

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864112, Email: - psic23@punjabmail.gov.in

Visit us: - www.infocommpunjab.com; Helpline No. 0172-2864100



Sh. Shishu Pal Verma, (7589328784)

143, NMS Colony, Tripuri,
Patiala - 147004

.....Appellant/Complainant

Versus

Public Information Officer

O/o Punjabi University,
Patiala.

.....Respondent

First Appellate Authority

O/o Dean, Academic Affairs,
Punjabi University, Patiala.

Appeal Case No. 747, 1140, 1349,1706 of 2021

Present: Appellant: Sh. Shishu Pal Verma

Respondent: Adv. Suraj Preet Singh Kang. (Counsel for respondent)

ORDER:

1. This order may be read with the reference of previous order of the Commission dated 12.10.2022 vide which the respondent PIO O/o Punjabi University Patiala was directed to represent the case in person on next date of hearing i.e. today with all the original relevant records pertaining to this case but he failed to do so.

As both the parties are same in all the above mentioned cases therefore a single speaking order is being passed for the same.

2. Written Submission from respondent:

Affidavit/Undertaking of Dr. Navjot Kaur, PIO-cum-Registrar, Punjabi University Patiala.

I the above named deponent do hereby solemnly affirm and declare as under.

Appeal Case 1706 of 2021

That the above mentioned case was listed for hearing before this Hon'ble Bench on 12-10-2022. As per order of Hon'ble State Information Commissioner, Punjab it is hereby submitted that the information had already been supplied to the appellant vide letter No. 2787/S-3/35-2021/RTI Cell dated 31.05.2021 along with 275 pages. No application has been received regarding deficiencies from the applicant after supplying the information from above letter.

Appeal Case 1140 of 2021

That the above mentioned case was listed for hearing before this Hon'ble Bench on 12-10-2022. As per order of Hon'ble State Information Commissioner, Punjab it is hereby submitted that the information had already been supplied to the appellant vide letter No. 2509/S-7/741-2020/RTI Cell dated 13.05.2021 along with 66 pages. No application has been received regarding deficiencies from the applicant after supplying the information from above letter.

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Appeal Case No. 747, 1140, 1349, 1706 of 2021

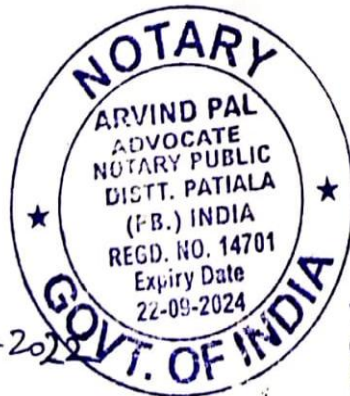
Appeal Case 1349 of 2021

That the above case was listed for hearing before this Hon'ble Bench on 12-10-2022. As per the orders of the Hon'ble State Information Commissioner, Punjab, it is hereby recorded that this information is supplied to the appellants vide letter No. 3050/S-5/796-2020/RTI Cell dated 15.06.2021 along with 79 pages. The information given to applicant as follows:-

Point no. 1 to 3 is voluminous which disproportionately diverts the University's resources as per Section 7(9) of the RTI Act 2005. Apart from this, the information is related to compile/research, which is issued by Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Office Memorandum No. 11/2/2008-IR, Dated 10 July 2008 cannot be provided.

Point no. 4 to 5 information has been provided to the applicant along with 79 pages.

No application has been received regarding deficiencies from the applicant after supplying the information from above letter.



Place: Patiala

Date: 21-11-2022

Verification:

Navjot Kaur
18.11.22
Deponent
Dr. Navjot Kaur,
PIO-cum-Registrar,
Punjabi University Patiala.

The Contents of this affidavit document have been read over to the deponent He/She has accepted the true & correct.

In view of above the Commission offers the respondent PIO one final opportunity to furnish the information sought by the appellants, and demonstrate compliance with the last order of the commission. Failing this, this Commission will be compelled to enforce his/her appearance in Court by issuing a Warrant and imposing penalty of Rs. 25,000/-.

