

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Saroop Singh,
S/o Sh. Bachan Singh,
R/o Village Choure, Block Sh. Hargobindpur, Teh. Batala,
Distt. Gurdaspur.

Complainant

Versus

Public Information Officer,
O/o District Development and Panchayat Officer,
Gurdaspur.

Respondent

Complaint Case Nos.1032 and 1033 of 2018

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 Complaint
12.01.2018	Nil	Nil	Nil	26.09.2018

Present: Sh. Jagjit Singh brother of Sh. Saroop Singh, Appellant.
None on behalf of the Respondent.

ORDER

The following order was passed by this forum on 11.12.2018:

“Since the complainant, respondent are the same and the information sought for is almost identical, the single order shall dispose of both the complaints.

The complainant had sought information about the income having accrued and the expenditure incurred during the incumbency of the former sarpanch of village Chaura, Block Sri Hargobindpur, Tehsil Batala, District Gurdaspur from 2013 to 2018. Sh. Narinder Singh, Panchayat Secretary appearing on behalf of the respondent says that the information is quite voluminous. Nonetheless, it has partially been delivered on the complainant. He assures to provide the rest expeditiously. The complainant also seems in agreement with the contention of the respondent.”

The case has come up today. The complainant says that despite having assured during the course of hearing on the previous date the respondent has refused to provide him the information.

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Complaint Case Nos.1032 and 1033 of 2018

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

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

To come up on **28.02.2019 at 11.30 AM.**

Sd/-

24.01.2019

**(Yashvir Mahajan)
State Information Commissioner**

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Sh. Jugraj Singh,
S/o Sh. Sukhmandar Singh,
R/o Makko Patti, Near Lopen Road,
Village Daudhar Sharki,
Distt. Moga. (142053)

Complainant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Moga.

Respondent

Complaint Case No.1035/2018

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 Complaint
23.08.2018	Nil	Nil	Nil	26.09.2018

Present: None.

ORDER

The following order was made by this forum on 11.12.2018:

"The complainant had sought information about the detail of grants received by the gram panchayat of Village Daudhar Sharki, Block Moga – 1 and the details of expenditure incurred therewith.

The respondent is neither present nor any written reply has been filed by him. The Commission takes serious note of it. The PIO is directed to provide the information before the next date of hearing and explain the reasons for delay. Be it noted that no further opportunity shall be afforded and the penal provisions shall be invoked."

The case has come up today. The respondent is absent on trot. No written reply has also been received from them. Apparently the respondent has rendered himself liable for punishment under Section 20(1) of the Act having failed to discharge his liability under Section 7(1) to provide the information during the mandated period.

The PIO respondent is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the

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Complaint Case No.1035/2018

complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.

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

To come up on **28.02.2019 at 11.30 AM.**

24.01.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Tilak Raj,
C/o Narinder General Store,
Bazar Ram Sukh, House No. 22/59,
Ferozepur City.

Complainant

Versus

Public Information Officer,
O/o Director,
Treasuries and Accounts,
Finance Department, Chandigarh.

Respondent

Complaint Case No.1041/2018

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 Complaint
20.11.2017	Nil	Nil	Nil	04.09.2018

Present: **None on behalf of the Complainant.**
Sh. Inderpal Singh, Sr. Assistant, O/o Director, Treasury & Accounts, Pb. – for Respondent.

ORDER

The following order was made by the Commission on 11.12.2018:

“The complainant had sought a copy of the orders fixing the pay of one Sh. Sohan

Singh Banga and Sh. Jagdev Singh the then employees of the Department of Finance in the

Government of Punjab.

The respondent had sought third party exemption being their ‘personal information’

which has been denied to the complainant on their behest.

The Commission observes that as per provision of Section 4(1) (b), Sub Clause (X) of the RTI Act, the salary and allowances being drawn by an official of Public Authority are to be voluntarily disclosed by the Public Authority. The exemption claimed as such is not available to them under Section 8. Overruling their contention they are directed to provide the information to the complainant failing which the penal consequences shall follow.”

