



Smt Shiv Mehra. W/o Sh Lt Sh Surinder Chand,
R/o Kothi No-N7/15, Albert Road,
Ratna Giri Avenue, Near Kumar International Hotel,
Amritsar.

... Complainant

Versus

Public Information Officer,
O/o Tehsildar,
Amritsar-1.

...Respondent

Complaint Case No. 159 of 2019

PRESENT: Sh.Shubham Mehta, Advocate for the Appellant
Sh.Sukhvinder Singh, Clerk O/o Tehsildar Amritsar-1 for the Respondent

ORDER:

The case was first heard by Sh.S.S.Channay, Chief Information Commissioner on 27.03.2019. The respondent was absent. The PIO was directed to supply the information to the complainant before the next date of hearing.

The case was last heard by this bench on **22.08.2019**. The counsel appeared on behalf of the appellant claimed that the PIO has not provided the information. The respondent was absent. The Commission received an email from the PIO-Tehsildar, Amritsar-1 stating that they have already sent reply to the complainant vide letter dated 22.07.2019 whereby the PIO sent a copy of jamabandi and informed that there is no record available in their office pertaining to lease of the property. The complainant was also asked to provide the vasika number of the lease and get the copy of lease deed by visiting the office of PIO on any working day.

The counsel present pleaded that vasika number is not available with the appellant. The Commission observed that there has been an enormous delay in providing the information and issued a **show cause notice to the PIO under Section 20 of the RTI Act 2005 and directed to** file an affidavit in this regard. The PIO was again directed to appear before the Commission on the next date of hearing alongwith entire record of the case.

Sh.Arinder Singh O/o Tehsildar, Amritsar-1 appeared late and informed that the information cannot be provided since the record stands destroyed in fire in 2015. The respondent was directed to submit detailed reply on an affidavit that the entire record stands destroyed, and that there is no other provision to ascertain the availability of the sought documents.

The case was again heard on **25.11.2019**. The counsel present on behalf of the appellant pleaded that the PIO has not provided the information. The respondent was absent. The PIO was given one last opportunity to comply with the earlier order of the Commission and be present on the next date of hearing otherwise the Commission will be constrained to take action against the PIO under section 20 of the RTI Act.

Complaint Case No. 159 of 2019

The case was last heard on **23.01.2020**. The respondent was absent nor sent any reply in compliance with the earlier order of the Commission. The PIO was given one more opportunity to comply with the earlier order of the Commission which still stands and be present on the next date of hearing otherwise it will be presumed that the PIO has nothing to say in the matter and the Commission will be constrained to take action against the PIO in terms of the provisions of section 20 of the RTI Act.

Hearing dated 24.02.2020:

The respondent has brought the reply which is taken on the file of the Commission. In the reply, the PIO has stated that since the record stands destroyed in fire, the information cannot be provided.

I have gone through the reply and find that more due diligence is required to conclude whether this record exists or not. The PIO is directed to bring entire case file to the Commission on the next date of hearing for the appellant to inspect.

The case is adjourned. To come up for further hearing on **25.03.2020 at 11.00 AM**.

Chandigarh
Dated: 24.02.2020

Sd/-
(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



Sh Goldi Kumar, S/o Sh Jagdish Rai Grover,
R/o Street NO-10-11, Choti Pauri, Abohar,
Tehsil Fazilka.

... Appellant

Versus

Public Information Officer,
O/o EO, MC,
Abohar.

First Appellate Authority,
O/o Joint Deputy Director, Local Govt,
Ferozepur.

... Respondent

Appeal Case No. 1014 of 2019

PRESENT: Sh.Goldy Kumar as the appellant
None for the Respondent

ORDER:

This case should be considered in continuation to the earlier order.

Facts of the case:

That the appellant through RTI application dated 20.11.2018 has sought information regarding action taken report on the application dated 07.11.2017 as per RTI application and other information concerning the office of EO, MC Abohar. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 22.12.2018, which disposed off the appeal with the directions to the PIO to provide the information.