- To come up on **11.01.2023** through **personal hearing** at PSIC Chandigarh timing **11:30 am**.

Chandigarh
Dated: 23.11.2022

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Pb.

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Advocate Nishant Prabhakar, (98787 63131)

R/o # J-35, Sarabha Nagar,
Ludhiana – 141001

....Appellant

Versus

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

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

....Respondents

APPEAL CASE NO.1359 OF 2022

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of Order / Reply, if any of FAA	Date of Appeal/Complaint filed in the Commission
09.11.2021	-	18.12.2021	-	17.03.2022

PRESENT: Advocate Nishant Parbhakar, Appellant.
Shri Bhupinder Singh, A.S.I. (94630 00253) along with Constable Ravi Kumar Sood (78378 03000) on behalf of the Respondents

ORDER (THIRD HEARING):

This order may be read with reference to the order dated 06.09.2022 passed by this Bench on the previous hearing.

2. The Appellant states that information sought has not been provided to him.
3. The Respondent reiterates his earlier version that information sought by the appellant is related with the third party and the third party has not given his consent to disclose his information.
4. After deliberations on the RTI application of the appellant, the Bench observes that larger public interest is involved in this particular case, as such, **LAST OPPORTUNITY IS GIVEN TO THE PIO** to provide complete information to the appellant, before the next date of hearing...

Cont...Pg02

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- 02 -

APPEAL CASE NO. 1359 OF 2022

In case information sought by the appellant is not available in the official records, then PIO is directed to file an **Affidavit** in this regard duly attested by the Notary Public and produce the same before the Bench, on the next date of hearing, failing which action will be initiated against the PIO under section 20 of the RTI Act, 2005.

5. The matter is adjourned. To come up for hearing on **11.01.2023 at 11:30 AM in the Commission**. Both the parties are directed to present their case personally. Copies of the order be sent to the parties.

**Chandigarh
23.11.2022**

**Sd/-
(Maninder Singh Patti)
State Information Commissioner Punjab**

Regd. Post

Copy of the above is forwarded to the following for information and further necessary action: -

S. Mandeep Singh Sidhu, IPS
Commissioner of Police,
Ludhiana City (Punjab),
Mini Secretariat, Ferozepur Road,
Ludhiana-141001

Smt. Somya Mishra, I.P.S.
PIO – cum – Joint Commissioner of Police,
(Law & Order) Ludhiana City (Punjab),
Mini Secretariat, Ferozepur Road,
Ludhiana-141001

The Deputy Commissioner of Police,
Ludhiana City (Punjab),
Mini Secretariat, Ferozepur Road,
Ludhiana-141001

**Chandigarh
23.11.2022**

**Sd/-
(Maninder Singh Patti)
State Information Commissioner Punjab**

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Sh. Yogesh Mahajan, (9814354649)

S/o Late Sh. Kuldip Raj Mahajan,

President of Anti Corruption Council,

Opp. Water Tank, Municipal Market, Mission Road, Pathankot.

.....Appellant/Complainant

Versus

Public Information Officer

O/o XEN, Centre Works, Division No. 2, PWD B&R,

Amritsar.

.....Respondent

First Appellate Authority

O/o Superintending Engineer, PWD B&R, Construction Circle,

Amritsar.

Appeal Case No.2203 of 2022

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of Order / Reply, if any of FAA	Date of Appeal/Complaint filed in the Commission
01.02.2022	-	07.03.2022	-	06.05.2022

Present: Appellant: Sh. Yogesh Mahajan

Respondent: Sh. Neeraj Kumar (Sr. Asst.), 9888390894

ORDER (THIRD HEARING):

1. This order may be read with the reference of previous order of the Commission dated 06.09.2022.
2. Both the parties are present for the hearing. Respondent, Sh. Neeraj Kumar pleaded that sought information has already been provided to the appellant and no any other information is pending in his office record. On this, appellant, Sh. Yogesh Mahajan contended that he is not satisfied with the information so supplied by the respondent authority and he wants to inspect the records.
3. After hearing both the parties and going through the case file, the appellant is directed/advised to get the record inspected, he may approach respondent PIO at mutually convenient date & time within 10 days from receipt of this order. The respondent PIO is bound to make available the record for inspection and whatever documents will be identified, the copies of the same will be provided by the respondents, under intimation to the commission.

