

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

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Sh. Bhupinder Punj,
r/o # 186, Village Luhara,
District Ludhiana.

....Appellant

vs

Public Information Officer
o/o Secretary
Regional Transport Authority,
Bathinda

First Appellate Authority
o/o State Transport Commissioner, Pb.
SCO 177-78, 1st Floor,
Sector 17, Chandigarh.

..Respondents

Appeal Case No. 3767 of 2019
(Video Conference Proceedings)

Present:- None on behalf of the parties.

ORDER

An email has been received from the appellant that due to an urgent piece of work he is unable to attend the hearings in this case. Hence, the respondents were also informed about the request of the appellant.

To come up on 30.7.2020 at 12.00 noon and will be heard through CISCO Webex, meeting ID of which is 913 122 670.

Dated:23.6.2020

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Gurjit Singh
Village Behbal Kalan,
Tehsil Jaiton,
District Faridkot.

....Appellant

Vs

Public Information Officer
o/o Block Development and Panchayats Officer,
Jaito, District Faridkot.

First Appellate Authority
o/o District Development and Panchayats Officer,
Mini Secretariat,
Faridkot.

..Respondents

Appeal Case No. 1259 of 2020
(Video Conference Proceedings)

Present:- Sh. Gurjit Singh, appellant.
Sh. Chetan Singh, Supdt (8872582100) o/o Block Development and Panchayats
Officer on behalf of the respondents.

ORDER

The RTI application is dated 4.2.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 9.3.2020 and second appeal was filed in the Commission on 1.5.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant states that no information has been supplied by the respondents so far i.e. the action against Sh. Biant Singh, Panchayat Secretary. The appellant also referred the decision in Case No. 2221 of 2019 and Case No. 2222 of 2019 vide which the Block Development and Panchayats Officer, jaito was directed to recommend action against the Panchayat Secretary to the Director, Rural Development and Panchayat, Pb. Whereas the representative of the respondents states that the letter has been written to the District Development and Panchayats Officer, Faridkot and he handed over the same to the appellant during the course of hearing. The representative of the respondents further states that any action taken by the District Development and Panchayats Officer in this regard will also be informed to the appellant before the next date to the Commission as well as to the appellant.

3. As per the assurance given by the representative of the respondents, the respondents are directed to provide the action taken by the District Development and Panchayats Officer to the appellant as well as to the Commission before the next date of hearing.

4. To come up on 15.7.2020 at 11.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Faridkot.

Dated:23.6.2020

sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Mohinder Pal s/o Sh. Brahma Nand
117, Model Town, Phase 2,
Bathinda 151001

....Appellant

Vs

Public Information Officer
o/o Executive Engineer,
panchayati Raj Division,
Zila parishad Complex,
Faridkot

First Appellate Authority
o/o Superintending Engineer,
Panchayati Raj Circle,
Zila Parishad Complex, Faridkot.

...Respondents

Appeal Case No. 1199 of 2020
(Video Conference Proceedings)

Present:- Sh. Mohinder Pal, appellant.
Sh. Mahesh Garg, Executive Engineer, Panchayati Raj on behalf of the respondents.

ORDER

The RTI application is dated 14.1.2019 vide which the appellant has sought the information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 17.12.2019 and second appeal was filed in the Commission on 19.3.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 23.6.2020.

2. The appellant states that no information is being supplied by the respondent although he has just sought the information i.e. the name of the defaulter officer/official since the date of filing the RTI application i.e. 2.1.2019. He further states that while sending the information on 26.6.2018 by the respondents, the information was sent through ordinary dak whereas the information was sought to be sent through registered post. In addition, the appellant states that in spite of the information was sent through ordinary dak but on the dispatch register it has been marked as 'Registry'. Furthermore, the he states that the respondents are harassing him by not providing the correct information.

3. Whereas, the representative of the respondents states that without establishing the charges under the Punishment and Appeal Rules, no information can be provided that who is the defaulter officer/official in this regard. He further states that till date no enquiry has been conducted regarding this issue.

3. After hearing both the parties, the Commission accepts the plea of the respondent-Public Information Officer as neither any charge has been framed against anybody nor any enquiry has been conducted, hence, the case is disposed of and closed. No other directions can be issued by the Commission in this regard, since no record is available regarding fixing the responsibility of the guilty official. However, the Commission is of the view that the respondent should have dealt with the RTI application in proper manner as the reply given by the Executive Engineer, Panchayati Raj Division vide letter No.183 dated 13.2.2020 is found to be an inappropriate. The respondent assures the Commission to be careful in future while dealing with the RTI application(s). The Commission directs the Superintending Engineer, Panchayat Raj Circle, Zila Parishad Complex, Faridkot to look into the matter and take an appropriate action in this regard.