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Complaint Case No.1041/2018

The case has come up for hearing today. Sh. Inderpal Singh has come present on behalf of the respondent. He submits that in compliance with the order passed by the Commission the sought for information has been dispatched to the complainant under registered cover. The Commission has no reason to doubt their contention. The information having been transmitted with no apparent malafide found, the complaint is **closed**.

Sd/-

24.01.2019

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Sh. Kulwant Singh,
S/o Sh. Ajit Singh,
V.P.O Marri Buchhian,
Teh. Batala, Distt. Gurdaspur.

Complainant

Versus

Public Information Officer,
O/o Director,
Rural Development and Panchayat Department,
Development Bhawan, Sector-62,
SAS Nagar.

Respondent

Complaint Case No.1043/2018

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 Complaint
09.03.2018	Nil	Nil	Nil	21.09.2018

Present: None on behalf of the Complainant.
Sh. Hira Singh, Panchayat Secretary, O/o BDPO, Sri Hargobindpur – for Respondent.

ORDER

Sh. Hira Singh, Panchayat Secretary has come present on behalf of the Respondent.

He has produced an acknowledgement from the complainant as a token of receiving the information to his satisfaction. The complainant does not intend to pursue the matter.

The complaint is **closed**.

Sd/-

24.01.2019

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Sh. Swaran Singh,
Village Mehmood Khane Ke,
P.O Amir Khas, Tehsil Jalalabad (West),
Fazilka.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block Guruharsahai, Distt. Ferozepur.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Distt. Ferozepur.

Respondents

Appeal Case Nos.2610 and 2641 of 2018

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 Second Appeal
13.04.2018/10.08.2017	Nil	16.05.2018/20.09.2017	Nil	03.04.2018/02.08.2018

Present: Sh. Swaran Singh, Appellant in person.
Sh. Gurmeet Singh, Panchayat Secretary, Block Guru Harsahai – for Respondents.

Order

The following order was passed by this forum on 13.12.2018:

“Since the appellant and the respondents are similar, and the information sought for is almost identical, single order shall dispose of the above appeals.

Due to a technical glitch video conferencing could not mature. The appellant is present in the Court at Chandigarh.

The Commission finds that no written reply has been filed by the respondents. The appellant denies having received the information. The respondents are directed to provide him the information before the 30th of November, 2018 positively and explain in writing the reasons for having failed to do so in due time.”

Appeal Case Nos.2610 and 2641 of 2018

“The case has come up today. Despite the Commission’s clear instructions the respondents are neither present nor any written statement has been filed. The Commission takes it as a blatant violation of the provision of the RTI Act and issues a show cause notice to the PIO – cum – BDPO, Block Guruharsahai, District Ferozepur to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

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

Meanwhile he should ensure that the information sought for is provided to the appellant under intimation to the Commission. No further opportunity shall be afforded and the penal consequences shall follow.”

The cases have again taken up today. Sh. Gurmeet Singh, Panchayat Secretary has come present on behalf of the Respondents. He explains that the record pertaining to reservation of seats for various members for the last thirty years is not available with them. As far as his requirement for the voters lists is concerned these are available in the office of the District Elections Officer, Fazilka on payment and he could obtain it accordingly. He has shown us a copy of reply sent

Appeal Case Nos.2610 and 2641 of 2018

to him. The Commission feels that no malafide can be attached in the instant case on the part of the respondents. However, as far as the requisition made by him in Appeal Case No.2641 of 2018 is concerned the respondent has brought along the record which has been handed over on spot to the appellant.

From the perusal of the record it transpires that the original application was filed on 10.08.2017. Even his request to the First Appellate Authority did not fructify. Sh. Sarbjeet Singh Brar, Block Development and Panchayat Officer, Guru Harsahai was issued a show cause notice vide aforesaid order. However, he has chosen to maintain a studied silence on the delay. He has failed to file a convincing reply for the delay which is beyond a year. In the absence of his explanation the Commission feels it to be a willful suppression of information. A final opportunity is afforded to him to explain his conduct failing which the matter shall be disposed on the basis of the record on file.

