

PUNJAB STATE INFORMATION COMMISSION
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SECTOR 16, CHANDIGARH.
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Sh.Davinder Singh
#353, Phase-2,
SAS Nagar (Mohali).

.....Appellant

Versus

Public Information Officer
O/o Punjab Urban Planning &
Development Authority,
PUDA Bhawan, Phase-VIII, Mohali.

First Appellate Authority-cum-,
O/o Punjab Urban Planning &
Development Authority,
PUDA Bhawan, Phase-VIII, Mohali.

...Respondents

AC No.4010/2019

Present: (i) Sh.Davinder Singh, Appellant.
(ii) None on behalf of the PIO.

ORDER

1. This order may be read with reference to the order dated 22.01.2020 passed by the Bench on the last date of hearing.
2. The appellant comes present and states that he has not been supplied any information by the PIO.
3. The PIO was absent on the last two consecutive hearings. He has also failed to come present today without any intimation to the Commission nor he has sent any authorized representative to attend the hearing. The PIO was issued show cause notice on 10.12.2020 for not attending the hearing. He was again given an opportunity to appear before the Commission on 22.01.2020. It is regretted that in spite of repeated directions, he has not attended the hearing nor has responded to the show cause notice.
4. The Bench, in spite of the above lapse on the part of PIO, again gives an opportunity to the PIO to ensure his presence before the Bench on the next date of hearing. Since the show cause notice stands already issued to him, he must file reply to the show

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AC No.4010/2019

cause notice as also explain his stand on the next date of hearing, failing which the Bench will be constrained to initiate penal proceedings against the PIO for his indifferent attitude and disobedience of the orders of the Bench in spite of adequate opportunities having been given to him.

5. With the aforesaid directions, the case is adjourned. **To come up for hearing on 04.03.2020 at 11.30 AM.** Copies of the order be given to the parties.

**Chandigarh
24.02.2020**

**(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Sh. Avtar Singh S/o Late Sh.Daljeet Singh,
R/o VPO Chuharwali,
District Jalandhar-144102

.....Appellant

Versus

Public Information Officer
O/o Punjab Urban Planning and
Development Authority, Jalandhar.

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

Public Information Officer
O/o District Town Planner,
Jalandhar.

First Appellate Authority
O/o Punjab Urban Planning &
Development Authority,
Jalandhar.

...Respondents

AC No.3990/2019

Present: (i), Appellant is absent.
(ii) Sh.Sanjeev Sharma, SDE-cum-PIO, O/o Estate Officer, Jalandhar
Development Authority, Jalandhar.
(iii) None on behalf of PIO, O/o District Town Planner, Jalandhar.
(iv) None from O/o PUDA Jalandhar.

ORDER

1. This order may be read with reference to the order dated 22.01.2020 passed by the Bench on the last date of hearing.
2. The appellant is absent from the hearing without any intimation to the Commission. He is absent for the third consecutive hearing. He was also contacted on phone but he did not respond to the telephonic call.
3. The PIO O/o Jalandhar Development Authority, Jalandhar comes present and in reply to Point NO.1 of the RTI Application, he produces a copy of the plan prepared in respect of the market set up by PUDA on Ladowali Road, opposite Suvidha Centre at Jalandhar which is taken on record. He states that the same has also been provided to the appellant. He further states that the affidavit as directed on the previous date of hearing is to be filed by another Branch of JDA.

Cont... ...2



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AC No.3990/2019

4. On perusal of the case file, it emerges that information relating to Points No.2 & 3 has not been shared being third party information and information on Point No.4 has already been provided to the appellant. It is also observed that PIO, O/o District Town Planner, Respondent No.3 has filed an affidavit to the effect that the plan in question has not been prepared by them and the same has been intimated to the appellant vide letter dated 18.12.2019. It is also observed that the PIO O/o PUDA Jalandhar and the APIO-cum-Superintendent Sh.Chander Shekhar O/o Estate Officer, Jalandhar Development Authority have not complied with the orders of the Bench given on the previous date of hearing to file an affidavit, duly attested by the Notary Public, that the information sought by the appellant is not available in their official records.

5. Now, the PIO O/o PUDA Jalandhar and the APIO-cum-Superintendent Sh.Chander Shekhar O/o Estate Officer, Jalandhar Development Authority are given last opportunity to comply with the orders of the Bench by filing an affidavit, duly attested by the Notary Public to the effect that the information sought by the appellant is not available in their official records, within a fortnight positively.

6. The Appellant is also advised to come present in person on the next date of hearing at Chandigarh.

7. To come up for hearing on **04.03.2020 at 11.30 AM**. Copies of the order be sent to the parties.

**Chandigarh
24.02.2020**

**(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Sh. Janak Raj S/o Sh.Jiwan Ram,
Shakti Nagar, St. No.1 Goniana Mandi
District Bathinda.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council,
Goniana Mandi, Distt. Bathinda.