Another opportunity is given to both the parties to present the case on next date of hearing positively, failing to which the case would be decided on merit basis.

4. To come up on **15.03.2023** through **Cisco Webex** at **11:00 am**.

{Steps: Install Cisco Webex < Click on Join Meeting< Write Meeting No. – 1581884645 }

Chandigarh

Dated: 23.11.2022

Sd/-

(Maninder Singh Patti)

State Information Commissioner, Pb.

Sh. Yogesh Mahajan, (9814354649)

S/o Late Sh. Kuldip Raj Mahajan,

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President of Anti Corruption Council,
Opp. Water Tank, Municipal Market, Mission Road, Pathankot.

.....Appellant/Complainant

Versus

Public Information Officer

O/o XEN, Centre Works, Division No. 2, PWD B&R,
Amritsar.

.....Respondent

First Appellate Authority

O/o Superintending Engineer, PWD B&R, Construction Circle,
Amritsar.

Appeal Case No.2204 of 2022

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of Order / Reply, if any of FAA	Date of Appeal/Complaint filed in the Commission
01.02.2022	-	07.03.2022	-	06.05.2022

Present: Appellant: Sh. Yogesh Mahajan

Respondent: Sh. Neeraj Kumar (Sr. Asst.), 9888390894

ORDER (THIRD HEARING):

1. This order may be read with the reference of previous order of the Commission dated 06.09.2022.
2. Both the parties are present for the hearing. Respondent, Sh. Neeraj Kumar pleaded that sought information has already been provided to the appellant and no any other information is pending in his office record. On this, appellant, Sh. Yogesh Mahajan contended that he is not satisfied with the information so supplied by the respondent authority and he wants to inspect the records.
3. After hearing both the parties and going through the case file, the appellant is directed/advised to get the **record inspected**, he may approach respondent PIO at mutually convenient date & time within 10 days from receipt of this order. The respondent PIO is bound to make available the record for inspection and whatever documents will be identified, the copies of the same will be provided by the respondents, under intimation to the commission.

Another opportunity is given to both the parties to present the case on next date of hearing positively, falling to which the case would be decided on merit basis.

4. To come up on **15.03.2023** through **Cisco Webex** at **11:00 am**.

{Steps: Install Cisco Webex < Click on Join Meeting< Write Meeting No. – 1581884645 }

Chandigarh
Dated: 23.11.2022

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Pb.

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Shri Devinder Sharma (Bittu), (94171 36539)
S/o Shri Sham Lal Sharma,
R/o # 874, St. No. 6,
Janakpuri, Ludhiana.

...Appellant

Versus

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

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

...Respondents

APPEAL CASE NO. 2730 OF 2022

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Appeal/Complaint filed in the Commission
31-12-2021	-	21-02-2022	-	07-06-2022

Present: Appellant: Absent
Respondent: Sh. Somnath (ASI), 9417363080

ORDER (THIRD HEARING):

1. This order may be read with the reference of previous order of the Commission dated 20.09.2022 vide which the PIO was directed to appear in person in the Commission on next date of hearing i.e. today but he failed to do so.
2. The Commission observed that despite notice and order of hearing issued to the respondent PIO, the representative of respondent PIO Sh. Somnath appeared clueless in respect of the nuances of the RTI Act and appeared without proper explanation for not furnishing the of the requisite information to the appellant after a long delay. He requested the court for an adjournment.
3. A strict warning is issued to the O/o Commissioner Police Ldh. for not providing any reply to the appellant within the timeline prescribed under the Act. The PIOs are warned to be careful with the timeline and refrain from delaying replies. The information sought by the appellant is specific and should be replied to categorically. The PIO is directed to provide a revised point wise reply, as discussed above to the Appellant within 10 days from the date of receipt of this order. A compliance report to this effect shall be sent to the Commission by thePIO.