To come up on **28.02.2019 at 11.30 AM.**

24.01.2019

**Sd/-
(Yashvir Mahajan)
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Sh. Fateh Singh,
S/o Late Sh. Pritam Singh,
Village-Bharatpur, P.O- Bhago Majara,
Distt.-S.A.S Nagar.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Kharar, Distt. S.A.S Nagar.

First Appellate Authority,
O/o Additional Deputy Commissioner,
S.A.S Nagar.

Respondents

Appeal Case No.3027/2018

Date of RTI application: 29.06.2017
Date of First Appeal : 20.04.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 05.09.2018

Present: **Sh. Fateh Singh, Appellant in person.**
Sh. Harmesh Singh, Panchayat Secretary, O/o BDPO, Kharar – for Respondents.

Order

The following order was made on 13.12.2018:

“The appellant had sought information about the erection of harijan dharamsala in the village and the information connected thereto.

Sh. Harmesh Singh, Panchayat Secretary appearing on behalf of the respondents says that the record is in the office of the District Development & Panchayat Officer, Mohali as he is enquiring into a complaint on the subject.

Be that as it is, the documents sought should be arranged to be provided to him before the next date of hearing positively. The District Development & Panchayat Officer, Mohali shall be considered as deemed PIO in case the record lies with him. He should ensure that the certified copies are provided to the appellant through the Block Development & Panchayat Officer, Kharar immediately.”

“Despite the express order of the Commission, the District Development & Panchayat

Contd....page....2

Appeal Case No.3027/2018

Officer, Mohali has neither responded nor arranged to provide the information. Sh. Harmesh Singh, Panchayat Secretary appearing on behalf of the respondents reiterates his earlier position that the record is maintained by the DDPO, Mohali and he is not in a position to provide the information. Apparently, the DDPO, Mohali has rendered himself liable for penal consequences.

Accordingly, Sh. D.K.Saldi, District Development & Panchayat Officer, Mohali, is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

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

The case has come up for hearing today. Sh. D.K.Saldi, DDPO, Mohali to whom the show cause notice was issued for having failed to provide the information is neither present nor any written explanation has been filed by him. Obviously, he has failed to explain the reason for withholding the information. The Commission as such shall be justified in penalizing him. However, another opportunity is afforded to him to clarify his position as to why the penalty proposed in the show cause notice already issued to him should not be imposed on him.

Appeal Case No.3027/2018

Meanwhile, Sh. Harmesh Singh, Panchayat Secretary who has appeared on behalf of the respondents today has brought along the information which has been handed over on spot to the appellant. The same has been supplied after harassing the appellant for more than one and a half year. The appellant may look into it and inform the Commission about its sufficiency.

The matter shall be reheard on **28.02.2019 at 11.30 AM.**

Sd/-

24.01.2019

**(Yashvir Mahajan)
State Information Commissioner**

CC: Sh. D.K.Saldi, District Development & Panchayat Officer, Mohali, for n/a.

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Sh. Fateh Singh,
S/o Late Sh. Pritam Singh,
Village-Bharatpur, P.O- Bhago Majara,
Distt.-S.A.S Nagar.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Kharar, Distt. S.A.S Nagar.

First Appellate Authority,
O/o Additional Deputy Commissioner,
S.A.S Nagar.

Respondents

Appeal Case No.3028/2018

Date of RTI application:	29.06.2017
Date of First Appeal :	20.04.2018
Date of Order of FAA or Reply:	Nil
Date of 2 nd Appeal/complaint:	05.09.2018

Present: **Sh. Fateh Singh, Appellant in person.**
Sh. Harmesh Singh, Panchayat Secretary, O/o BDPO, Kharar – for Respondents.

Order

The following order was made by the Commission on 13.12.2018:

“Sh. Harmesh Singh, Panchayat Secretary appearing on behalf of the respondents says that he has recently joined and is unaware of the issue. He should have done his home work properly. His excuse is not justified. Nonetheless, the Commission directs him to arrange to provide him the information under intimation to the Commission before the next date of hearing.”