That the case was first heard on **25.06.2019**, A representative appeared on behalf of the appellant did not know about the information and was without authority letter. The RTI application was also not legible. The appellant was directed to provide legible copy of the RTI application.

The respondent was also absent. The PIO was directed to look at the RTI application and provide the information to the appellant as per the RTI Act.

That on the next date of hearing on **16.10.2019**, the PIO was again absent. The Commission received an email from the PIO whereby the PIO denied the information stating that the information sought is in question form.

That on 10.12.2019, the appellant was present and claimed that the PIO has not provided the information. The PIO was absent on 3rd consecutive hearing nor had complied with the order of the Commission. The PIO was issued a **show cause notice under section 20 of the RTI Act 2005 for not supplying the information within the time prescribed period of time and the PIO was directed to file reply on an affidavit.** The PIO was again directed to provide the information within 10 days.

Appeal Case No. 1014 of 2019

That the case has come up for hearing today. The appellant informed that the PIO has not provided the information. The PIO is absent on 4th consecutive hearing nor has sent any reply to the show cause notice.

Keeping the above-mentioned facts of the case, it is clear that the PIO is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission the Information Commission is empowered to issue warrants to Under Section 18(3) of the RTI Act. A bailable Warrant of the PIO-cum-Estate Officer, Municipal Council, Abohar is hereby issued through Senior Superintendent of Police, Fazilka for his presence before the Commission on 25.03.2020.

To come up for further hearing on **25.03.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Fazilka. Copies of order be sent to both the parties through registered post. The **PIO-EO Abohar to appear at Chandigarh.**

Chandigarh
Dated 24.02.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

**BAILABLE WARRANT OF PRODUCTION
BEFORE
SHRI KHUSHWANT SINGH
STATE INFORMATION COMMISSIONER, PUNJAB
AT CHANDIGARH**

In case:Goldy Kumar V/s Public Information Officer, Estate Officer,
Municipal Council, Abohar

APPEAL CASE NO. 1014 of 2019

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing :25.03.2020

To

**The Senior Superintendent of Police,
Fazilka.**

Whereas the Estate Officer, Municipal Council, Abohar has failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to the Estate Officer, Municipal Council, Abohar to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on **25.03.2020 at 11.00 AM.**

**Chandigarh
Dated: 24.02.2020**

**Sd/-
(Khushwant Singh)
State Information Commissioner**

PUNJAB STATE INFORMATION COMMISSION
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Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh.Gurbax Ram, S/o Sh Ram Dya,
R/o Village Nadha, P.O NayaGaon,
Tehsil Kharar, Distt Mohali.

... Appellant

Versus

Public Information Officer,
O/o Addl, XEN, Distribution,
Sub Division, PSPCL,
Mullanpur Garib Dass, Kharar.

First Appellate Authority,
O/oSE, PSPCL, Phase-1,
Industrial Area, Pb, Mohali.

...Respondent

Appeal Case No. 1102 of 2019

PRESENT: None for the Appellant
Sh.Gurpreet Singh Sandhu, Addl.SE-cum-APIO for the Respondent

ORDER: The case was first heard on 27.06.2019. The Commission observed that the information has been denied by the PIO vide letter dated 28.09.2018 stating that the information is 3rd party. The First Appellate Authority disposed off the appeal and informed the appellant vide letter dated 25.01.2019 that at the time of installation of poles, there was no public way and no-one had raised objection. Further, if anybody has objection and wants to shift the poles, they can apply as per procedure alongwith the processing fee.

The Commission observed that it appeared to be a dispute about an electric pole which as per appellant has been installed wrongly while providing an electric connection. The appellant said that it was marked as Rasta in the record. The appellant was directed to submit proof that this was marked a Rasta and the electricity department has wrongly installed the poles.

The case was again heard on **16.10.2019**. The appellant submitted a copy of map as a proof of Rasta marked in the record which was taken on the file of the Commission. The respondent was absent. The PIO was directed to provide the information before the next date of hearing.