Dated: 23.6.2020

sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Harmail Singh s/o Sh. Mahir Singh,
Village Nathana,
District Bathinda

....Complainant

Vs

Public Information Officer
o/o Panchayat Secretary
Gram Panchayat Nathana,
c/o Block Development and Panchayats Officer,
Nathana, District Bathinda.

....Respondent

Complaint Case No. 212 of 2020
(Video Conference Proceedings)

Present:- Sh. Harmail Singh, appellant.
Sh. Paramjit Singh, Panchayat Secretary on behalf of the respondents.

ORDER

The RTI application is dated 23.7.2019 vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 2.3.2020 under Section 18 of the right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The complainant has sought the following information :-

“ਪਿੰਡ ਨਥਾਨਾ ਪੱਤੀ ਬੱਲਾ ਵਿਖੇ ਪੰਜਾਬ ਸਰਕਾਰ ਪੰਚਇਤ ਰਾਜ ਵਿਭਾਗ ਸਾਲ 2002-03 ਵੱਲੋਂ ਮਕਾਨ ਨੰ: 59 ਅਤੇ ਮਕਾਨ ਨੰ: 120 ਅਤੇ ਮਕਾਨ ਨੰ: 1155 ਬਾਰੇ ਜਾਣਕਾਰੀ ਦੇਣ ਸਬੰਧੀ

1. ਇਹ ਕਿ ਆਪ ਜੀ ਦੇ ਵਿਭਾਗ ਵੱਲੋਂ ਉਕਤ ਮਕਾਨ ਨੰਬਰ ਕਿਸ ਵਿਅਕਤੀ ਦੇ ਘਰ ਦੇ ਨਾਮ ਪਰ ਲਗਾਏ ਗਏ ਸਨ।
2. ਇਹ ਕਿ ਉਕਤ ਮਕਾਨ ਨੰਬਰ ਕਿਸ ਸੰਨ ਵਿੱਚ ਲਗਾਏ ਗਏ ਹਨ।
3. ਇਹ ਕਿ ਆਪ ਜੀ ਦੁਆਰਾ ਲਗਾਏ ਨੰਬਰਾਂ ਦੀ ਫੋਟੋ ਕਾਪੀ ਨਾਲ ਨੱਥੀ ਹੈ।”

3. The complainant states that he has sought the information as per his RTI application from the Block Development and Panchayats Officer, Nathana but the office transferred his application to the Chief Executive Officer-cum-Public Information Officer, Nagar Panchayat, Nathana. He further states that the Nagar Panchayat was established in December, 2013 and vide their letter bearing endst. No. 731 dated 16.8.2019, the same was returned back to the Block Development and Panchayats Officer-cum-Public Information Officer, Nathana since the matter relates to 2002-2003 and the house number plates have been installed by their office. Furthermore he states that the Public Information Officer-cum-Chief Executive Officer has written that no record has been provided by the Nagar Panchayat. He further states that inspite of the matter to get it concluded, the Block Development and Panchayats Officer again transferred the RTI application to the Paramjit Singh, Panchayat Secretary vide letter bearing endst.No. 82 dated 22.8.2019 with the directions to supply the information

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Complaint Case No. 212 of 2020

-2-

directly to the complainant. He further states that since the date of filing the RTI application no information is being provided by the respondents and the same is shuttling between the offices of the respondents. He requested the Commission that the directions be issued to the respondents to supply the information.

4. The representative of the respondents Sh. Paramjit Singh, Panchayat Secretary states that he has no record regarding installing of house number plates in the village. He further states that the office has never installed the house number plates and is not aware of the department/agency which has installed the house number plates.

5. Since the complainant has been well informed that there is no record available with the respondent office, hence the case is disposed of and closed. However, as per the copy of house number plate attached by the complainant with his RTI application, it depicts that the number has been installed. Accordingly, the Deputy Commissioner, Bathinda is advised to get the matter examined in order to find out the agency involved in the installation of number plates. For this purpose the complainant may also be associated with.

Dated: 23.6.2020

sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC
Deputy Commissioner (By name) (REGD.)
Mini Secretariat,
Bathinda

Encl : RTI application along with
annexures.

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Sh. Major Khan s/o Sh. Dial Khan,
VPO Hoshiarpur
Tehsil Kharar, Mohali

....Appellant

Vs

Public Information Officer
o/o Block Development and Panchayats Officer,
Block Majri,
District Mohali.

First Appellate Authority
o/o District Development and Panchayats Officer,
Mini Secretariat, Mohali

....Respondents

Appeal Case No. 1039
(Video Conference Proceedings)

Present:- Sh. Major Khan, appellant at Chandigarh
Sh. Gurpreet Singh, Superintendent o/o Block Development and Panchayats Officer,
Majri on behalf of the respondents.