Thus, the Commission draws the inference that the PIO, without any reasonable cause, has malafidly delayed the information and thus, has rendered himself liable for punishment as provided under the RTI Act, 2005. He was given a number of opportunities to provide the information to the Appellant but he is delaying the matter on one pretext or the other.

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APPEAL CASE NO. 2730 OF 2022

In these circumstances, the PIO O/o commissioner of police, Ludhiana is held guilty of default on the above score.

6. The facts of this case also prove beyond any doubt that the respondent PIO concerned does not deserve any kind of leniency. Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, 2005, **a penalty to the tune of Rs. 10,000/- (Rupees Ten Thousand Only)** is imposed upon him to be deducted from his salary, which is to be deposited in the State Treasury under the relevant head.

7. The Drawing and Disbursing Officer PIO O/o commissioner of police, Ludhiana is directed to deduct the amount of penalty of Rs. 10000/- from the salary of the PIO O/o commissioner of police, Ludhiana and deposit the same in the State Treasury in the following Head of Account and to report its compliance to the Commission: -

- 0070 – Other Administrative Services
- 60 – Other Services
- 0800 – Other Receipts
- 86 – Fee under the RTI Act, 2005

4. To come up on **13.03.2023** through **personal hearing** at PSIC Chandigarh timing **11:30 am**.

Chandigarh
Dated: 23.11.2022

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Pb.

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Shri Anil Singla, (98035 62855)

H. No. 2228, Madhuban Street,
Amrik Singh Road, Bathinda.

....Appellant

Versus

Public Information Officer,

O/o Deputy Registrar,
Cooperative Societies, Bathinda.

First Appellate Authority,

O/o Joint Registrar,
Cooperative Societies, Ferozpur Division,
Ferozpur.

....Respondents

APPEAL CASE NO. 2828 OF 2021

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of Order / Reply, if any of FAA	Date of Appeal/Complaint filed in the Commission
25.12.2019	-	07.02.2020	19.06.2020	18.06.2021

PRESENT: None on behalf of the Appellant.

Shri Devender Singh, Junior Assistant along with concerned Bank Manager on behalf of the Respondents (98728 11082; 94635 37764)

ORDER (FIFTH HEARING):

This order may be read with reference to the order dated 06.09.2022 passed by this Bench on the previous hearing.

2. The Respondent appears in person along with the relevant records for the perusal of the Bench and the Appellant. He produces copy of the same before the Bench, which is taken on records.

3. The Appellant is absent however, his representative (Advocate Varun Bansal) has informed the Bench by email that he is unable to attend today's hearing in the Commission due to Bhog of his maternal grand-mother.

4. The matter is adjourned. To come up for hearing on **11.01.2023 at 11:30 AM in the Commission**. Both the parties are directed to present their case personally. Copies of the order be sent to the parties.

Chandigarh
23.11.2022

Sd/-
(Maninder Singh Patti)
State Information Commissioner Punjab

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Sh. Gurdev Singh Pabla, (9646740043)

SDO Retd, Sarpanch, Gram Panchayat, Langroya,
Distt. S.B.S Nagar.

.....Appellant/Complainant

Versus

Public Information Officer

.....Respondent

O/o Financial Commissioner, Rural Development & Panchayat Department, Punjab,
Sector - 62, Mohali.

First Appellate Authority

O/o Director, Rural Development & Panchayat Department, Punjab,
Sector - 62, Mohali.