The case was last heard on **10.12.2019**. The appellant claimed that despite order of the Commission, the PIO has not provided the information. The respondent pleaded that since the information is 3rd party information, it cannot be provided.

Hearing both the parties, the Commission directed the PIO to provide copy of estimate and diagram.

Hearing dated 24.02.2020:

The respondent present pleaded that the information has been provided to the appellant vide letter dated 12.02.2020 and a copy of the same is submitted to the Commission. The appellant is absent nor has communicated any discrepancy.

I have gone through the and find that the information has been supplied to the best possible extent. A copy of the information is being attached with the order for the appellant.

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

Sd/-

Chandigarh
Dated 24.02.2020

(Khushwant Singh)
State Information Commissioner



Sh Umesh Kumar,
593, Sector-7, Panchkula.

... Appellant

Versus

Public Information Officer,
O/o GLADA,
Ludhiana.

First Appellate Authority,
O/o GLADA,
Ludhiana.

...Respondent

Appeal Case No. 1843 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The case was first heard on **09.09.2019**. The appellant claimed that the PIO has not provided the complete information. The appellant further informed that he filed the RTI application with the office of PUDA which transferred it to GLADA Ludhiana. Thereafter, the office of GLADA asked him to submit ID proof vide letter dated 15.02.2019 and the same was sent to them on 16.02.2019. However, since the information was not provided, he filed first appeal on 22.03.2019 with the First Appellate Authority which took no decision. The appellant further informed that after filing second appeal in the Commission, the PIO provided information on points 1 & 3 and denied the information on points 4 & 5 vide letter dated 14.05.2019 stating that the information is in question form. The PIO vide letter dated 04.06.2019 again asked for to submit ID proof and further vide letter dated 26.06.2019 to appear personally.

The respondent was absent. The Commission observed that the PIO was misleading the RTI application and had denied the information without applying his mind. The Commission made it clear that even if the appellant has asked information in a question form but the information exists and is held by the PIO, it must be provided. The PIO was directed to relook at points 2,4 & 6 and provide the information to the appellant.

The case was last heard on **04.12.2019**. The respondent present pleaded that the dealing clerk was on leave due to illness and the concerned file was not traceable. The respondent however, assured to provide the information within 10 days. The PIO was directed to comply with the earlier order of the Commission which still stands and provide the information to the appellant within 10 days.

Hearing dated 24.02.2020:

Both the parties are absent. The appellant vide email has informed that he has received the information and does not want to pursue the case further.

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

Chandigarh
Dated 24.02.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Lakhwinder Singh, S/o Sh Gurjant Singh,
VPO Patti Sadiq, Tehsil Abohar,
Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o Tehsildar, Abohar,
Distt Fazilka.

First Appellate Authority,
O/o SDM, Abohar,
Distt Fazilka.

...Respondent

Appeal Case No. 3006 of 2019

PRESENT: None for the Complainant
None for the Respondent

ORDER:

The appellant through RTI application dated 07.03.2019 has sought information regarding total number of farmers of village Patti Sadiq whose loan has been waived under Loan waiver scheme from 01.01.2017 to 07.01.2019 and other information concerning the office of Tehsildar Abohar. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 11.05.2019 which took no decision on the appeal.

The case was last heard on 18.12.2019. Both the parties were absent. The case was adjourned.

Hearing dated 24.02.2020:

Both the parties are absent. The PIO-cum-Tehsildar Abohar vide email has informed that since the information relates to the office of Assistant Registrar, Cooperative Department, Abohar, they have transferred the RTI application to them under section 6(3) vide letter dated 12.03.2019 with a copy to the appellant.

The PIO, O/o Assistant Registrar, Cooperative Department, Abohar is impleaded in the case and directed to look at the RTI application as transferred by the Tehsildar Abohar on 12.03.2019 and provide the information to the appellant. The PIO- Assistant Registrar, Cooperative Department, Abohar is also directed to be present on the next date of hearing alongwith the reasons for not attending to the RTI application within the prescribed time as per the RTI Act.

To come up for further hearing on **29.04.2020 at 11.00 AM.**

Chandigarh
Dated 24.02.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :PIO-Assistant Registrar,
Cooperative Department,
C/o District Central Cooperative Bank,
Abohar.



Sh Rajeshwar Sharma.
Kothi No-584, Phase-4,
Mohali.

... Appellant

Versus

Public Information Officer,
O/o GMADA,
Mohali.

First Appellate Authority,
O/o GMADA,
Mohali.

...Respondent

Appeal Case No. 3040 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 15.05.2019 has sought information regarding action taken on his request No.9880 dated 18.03.2019 and other information concerning the office of GMADA Mohali. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 20.06.2019 which took no decision on the appeal.

The case was last heard on 18.12.2019. The respondent present pleaded that the information has been provided to the complainant. The appellant was not satisfied and pleaded that he has sought action taken report on his application.

The PIO was directed to relook at the RTI application and provide any document that is available on the action taken on the request of appellant.

Hearing dated 24.02.2020:

Both the parties are absent. The earlier order stands. The case is adjourned.

To come up for further hearing on **29.04.2020 at 11.00 AM**

Chandigarh
Dated 24.02.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. H.S Hundal,
1, Dutt Road, Moga.

... Appellant

Versus

Public Information Officer,
O/o SDM,
Moga.

First Appellate Authority,
O/o Additional Deputy Commissioner,
Moga.

...Respondent

Appeal Case No. 3615 of 2018

PRESENT: None for the Appellant
None for the Respondent
Sh.Gurmukh Singh, 3rd party

ORDER: This case should be considered in continuation to the earlier order.

The case was first heard by Sh.A.S.Chanduraian, State Information Commissioner on 29.01.2019. The respondent Sh.Prince Kumar, RTI clerk appeared and submitted a reply dated 28.01.2019 signed by PIO-SDM Moga stating that the information on point-1 has been provided to the appellant vide letter dated 15.05.2018 and for remaining information, the RTI has been transferred to the concerned departments u/s 6(3) of the RTI Act. The concerned PIO was directed to provided the information and if the information is not available in their record, to file a written reply.

The case was again heard by Sh.A.S.Chanduraian, State Information Commissioner on 26.02.2019. Sh.Manveer Singh Bath, advocate appeared on behalf of the respondent who informed that the information on point-1 has been provided to the appellant and for remaining information, RTI application was transferred to the concerned department i.e. PWD(B&R) and Tehsildar Moga vide letter dated 17.04.2018. The concerned PIO's were directed to file reply in writing.

The case was again heard by Sh.A.S.Chanduraian, State Information Commissioner on 20.03.2019. The respondent Sh.Manveer Singh Bath, advocate brought the reply. The appellant was absent. The respondent was directed to send the information to the appellant through registered post. The appellant was granted an opportunity to express his grievances in writing to the respondent PIO and the PIO concerned was directed to remove the same.

On the next date of hearing which was fixed on 30.07.2019, the respondent present from the office of SDM Moga pleaded that the information regarding point-1 relates to them and they have already sent reply to the appellant that the information is 3rd party information, it cannot be provided. The information regarding points-2 & 8 relates to Tehsildar Moga and remaining information relates to PWD(B&R) Moga. The respondent further pleaded that the information has also been provided to the appellant by the PIO-PWD and PIO-Tehsildar concerning them.

Having gone through the record, and hearing both the parties, the following was concluded:

Point-1, 5, 6 & 7 - The information pertains to 3rd party. The concerned 3rd parties are impleaded in the case and directed to appear before the commission and plead why their information be not provided.

Appeal Case No. 3615 of 2018

- Point-2 & 8 - Relates to Tehsildar Moga. The Tehsildar Moga is directed to provide the information as per RTI application
- Point-3 - PIO-SDM Moga to procure from PIO-PWD and send to the appellant.

The appellant was also directed to file written submission to establish in writing that the disclosure of information has a larger public interest as he has made allegation of corruption while disbursing money.