First Appellate Authority,

O/o Director, Local Government
Plot No.3, Sector-35A,
Chandigarh.

...Respondents

AC No.3971/2019

Present:

- (i) Sh.Janak Raj, Appellant.
(ii) Sh.Vijay Kumar, Executive Officer, Municipal Council. Goniana, PIO.

ORDER

1. This order may be read with reference to the order dated 22.01.2020 passed by the Bench on the last date of hearing.
2. The Appellant comes present and states that he has received partial information with regard to his RTI application. The information on Point No.(D) is yet to be provided in spite of having filed his RTI application on 08.12.2018. He has been subjected to mental harassment and financial loss as he has made many trips to the office of PIO without any success or response on many occasions.
3. Shri Vijay Kumar, Executive Officer, M.C. Goniana comes present and states that the information on Point No.(D) has not been provided as it is voluminous and some of it is third party information also.
4. The case was deliberated at length with the appellant and the PIO. It clearly emerged that it is a classic case of RTI application having been handled with casualness and disdain. The appellant is a senior citizen who has faced harassment and financial loss due to many trips to the office of PIO and yet been provided only partial information even after a lapse of over one year. The Bench felt that it is only just that the appellant be financially

Cont.....2



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AC No.3971/2019

compensated at least for the expenditure incurred by him in making many trips in seeking information thus far. As such, I award a compensation of Rs.3000/- (Rupees three thousand only) to the appellant. The compensation amount must be paid by the respondent PIO concerned through cheque or demand draft in favour of Janak Raj from the account of the public authority and not from the individual's account. He is also directed to send a photocopy of the cheque or draft to the Commission.

5. PIO is also directed to supply the information on pending Point No. (D) to the appellant within the next fortnight.

6. With the above directions, the matter is adjourned. **To come up on 23.03.2020 at 11.30 AM.** Copies of the order be given to the parties.

**Chandigarh
24.02.2020**

**(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Sh. Dilpreet Singh Gandhi,
S/o Sh. Surinder Singh
SCO No.41, Sector-31D,
Chandigarh.

.....Appellant

Versus

Public Information Officer
O/o Chairman, GMADA,
PUDA Bhawan, Phase-VIII,
Mohali.

First Appellate Authority-cum-
Estate Officer, GMADA,
PUDA Bhawan, Phase-VIII,
Mohali.

...Respondents

AC No.4056/2019

Present: (i) Sh. Vaibhav Mittal, Advocate on behalf of the Appellant.
(ii) None on behalf of the PIO.

ORDER

1. This order may be read with reference to the order dated 27.01.2020 passed by the Bench on the last date of hearing.
2. Sh. Vaibhav Mittal, Advocate appears on behalf of the Appellant and states that the appellant has received information with regard to his RTI application to his entire satisfaction and requests for closure of the appeal.
3. In view of the statement made by the representative of the appellant, no further cause of action is left. **As such, the appeal is disposed off and closed.** Copies of the orders be sent to the parties.

Chandigarh
24.02.2020

(Lt Gen Ajae Kumar Sharma, (Retd))
State Information Commissioner, Punjab

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Sh. Lal Chand S/o Sh. Rikhi Singh
R/o H.No.59, Roayl Residency,
Sector-127(Behind ACME Alivista
Smart Homes), Chhajju Majra,
Mohali.

.... Appellant

Versus

Public Information Officer

O/o Punjab State Power Corp. Ltd.,
Sub Division, Kharar, Distt. Mohali.

First Appellate Authority,

O/o Punjab State Power Corp. Ltd.,
Sub Division, Kharar, Distt. Mohali.

... Respondents

AC No.4059/2019

Present: (i) Sh. Lal Chand, Appellant
(ii) None is present on behalf of the PIO/Respondents.

ORDER

1. This order may be read with reference to the order dated 27.01.2020 passed by the Bench on the last date of hearing.
2. Sh. Lal Chand, appellant comes present and states that he has not received any information with regard to his RTI application.
3. The PIO has neither come present before the Bench nor has sent any authorized representative to attend the hearing nor has he supplied the information to the appellant. This shows casual approach towards the Commission and his utter disregard to the authority of the Commission. This kind of indifferent attitude of the PIO is viewed very adversely by the Bench. On the previous date of hearing, the PIO was issued show cause notice for not attending the hearing before the Bench and also not supplying information to the appellant. He has, however, failed to reply to the show cause notice and to supply the requisite information to the appellant.
4. Since the show cause notice stands issued to the PIO on the previous date of hearing, PIO is again directed to file reply to the show cause notice before the next date of hearing with the Bench, failing which, penal proceedings will be initiated against him for intentionally not complying with the orders of the Commission.