Appeal Case No. 2913 of 2022

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of Order / Reply, if any of FAA	Date of Appeal/Complaint filed in the Commission
11.03.2022	-	11.05.2022	-	21.06.2022

Present: Appellant: Sh. Gurdev Singh Pabla

Respondent: Sh. Ishwar Singh (Sr. Asst.), 9872619055

ORDER :

1. This order may be read with the reference of previous order of the Commission dated 11.10.2022.

Information Sought:

“ਕੀ ਨੈਸ਼ਨਲ ਹਾਈਵੇ ਅਥਾਰਿਟੀ ਜਾਂ ਕਿਸੇ ਹੋਰ ਵਿਭਾਗ ਵੱਲੋਂ ਪੰਚਾਇਤਾਂ ਦੀ ਐਕਵਾਇਰ ਕੀਤੀ ਜਮੀਨ ਤੋਂ ਮਿਲੇ

ਮੁਆਵਜੇ ਵਿੱਚੋਂ 20% ਜਾਂ 30% ਹਿੱਸਾ ਬਲਾਕ ਵਿਕਾਸ ਅਤੇ ਪੰਚਾਇਤ ਅਫਸਰ, ਪੰਚਾਇਤ ਸੰਮਤੀ ਵਿੱਚ ਜਮ੍ਹਾਂ ਕਰਵਾਉਣ ਲਈ ਮੰਗ ਸਕਦਾ ਹੈ ਜੇਕਰ ਹਾਂ ਤਾਂ ਉਨ੍ਹਾਂ ਰੂਲਾਂ/ਹਦਾਇਤ ਦੀ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ।”

2. From a perusal of the relevant case records, it is noted that the appellant is contesting the reply of the PIO is not satisfactory. The respondent PIO through his written submission (Affidavit) stated that:-

" ਉਪਰੋਕਤ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਨਾਲ ਸਬੰਧਤ ਵਿਭਾਗ ਵੱਲੋਂ ਜਾਰੀ ਹਦਾਇਤਾਂ ਪੱਤਰ ਮੀਮੇ ਨੰਬਰ

ਸਟੈਨੇ/ਡੀ.ਡੀ.(ਐਲ.ਡੀ.)/30436-604, ਮਿਤੀ 06-12-2012, ਪੱਤਰ ਨੰਬਰ 25/7/15/ਐਲ.ਡੀ.-3/8237-83,

ਮਿਤੀ 25-10-2016 ਪਟਿਸ਼ਨਰ ਨੂੰ ਕਮਿਸ਼ਨ ਦੇ ਦਫਤਰ ਵਿਖੇ ਨਿਸ਼ਚਿਤ ਮਿਤੀ ਨੂੰ ਦੇ ਦਿੱਤੀ ਗਈ ਸੀ। (ਕਾਪੀ ਨੱਥੀ)

ਤਸਦੀਕ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਰਿਕਾਰਡ ਮੁਤਾਬਿਕ ਆਰ.ਟੀ.ਆਈ. ਐਕਟ 2005 ਤਹਿਤ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਸਬੰਧੀ ਵਿਭਾਗ ਵੱਲੋਂ ਜੋ ਹਦਾਇਤਾਂ ਜਾਰੀ ਕੀਤੀਆਂ ਹੋਈਆਂ ਹਨ (ਪੱਤਰ ਮਿਤੀ 06-12-2012 ਅਤੇ ਮਿਤੀ 25-10-2016)

ਅਪੀਲਕਰਤਾ ਨੂੰ ਮਿਤੀ 11-10-2022 ਇਹ ਸੂਚਨਾ ਉਪਲੱਬਧ ਕਰਵਾ ਦਿੱਤੀ ਗਈ ਹੈ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਇਸ ਸਬੰਧੀ

ਹੋਰ ਕੋਈ ਸੂਚਨਾ/ਹਦਾਇਤਾਂ ਰਿਕਾਰਡ ਵਿੱਚ ਉਪਲੱਬਧ ਨਹੀਂ ਹਨ ਅਤੇ ਨਾ ਹੀ ਜਾਰੀ ਕੀਤੀਆਂ ਗਈਆਂ ਹਨ "

3. At the time of hearing respondent PIO representative Sh. Ishwar Singh retired the content of the above mentioned letter and further added that the matter is pending before the O/o Director, Rural Development & Panchayat Department, Mohali Punjab.