The case was last heard on **19.12.2019**. The respondent present from the office of SDM-Moga informed that the information regarding point-3 has been sent to the appellant vide letter dated 06.11.2019 and a copy of the same is submitted to the Commission. The PIO-Tehsildar, Moga and both the 3rd parties were absent. The appellant was absent and vide email had submitted his written submission which was taken on the file of the Commission.

The PIO-Tehsildar, Moga was given one last opportunity to comply with the earlier order of the Commission and provide the information on Points-2 & 8. The PIO was also directed to be present on the next date of hearing. Both the 3rd parties were also given one last opportunity to appear before the Commission and plead their case otherwise it will be presumed that they have nothing to say in the matter and the case will be decided on merits.

Hearing dated 24.02.2020:

The appellant is absent and vide email has informed that he has not received the information regarding point-3 from the office of SDM Moga as recorded in the last order. The appellant further informed that he has not received information on other points also. A copy of the information regarding point-3 submitted by the respondent at the hearing on 19.12.2019 is being attached with the order for the appellant.

The PIO-SDM Moga is absent. The PIO-Tehsildar Moga is also absent and vide email has sought adjournment on the plea that they have been deputed by the SDM to attend Mahatma Gandhi Sarbat Vikas Yojna camp to be organized on 24.02.2020 at Ghal Kalan.

Sh.Gurmukh Singh, the 3rd party is present and pleaded that his file relating to his assessment be not provided.

The earlier order regarding points 2 & 8 stands. The case is adjourned.

To come up for further hearing on **29.04.2020 at 11.00AM.**

Chandigarh
Dated:24.02.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

- CC to : 1. PIO-Tehsildar Moga**
- 2. PIO-PWD(B&R) Moga**
- 3. Sh.Gurmukh Singh s/o Sh.Nahar Singh**
Village Landeke (Moga)
- 4. Sh.Amarjit Singh s/o Sh.Jiwan Singh**
Village Landeka (Moga)



Sh Anil Kumar Singh,
Office Bus Stand Rahon,
Tehsil & Distt SBS Nagar.

... Appellant

Versus

Public Information Officer,
O/o PSPCL,
SBS Nagar.

First Appellate Authority,
O/o PSPCL, Nawanshehar,
SBS Nagar.

...Respondent

Appeal Case No. 3868 of 2019

**PRESENT: Sh.Anil Kumar Singh as the Appellant
Sh.Vinaydeep Singh, Sr.Xen PSPCL Nawanshar for the Respondent**

ORDER:

The case was last heard on 27.01.2020. The respondent present pleaded that information is not available since the record is very old and has been destroyed by the termites. The PIO was directed to conduct an enquiry into the matter and submit a complete enquiry report.

The respondent further informed that the information sought by the appellant is also 3rd party information. The appellant was absent. The case was adjourned.

The appellant appeared late and informed that he is asking action of the public authority on the electric meters installed in the building relating to the public authority. The appellant was directed to point out the electric connection khata numbers belonging to the public authority. The PIO was directed to provide the document that belongs to the electric connection relating to the public authority. The information about private connection to be disclosed or not was to be adjudicated at the next date of hearing subject to the applicant establishing a larger public interest.

Hearing dated 24.02.2020:

The respondent present pleaded that the available information has been provided to the appellant and the remaining information cannot be provided since the record is not readable as the same has been destroyed by the termites. The respondent has also submitted an enquiry report in this regard which is taken on the file of the Commission. Having gone through the reply, the Commission finds that the information has been provided to the best possible extent. The PIO is directed to provide a copy of the enquiry report to the appellant.

The Commission however, observes that the management of this record is done very poorly by the department. The Commission has taken a serious note of this and hereby directs the First Appellate Authority – Chief Engineer, PSPCL SBS Nagar to fix responsibility for such poor record keeping of this valuable record.