Cont..2



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AC No.4059/2019

5. It is also made clear to the PIO that in case he fails to file reply to the show cause notice and provide requisite information to the appellant, the Bench will proceed further to award compensation to the appellant for the mental harassment being suffered by him.

6. With the aforesaid directions, the matter is adjourned. To come up for hearing on **04.03.2020 at 11.30 AM**. Copies of the order be sent to the parties.

**Chandigarh
24.02.2020**

**(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Er. Gurbax Rai Charaya
8, Basant Kunj, PO Ladhewali,
Jalandhar

.....Appellant

Versus

Public Information Officer
O/o Municipal Corporation,
Jalandhar.

First Appellate Authority-cum-,
Commissioner,
Municipal Corporation,
Jalandhar.

...Respondents

AC No.4174/2019

Present: (i) None on behalf of the appellant.
(ii) Sh.Jaspal Singh, Draftsman, Municipal Corporation, Jalandhar,
on behalf of the PIO.

ORDER

1. This order may be read with reference to the order dated 22.01.2020 passed by the Bench on the last date of hearing.
2. Sh. Jaspal Singh, Draftsman has come present on behalf of the PIO and states that the requisite information has been supplied to the appellant.
3. The appellant is absent. He has, however, sent an e-mail dated 24.02.2020 confirming the receipt of requisite information by him and he has also requested for disposing off the appeal.
4. In view of the above, no further intervention of the Commission is called for.

The appeal is disposed off and closed. Copies of the order be sent to the parties.

Chandigarh
24.02.2020

(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab

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Sh.Ravinder Pal Singh Chadha,
30, Banda Bahadur Nagar,
Jalandhar.

.....Appellant

Versus

Public Information Officer

O/o Municipal Corporation,
Jalandhar.

First Appellate Authority

Municipal Corporation,
Jalandhar.

...Respondents

AC No.4137 of 2019

Present:

(i) Appellant - absent.

(ii) Sh.Dinesh Joshi, Building Inspector, O/o Municipal Corporation,
Jalandhar/APIO.

ORDER

1. This order may be read with reference to the order dated 22.01.2020 passed by the Bench on the last date of hearing.

2. The appellant Sh.Ravinder Pal Singh Chadha is absent for today's hearing. He has sent a letter through e.mail today stating that he has not received any intimation from the PIO so far.

3. Sh.Dinesh Joshi, Building Inspector/APIO comes present and produces a copy of reply by way of affidavit of Sh. Wazir Rai, Assistant Town Planner-cum-PIO, Municipal Corporation, Jalandhar, which is taken on record.

4. As per affidavit, information available in the official records stands supplied to the appellant except on Point No.1 regarding Government letter No.ਸ3-ਫਸਸ-ਮਸਸ-2019/24403, Chandigarh, dated 29.05.2019 which is under process of official proceedings. It is also stated in the affidavit that the appellant has been supplied information in reference to various RTI applications filed by him at various times by MTP Branch of the Municipal Corporation.

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5. After discussions held with the APIO in the matter, it has been observed that the appellant is in the habit of seeking information time and again on the same subject in various forms which, apparently, serves no public cause. The appellant by doing so, has been wasting the precious time of the public authority. The filing of RTI applications repeatedly by the appellant amounts to keeping the officials of a public authority busy in supplying the information to the information seekers. RTI Forum cannot be used as an instrument to harass the public authorities. The Hon'ble Supreme Court of India in matter of CBSE vs. Aditya Bandopahdyaya, (2011) 8 SCC 497, explained as under:

“Indiscriminate and impractical demands or directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of public authorities prioritizing “information furnishing”, at the cost of their normal and regular duties.

5. The Bench finds substance in the submissions made by the APIO. Seeking repetitive information in stereotyped applications certainly amounts to misuse, rather abuse of the RTI Act. The instant case squarely comes in the domain with regard to which the Hon'ble Supreme Court of India was constrained to make above mentioned observations.

6. In view of the above, **the appeal is disposed off and closed.** Copies of the orders be sent to the parties.

**Chandigarh
24.02.2020**

**(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Sh. Balvir Singh Saini

H.No.N-349, Street No.3,
Dashmesh Nagar, Digana Road,
Hoshiarpur

.....Appellant

Versus

Public Information Officer

O/o Industrial Training Institute,
Hoshiarpur.

First Appellate Authority,

O/o Industrial Training Institute,
Hoshiarpur.