ORDER

The RTI application is dated 19.11.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 14.1.2020 and second appeal was filed in the Commission on 6.3.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant states that the respondents have just provided the copies of bills and proceedings comprising 70 pages that too unattested. He further states that the respondents be directed to supply the complete record pertaining to his RTI application (point wise).

3. The representative of the respondents states that the new Panchayat Secretary has joined recently and requested for the adjournment of case. He has given the assurance that the complete information will be supplied before the next date of hearing.

4. As per the assurance given by the representative of the respondents, the case is adjourned to 15.7.2020 at 11.30 AM at Chandigarh with the directions to the respondents to supply the complete information pertaining to the RTI application of the appellant before the next date of hearing failing which the punitive action will be initiated against him.

sd/-

Dated: 23.6.2020

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Sh. Jaswinder Singh,
H.No. 903, Phase 10,
Mohali

....Appellant

Vs

Public Information Officer,
o/o Registrar,
Punjab and Haryana High Court,
Sector 1, Chandigarh.

First Appellate Authority
o/o Registrar,
Punjab and Haryana High Court,
Sector 1, Chandigarh.

....Respondents

Appeal Case No. 1041 of 2020
(Video Conference Proceedings)

Present:- Shri Jaswinder Singh, appellant through to be heard through Video Conference
Shri Satish Kumar Wig, Jt. Registrar on behalf of the respondents.

ORDER

The RTI application is dated 23.11.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on dated NIL and second appeal was filed in the Commission on 6.3.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant stated that nothing is being supplied by the respondent as per his RTI request. He further stated that he has brought the written submissions regarding public interest involved in seeking the information along with him. He further requested that the respondents be directed to supply the complete information. Since, the appellant has brought the written submissions/public interest in seeking the information along with him, he was advised to send the same through email/whatsapp No. 8872948700, during the course of hearing.

3. The representative of the respondents submitted the letter No. 414/Public Information Officer/HC dated 10.6.2020 along the submissions, which is reproduced below:-

- "1. That the appellant had sought information on four points in respect of one retired Additional District & Sessions Judge Shri Darshan Singh under the Right to Information Act, 2005 (hereinafter referred as the Act) vide his application dated nil received on 26.11.2019.
2. That in response to above said application filed by the appellant, vide this office letter No. 1566/Public Information Officer/HC dated 28.11.2019, the information was declined in view of the provisions of Section 8(1)(j) of the Act and in view of the judgement of Hon'ble Apex Court in 'Girish Ramchandra Deshpande', in Special Leave Petition (Civil) No. 27734 of 2012 and in view of the judgement dated 31.8.2017 passed by Hon'ble Supreme Court of India in Civil Appeal No. 22 of 2009 titled as 'Canara Bank Vs C.S. Shyam and anr'".

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Appeal Case No. 1041 of 2020

-2-

The representative of the respondents stated that the disclosure of the information as sought by the appellant is not in the larger public interest. Furthermore the representative of the respondents stated that the appellate authority has already dismissed the appeal being devoid of merit as the appellant has failed to explain as to how disclosure of such information would serve any public interest.

4. The appellant has sent the documents through whatsapp at around 3.00 P.M. but since one of the documents was not readable, the appellant was again requested by the office to resend the same. At 4.00 P.M. the appellant came to the office and handed over the following documents:-

1. Letter No. 632 dated 10.12.2019 written by Public Information Officer Industrial Tribunal, Amritsar to Sh. Jaswinder Singh vide which the retirement order of Sh. Darshan Singh Malwai, Addl District and Sessions Judge bearing No. 15300 Gaz.11(3) dated 16.5.2009 and Gaz. Notification No. 1/29/09-03 Judl.(1)1465 dated 8.5.2009 has been sent to the appellant.
2. Copy of letter No. 15300/Gaz.II(3) dated 16.5.2009.
3. copy of Gaz. Notification No. 1/29/09-03 Judl.(1)1465 dated 8.5.2009
4. Judgement of Hon'ble Supreme Court of India in Civil Appeal No. 10044 of 2010 date of decision 13.11.2019, Central Public Information Officer, Supreme Court of India Vs Subhash Chandra Agarwal.

On perusal of the above documents submitted by the appellant, the Commission is of the view that the appellant is not able to establish the larger public interest. However, a last opportunity is given to the appellant to submit the same before the next date of hearing for the consideration of the Commission. Email received from the respondents is also being sent along with this order for appellant's comments, if any.

Copies, as received from the appellant, are forwarded to the respondent-Public Information Officer for information and to submit the response, if any, before the next date of hearing.

To come up on 15.7.2020 at 12.15 PM and will be heard through Cisco Webex

Dated: 23.6.2020

sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.