With the above observation and order, the case is **disposed off and closed.**

**Chandigarh
Dated 24.02.2020**

**Sd/-
(Khushwant Singh)
State Information Commissioner**

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Regd Post

Sh.Naresh Devgan Sharma,
Advocate, Chamber NO-702/2,
District Courts, 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. 3877 of 2019

PRESENT: Sh.Naresh Devgan for the Appellant
Sh.TarsemSingh, ASI for the Respondent

ORDER:

The case was first heard by Sh.S.S.Channay, Chief Information Commissioner on 28.11.2018. The respondent present from the office of Police Station Division No.5 Ludhiana sought some more time to collect the information from police station Division No.5 Ludhiana and from the office of Commissioner of Police Ludhiana which was granted and the case was adjourned. On the next date of hearing on 15.01.2019, the appellant informed that the information provided is incomplete. The respondent was directed to allow the appellant to inspect the record and identify the specific documents required by him and supply the same to the appellant. On the next date of hearing on 12.02.2019, the appellant informed that after inspecting the record, he received information pertaining to his 5 complaints out of 8 complaints sent to the Commissioner of Police Ludhiana. The respondents were directed to provide the information on remaining three complaints.

On the next date of hearing on 26.03.2019, the appellant was absent. The respondent submitted a letter dated 13.03.2019 from incharge, Police Post Kochar Market, Police Station Division No.5 Ludhiana stating that the remaining information has been provided to the appellant. The appellant was given last opportunity to send his observations, if any, to the PIO with a copy to the Commission.

The case was heard by this bench on 22.08.2019. The appellant was absent and vide email informed that the PIO has not provided the complete information. Having gone through the RTI application I found that the appellant in his RTI application has not mentioned that what does he need specifically, and that the application is vague. The appellant was asked to specify the information so that the information can be provided to the best possible extent.

The case was again heard on **28.11.2019**. The appellant was present and had specified the information. The PIO was given one last opportunity to look at the RTI application and provide complete information before the next date of hearing otherwise the Commission would be constrained to issue show cause notice under section 20 of the RTI Act. The PIO was also directed to be present on the next date of hearing.

Appeal Case No. 3877 of 2019

The case was last heard on **19.12.2019**. The respondent pleaded that the appellant was asked to visit the concerned police station and get the information but the appellant has not come forward. The appellant informed that he has already submitted his observations to the PIO through email dated 15.11.2018 with a copy to the Commission and despite many visits, the PIO has not provided the complete information.

The Commission observed that there has been an enormous delay in providing the information and the PIO was dilly dallying the information, the PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on** an affidavit. The PIO was again directed to provide complete information to the appellant within 15 days.

Hearing dated 24.02.2020:

The respondent present has submitted his reply which is taken on the file of the Commission. The respondent informed that the information has been provided to the appellant. The appellant is not satisfied and stated that the information provided is not relevant as he has asked for action taken on his applications sent to the PIO through email.

Hearing both the parties, the Commission observes that the respondent needs more clarification from the appellant. The respondent is directed to visit the chamber of the appellant in District Court, Ludhiana on 25.02.2020 at 01.00 PM and get the clarification on the information sought by the appellant. The PIO is also directed to provide complete information as per the RTI application.

The Commission further observes that the respondent has not brought reply to the show cause notice. The PIO is given one last opportunity to submit reply to the show cause notice for the delay in providing the information.

To come up for further hearing on **29.04. 2020 at 11.00 AM.**

Chandigarh
Dated: 24.02.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

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Regd Post

Sh. Naresh Devgan Sharma,
Advocate, Chamber NO-702/2,
Distt Courts, 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. 3878 of 2019

PRESENT: Sh.Naresh Devgan as the Appellant
Sh.Tarsem Singh ASI for the Respondent

ORDER:

The case was first heard by Sh.S.S.Channay, Chief Information Commissioner on 28.11.2018. The respondent present from the office of Police Station Division No.5 Ludhiana sought some more time to collect the information from concerned police stations which was granted and the case was adjourned. On the next date of hearing on 15.01.2019, the appellant informed that the information provided is incomplete. The respondent was directed to allow the appellant to inspect the record and identify the specific documents required by him and supply the same to the appellant. On the next date of hearing on 12.02.2019, the appellant informed that after inspecting the record, he received information pertaining to his 3 complaints out of 12 complaints sent to the Commissioner of Police Ludhiana. The respondents were directed to provide the information on remaining nine complaints.