“Sh. Harmesh Singh, Panchayat Secretary again states that the record of the entire village is with the District Development and Panchayat Officer, SAS Nagar. He is again advised to provide him the information expeditiously. Further laxity shall invite penal consequences.”

The case has again been taken up for hearing today. Sh. Harmesh Singh, Panchayat Secretary appearing on behalf of the respondents has brought along the information which has been

Contd... page...2

Appeal Case No.3028/2018

handed over on spot to the appellant. He may look into it and inform the Commission about its sufficiency on the next date of hearing.

To come up on **28.02.2019 at 11.30 AM.**

Sd/-

24.01.2019

**(Yashvir Mahajan)
State Information Commissioner**

CC: Sh. D.K.Saldi, District Development & Panchayat Officer, Mohali, for n/a.

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Sh. Malkeet Singh,
S/o Sh. Surinder Singh,
R/o Village Neelpur, Tehsil-Rajpura,
Distt. Patiala.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Rajpura, Patiala.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Patiala.

Respondents

Appeal Case No.2892/2018

Date of RTI application: 14.05.2018
Date of First Appeal : 17.07.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 29.08.2018

Present: **Sh. Malkeet Singh, Appellant in person.**
Sh. Balbir Singh, Panchayat Secretary, BDPO Office, Rajpura – for Respondents.

Order

The following order was passed by the Commission on 13.12.2018:

“The appellant had sought the information concerning the various activities relating to the resolutions passed, income accrued and expenses incurred on various development works etc. by the gram panchayat of village Neelpur, Tehsil Rajpura.

The respondents required him to deposit an amount of Rs.1540/- being the cost of providing information. The appellant says that the respondents did not provide him the bank account number as he intended to deposit it to their bank account only. The respondents now have informed him the bank account of the Panchyat. They are directed to provide him the information sought for on receipt of payment within the stipulated period positively.”

“The case has come up today. The respondents are absent. The Commission takes serious note of the dismissive attitude of the respondents. The appellant submits that despite having deposited the full amount as asked for, complete information has not been provided. On being further probed, he says that if he is provided with the statements of the bank accounts maintained by the Panchayat he shall be satisfied. The respondents are directed to ensure that the bank statements as well are provided to him as sought for by him under intimation to the Commission.”

Appeal Case No.2892/2018

The case has again come up today. Sh. Balbir Singh, Panchayat Secretary appearing on behalf of the respondents says that the information being asked fresh by him is already encapsulated in the copies of the cash book provided to him. The Commission agrees with the submission of the respondent. He has seemingly been sufficiently informed.

Disposed.

Sd/-

24.01.2019

**(Yashvir Mahajan)
State Information Commissioner**

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Sh. Satya Paul Bansal,
Flat No. 180/3, Tower No. 4,
SBP Homes, Extn 3, Sector-126, Mohali.

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council,
Kharar, Distt. Mohali.

First Appellate Authority,
O/o Executive Officer,
Municipal Council,
Kharar, Distt. Mohali.

Respondents

Appeal Case No.2617/2018

Date of RTI application:	16.04.2018
Date of First Appeal :	06.06.2018
Date of Reply :	Nil
Date of Order of FAA :	Nil
Date of 2 nd Appeal/complaint:	03.08.2018

Present: **None on behalf of the Appellant.**
 Ms. Rajni Gupta, Building Inspector, MC Office, Kharar – for Respondents.

Order

This should be read in continuation of Commission's order passed on 18.10.2018 followed by one passed on 11.12.2018.

Ms. Rajni Gupta, Building Inspector has come present on behalf of the Respondents. She says that all the documentations available with them with reference to his original application have been sent across to him. The appellant who is not present in the Court has sent an e.mail which could not be opened because of some technical glitch in the net working.

The matter shall be taken up on **26.02.2019 at 11.30 AM.**

24.01.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner