was last heard on 09.07.2019. The respondent present pleaded that enquiry was conducted by the SSP Nawanshahar and a copy of the enquiry report was sent to the appellant vide letter dated 12.03.2019. The appellant was not satisfied and stated that the information is incomplete.. The respondent further pleaded that some part of the information is with the SSP Nawanshahar since the enquiry was conducted by SSP Nawanshahar.

The PIO-SSP, Nawanshahar was impleaded in the case and directed to look at point-2 of the RTI application and file reply to the Commission. The PIO-AIGP was also directed to transfer the RTI application to the SSP Nawanshahar.

Hearing dated 23.10.2019:

The respondent present pleaded that the enquiry report has been provided to the appellant. The appellant says that it was ordered to provide the information but the SSP has not provided the same.

Hearing both the parties, the PIO is directed to provide names of those 12 persons whose statement has been recorded and enquiry was conducted. The information with names only to be provided within 10 days.

With the above order, the case is **disposed off and closed**. The Commission makes it clear that if the information is not provided by the PIO as per order, the appellant is free to come to the Commission again.

Chandigarh
Dated:23.10.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-SSP Nawanshahar

Sh Prem Kumar Rattan,
H o-78/8, Park Road, new Mandi, Dhuri,
DisttSangrur.

... Appellant

Versus

Public Information Officer,
O/o ADGP, (NRI Wing),
Phase-7, Mohali.

First Appellate Authority,
O/o ADGP, (NRI Wing),
Phase-7, Mohali.

...Respondent

Appeal Case No. 1493/2019 and 1498/2019

PRESENT: Sh.Prem Kumar Rattan as the Appellant
None for the Respondent

ORDER:

The case was last heard on **09.07.2019**. The respondent present pleaded that the information has been provided to the appellant. The appellant was not satisfied and stated that he had sought information regarding any communication, letters issued and reply received; during the enquiry on the complaint UID No. 1293408 dated 15.03.2018.

Hearing both the parties, the appellant was directed to inspect the record relating to complaint No.1293408 as per date and time fixed (i.e. 12.07.2019 at 12.00 Noon) and get the relevant information. The PIO was directed to allow inspection to the appellant and provide the relevant information. The PIO was also directed to send appropriate reply on point-3 (communication of the DGP) of the RTI application.

During the hearing, it came to the notice of the Commission that the appellant had filed another similar appeal case No.1498/2019 seeking exactly the same information as sought in appeal case No.1493/2019. Both the appeal cases were clubbed together.

Hearing dated 23.10.2019:

The appellant pleaded that as per order of the Commission, he visited the office of PIO on 12.07.2019 and met Ms Veepal Kaur, Inspector NRI Wing and identified the relevant information which she assured to provide within 2-3 days. However, the PIO has yet not supplied the information.

The Commission hereby grants one last opportunity and directs the PIO to provide the information within two weeks from the issue of the order, otherwise the Commission will be constrained to take action as per provisions of the RTI Act.

To come up for compliance on **02.01.2020 at 11.00 AM.**

Chandigarh
Dated:23.10.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

Note:Ms.Veerpal Kaur, Inspector appeared late and she was informed about the status of the case.