On the next date of hearing on 26.03.2019, the appellant was absent. The respondent submitted a letter dated 13.03.2019 from incharge, Police Post Kochar Market, Police Station Division No.5 Ludhiana stating that the remaining information has been provided to the appellant. The appellant was given last opportunity to send his observations, if any, to the PIO with a copy to the Commission.

The case was heard by this bench on 22.08.2019. The appellant was absent and vide email informed that the PIO has not provided the complete information. Having gone through the RTI application I found that the appellant in his RTI application has not mentioned that what does he need specifically, and that the application is vague. The appellant was asked to specify the information so that the information can be provided to the best possible extent.

The case was again heard on **28.11.2019**. The appellant was present and had specified the information. The PIO was given one last opportunity to look at the RTI application and provide complete information before the next date of hearing. The PIO was also directed to be present on the next date of hearing.

Appeal Case No. 3878 of 2019

The case was last heard on **19.12.2019**. The respondent pleaded that the appellant was asked to visit the concerned police station and get the information but the appellant has not come forward. The appellant informed that he has already submitted his observations to the PIO through email dated 15.11.2018 with a copy to the Commission and despite many visits, the PIO has not provided the complete information.

The Commission observed that there has been an enormous delay in providing the information and the PIO is dilly dallying the information, the PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to** file reply on an affidavit. The PIO was again directed to provide complete information to the appellant within 15 days.

Hearing dated 24.02.2020:

The respondent present has submitted his reply which is taken on the file of the Commission. The respondent informed that the information has been provided to the appellant. The appellant is not satisfied and stated that the information provided is not relevant as he has asked for action taken on his applications sent to the PIO through email.

Hearing both the parties, the Commission observes that the respondent needs more clarification from the appellant. The respondent is directed to visit the chamber of the appellant in District Court, Ludhiana on 25.02.2020 at 01.00 PM and get the clarification on the information sought by the appellant. The PIO is also directed to provide complete information as per the RTI application.

The Commission further observes that the respondent has not brought reply to the show cause notice. The PIO is given one last opportunity to submit reply to the show cause notice for the delay in providing the information.

To come up for further hearing on **29.04. 2020 at 11.00 AM.**

Chandigarh
Dated: 24.02.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Smt. RenuBala, W/o Sh. Davinder Kumar,
H No-7, ChottaChowk, 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
Sh.Shiv Kumar, Junior Assistant O/o DEO(SE) Sangrur for the Respondent

ORDER: The order should be read in continuation to the earlier order. Facts of the case –

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.

The Commission also observed that the since the school was an aided school and fell 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.ImranFarooqi 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.

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 again 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.

The case was last heard on **23.10.2019**. The respondent was 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) was also absent without intimation to the Commission. The Commission issued a **show cause notice** to the PIO-DEO(SE) Sangrur **under section 20 of the RTI Act and** directed to be present personally on the next date of hearing alongwith relevant record and reply to the show cause on an affidavit.

Hearing dated 04.12.2019:

At the hearing of today, the police have not executed the bailable warrant against Krishan Kumar Jain, President of the management committee of SA Jain High School, Sangrur. He, however, is represented by his counsel Sh. Imran Ahmad who has filed a reply to the commission, which has been taken on the file.

Case is adjourned after the counsel assured that the Management Committee will provide the attendance register duly certified by Varinder Singh, who is the official designated by the DEO Office, Sangrur to look after the affairs of the school.

The appellant has expressed satisfaction to this response.

All parties, including PIO-DEO(SE) Sangrur to be present

To come up for further hearing on **12.03.2020 at 11.00 AM.**

Chandigarh
Dated: 24.02.2020.

(Khushwant Singh)
State Information Commissioner

CC to :1. Sh.Krishan Kumar Jain,
President, S.A. Jain High School, Malerkotla

2. PIO- DEO(SE) Sangrur

3. Senior Superintendent of Police, Sangrur