...Respondents

AC No.4135/2019

Present: (i) Sh.Balbir Singh Saini, Appellant.
(ii) Sh.Dalbir Singh, Group Instructor, ITI Hoshiarpur/PIO.

ORDER

1. This order may be read with reference to the order dated 03.02.2020 passed by the Bench on the last date of hearing.
2. The appellant Sh.Balbir Singh Saini comes present for today's hearing.
3. Sh.Dalbir Singh, PIO comes present and hands over affidavit to the Bench stating that information as available in official records has been shared. No other information is available in the official records. The affidavit in original is handed over to the appellant.
4. On the asking of the Bench, the appellant reads out the contents of affidavit and expresses his satisfaction over the same.
5. In view of the above, no further intervention of the Commission is called for.

The appeal is disposed off and closed. Copies of the orders be given to the parties.

Chandigarh
24.02.2020

(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab

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Sh.Rakesh Kumar
B-1/860, Street B-7,
Ram Nagar, Sunam
Udham Singh Wala,
District Sangrur.

..Appellant

Versus

Public Information Officer
O/o Director, Cultural Affairs,
Archaeology, Museums Deptt.
Punjab, Sector-38, Chandigarh.

First Appellate Authority,
O/o Director, Cultural Affairs,
Archaeology, Museums Deptt.
Punjab, Sector-38, Chandigarh.

... Respondents

AC No.4146/2019

Present: (i) Sh.Rakesh Kumar, Appellant.
(ii) Sh.Sunil Sachdeva, PIO, O/o Director, Cultural Affairs,
Archaeology, Museums Deptt. Punjab, Sector-38, Chandigarh.

ORDER

1. This order may be read with reference to the order dated 03.02.2020 passed by the Bench on the last date of hearing.
2. The appellant Sh.Rakesh Kumar comes present for today's hearing and denies to have received any information.
3. Sh.Sunil Sachdeva, PIO comes present and reiterates his version as made on the previous date of hearing that information on similar points has been supplied to the appellant in response to his other RTI applications dated 15.10.2019 and 19.11.2019. The PIO also hands over a copy of sketch plan to the appellant as was demanded by him during the previous hearing and when contacted on telephone as he was not present in person on 03.02.2020.
4. On the asking of the Bench, although the appellant admits to have received the information copy of which was shown to him, yet he is adamant and insists on to say that the information in response to his RTI application dated 24.06.2019 has not been received by him and his main concern is to stress upon the delay in attending to the RTI applications by

Cont...P2



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AC No.4146/2019

by the department concerned and public authorities in general. With regard to his contention, the Commission observes that there has been inordinate delay in dealing with his RTI Application. However, the information sought by him stands supplied.

5. Taking the entire matter in totality, the Bench observes that there has been considerable delay in dealing with the RTI application as well as First Appeal filed by the Appellant. The PIO, O/o Director, Cultural Affairs, Archaeology, Museums Deptt. Punjab, Sector-38, Chandigarh, is issued show cause notice to explain as to why action should not be taken against him for the delay in responding to the RTI application as also why penalty should not be imposed in the instant case. He is directed to also file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

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

7. The matter is adjourned. To come up for hearing on **04.03.2020 at 11.30 AM**.
Copies of the order be sent to the parties.

**Chandigarh
24.02.2020**

**(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Sh.Tilak Raj

Retd. Lecturer, English
Village Tanda Churian
PO Chanour, Tehsil Mukerian,
District Hoshiarpur.

..Complainant

Versus

Public Information Officer

O/o District Education Officer (Sec.Edu.)
Mini Secretariat, Hoshiarpur.

...Respondents

CC No.961/2019

- Present:** (i) Sh.Tilak Raj, Appellant is present.
(ii) None is present on behalf of the respondents.

ORDER

1. This order may be read with reference to the order dated 03.02.2020 passed by the Bench on the last date of hearing.
2. The appellant Sh.Tilak Raj comes present for today's hearing and denies having received any information.
3. The PIO has neither come present in person nor has sent any authorized representative to attend the hearing nor he has provided information to the complainant. PIO was also absent on the previous hearing. This indifferent attitude of the PIO is viewed adversely by the Bench.
4. For such a lackadaisical and indifferent attitude of the PIO towards the directions of Commission, the PIO, O/o District Education Officer (Sec. Edu.), Hoshiarpur is issued show cause notice to explain as to why action should not be taken against him for not attending the hearing in spite of order of the Commission and why penalty should not be imposed. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

Cont..P2



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CC No.961/2019

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

6. The case is adjourned to next date of hearing. **To come up for hearing on 04.03.2020 at 11.30 AM.** Copies of the orders be sent to the parties.

**Chandigarh
24.02.2020**

**(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