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1/2

Appeal Case No. 2913 of 2022

4. This Court takes a serious note of the delay in releasing information, the lack of adequate reasoning in the orders of the Public Information Officer and the Appellate Authority and the lack of application of mind in relation to the nature of information sought. The materials on record clearly show the lackadaisical approach of the respondent O/o DDPO Mohali in releasing the information sought.
5. Keeping in view the facts of the case and going through the case file, a strict warning is issued to the PIO O/o Director, Rural Development & Panchayat Department, Mohali Punjab for not providing any response to the appellant within the timeline prescribed under the Act. The PIOs are warned to be careful with the timeline and refrain from delaying replies.

The Commission offers the DDPO Mohali, one final opportunity to furnish the information sought by the appellant, and demonstrate compliance with the last order of the commission. Failing this, this Commission will be compelled to enforce his/her appearance in Court by issuing a Warrant and imposing penalty of Rs. 25,000/-.

5. To come up on **20.03.2023** through **personal hearing** at PSIC Chandigarh timing **11:30 am**.

Chandigarh
Dated: 23.11.2022

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Pb.

CC: Ms. Joginder Kaur
O/o Deputy Director, DDPO Mohali

(To comply with the order)

PUNJAB STATE INFORMATION COMMISSION

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Shri Amanjot Singh, (94647 39229)
S/o Shri Raghbir Singh,
R/o H. No. 5-B, Bhan Colony,
Nabha Road, Patiala – 147001

...Appellant

Versus

Public Information Officer,
O/o Director, Bureau of Investigation,
Punjab Police Headquarters,
Sector – 9, Chandigarh.

First Appellate Authority,
O/o Director, Bureau of Investigation,
Punjab Police Headquarters,
Sector – 9, Chandigarh.

Public Information Officer,
O/o Deputy Inspector General of Police,
Patiala.

...Respondents

APPEAL CASE NO. 3185 OF 2021

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Appeal filed in the Commission
30.04.2021	10.08.2021	04.06.2021		13.07.2021

Present: Appellant: Sh. Amanjot Singh

Respondent: Sh. Hakam, Singh (ASI, SSP office Patiala), 8239982833

Sh. Sukhwinder Singh (Sr. Asst., DGP office), 9465446974

ORDER :

1. This order may be read with the reference of previous order of the Commission dated 11.09.2022 vide which the PIOs were asked to represent the case in person on next date of hearing i.e. is today but no one is present from the O/o Director, Bureau of Investigation, Punjab Police Headquarters.
2. With the compliance of the previous order of the commission the under signed bench is in receipt of correspondence from SHO Police station Nabha Patiala, which is taken on record.
3. Keeping in view the facts of the case and going through the case file, a strict warning is issued to the O/o Director, Bureau of Investigation, Punjab Police Headquarters for not providing any response to the appellant within the timeline prescribed under the Act. The PIOs are warned to be careful with the timeline and refrain from delaying replies.

The Commission offers the respondent PIO one final opportunity to furnish the information sought by the appellant, and demonstrate compliance with the last order of the commission. Failing this, this Commission will be compelled to enforce his/her appearance in Court by issuing a Warrant and imposing penalty of Rs. 25,000/-.

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864112, Email: - psic23@punjabmail.gov.in

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APPEAL CASE NO. 3185 OF 2021

6. To come up on **20.03.2023** through **personal hearing** at PSIC Chandigarh timing **11:30 am**.

Chandigarh
Dated: 23.11.2022

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Pb.

CC: Sh. S.S Mand
AIG (Investigation & Administration)
O/o Director, Bureau of Investigation,
Punjab Police Headquarters, Sector – 9, Chandigarh

(To comply with the order)