**PUNJAB STATE INFORMATION COMMISSION**

 **RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGRH**

 **Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

 **Email:psic22@punjabmail.gov.in**

Sh. Sandeep Khattri,

R/o # 130/B6, Gulmohar City, Dera Bassi

Distt. S.A.S.Nagar Appellant

Versus

Public Information Officer,

O/o Municipal Council,

Zirakpur, Distt. S.A.S. Nagar

First Appellate Authority

O/o Deputy Director,

Local Govt. Mini Sectt.,

Patiala. Respondents

 **APPEAL CASE NOs.2,3,4,5,42,43 and 44 of 2018**

Date of RTI application : 24.08.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 19.12.2017

**Present:** Sh. Sandeep Khattri, Appellant in person.

1. Sh. Sukhwinder Singh, S. D. O. ;
2. Sh. Victor Sandhu, Junior Engineer - for respondents.

**ORDER**

We had made the following order on 03.04.2018:

 *“The appellant had sought the information concerning the site plan of Hotel Ramada situated on Zirakpur – Chandigarh road along with the concomitant documents relating to its approval given by the Local Bodies Department.*

 *The respondents cite a ‘third party’ information to deny him the same. The appellant expresses his apprehensions about the encroachments of a public land besides diversion in execution of the works from the approved building plan. The Commission is of the view that it is*

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 **APPEAL CASE NOs.2,3,4,5,42,43 and 44 of 2018**

 *incorrect to invoke the provisions under Section 11 of the Act in the instant case as the property is being used for commercial purposes and its alleged deviation from the approved building bye-laws is*

*a matter of public interest as well. Overruling the plea taken by the respondents the Commission*

*directs the respondents to allow him the inspection of the relevant record. For doing so the respondents shall specifically send him a written memo fixing the date and time for the inspection of the record and provide him the certified copies of the documents thus identified by him free of cost but not beyond fifty pages.”*

 *“The respondents have failed to comply with the order as much as in conveying the specific date and time to the appellant for inspection of the record. The Commission takes a serious note of it. A final opportunity is afforded to them to do the needful in letter and spirit without further loss of time. It need not be underlined that the respondents have already defaulted in timely providing the information and have rendered themselves liable for penal consequences.”*

 The case has again come up today. Despite the serious observations as made up above, no tangible action has been taken by the respondents. The PIO seems a hard nut to crack and renders himself liable for penal consequences. He is hereby 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 himfor 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 and why his appointing authority should not be directed to take disciplinary action against him.

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***APPEAL CASE NOs. 2, 3, 4, 5,42, 43 and 44 of 2018***

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 **03.07.2018 at 11.30 AM.**

 **Sd/- (Yashvir Mahajan)**

 **24.05.2018 State Information Commissioner**

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Sh. Sandeep Khattri

R/o # 130/B6, Gulmohar City, Dera Bassi

Distt. S.A.S.Nagar Appellant

Versus

Public Information Officer,

O/o Municipal Council,

Dera Bassi, Distt. S.A.S. Nagar

First Appellate Authority

O/o Deputy Director,

Local Govt. Mini Sectt.,

Patiala. Respondents

 **APPEAL CASE NO.45/2018**

Date of RTI application : 09.08.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 22.09.2017

**Present:** Sh. Sandeep Khatri, Appellant in person.

1. Sh. Sukhwinder Singh, S. D. O. ;
2. Sh. Victor Sandhu, Junior Engineer ;
3. Sh. Sarabjit Singh, Building Inspector, for respondents.

**ORDER**

 The appellant acknowledges having received the information and no longer is willing to pursue this appeal.

 **Disposed.**

 **Sd/-**

 **(Yashvir Mahajan)**

 **24.05.2018 State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Inderjeet Singh, Advocate

R/o Sunder Nagar, St.No.3,1st Crossing

Hanumangarh Road, Abohar.

Distt. Fazilka. Appellant

Versus

Public Information Officer,

O/o Special Secretary to Govt of Punjab,

Department of Home Affairs & Justice,

Punjab Civil Sectt.-II, Sector-9,

Chandigarh

First Appellate Authority

O/o Secretary to Govt. of Punjab

Department of Home Affairs & Justice,

Punjab Civil Sectt.-II, Sector-9,

Chandigarh Respondents

 **APPEAL CASE NO. 2559/2017**

Date of RTI application : 03.07.2017

Date of First Appeal : 03.08.2027

Date of Order of FAA : 06.09.2017

Date of 2nd Appeal/complaint :11.09.2017

**Present:** Adv. Inderjeet Singh, Appellant in person.

 Sh. P. S. Bajwa, Additional Advocate General, Punjab – for Respondents.

**ORDER**

The following order was passed by this forum on 19.04.2018:

 *“Having been aggrieved with non-receipt of information with reference to his application dated 03.07.2017 filed under Section 6(1) of the Act and non-favourable decision from the First Appellate Authority, the appellant has filed the second appeal with the Commission.*

 *The information primarily has been denied by invoking Section 8(1) (e) of the Act. The legal provision in the opinion of this forum has been incorrectly invoked. They simultaneously allude it to concern the third party. In the scenario the Respondents should have followed the procedure laid down under Section 11 of the Act. The response of the respondents thus is not in consonance with the law. The respondents are directed to take recourse to the procedure laid down Contd…page…2*

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***APPEAL CASE NO.2559/2017***

*under Section 11 in seeking the opinion of the persons to whom the information belong and thereafter take appropriate decision on merit and convey it to the appellant within three weeks from today positively.”*

 *“The case has come up today. It transpires that the directions passed in the aforesaid order to follow the procedure prescribed under Section 11 of the Act stand already complied with. It is the opinion of the respondents that the above order of the Commission is in the nature of remanding it to the PIO and that being the fait-accompli he should file a first appeal with the First Appellate Authority. It is learnt that the information has been denied to him in the order passed by the First Appellate Authority as well. As a sequel to the aforesaid proceedings, the respondents have informed the appellant of the stance in writing vide a memo dated 17.08.2017 a copy of which has been provided to the Commission also which has been taken on record. The appellant may like to respond to it in writing in case he desires so under endorsement to the Commission.”*

The case has come up again today. Sh. P. S. Bajwa, Additional Advocate General, Punjab, submits that another appeal on the same subject is under consideration of the Commission and is fixed for hearing on 03.07.2018. He also states that it shall be in the fitness of things to club the cases and decide the matter by a single order. The appellant agrees with the proposition.
Sh. Bajwa adds that as the information relates to a third party as per dictate of Section 19(4) of the RTI Act an opportunity of being heard is desirable to be afforded to them. The appellant may react to the contention on this score.

 The respondents have also brought along a detailed reply which has been taken on record and a copy of the same has been handed over to the appellant. The appellant may like to go

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***APPEAL CASE NO.2559/2017***

through and put forward his viewpoint with reference to the submissions made therein before the next date of hearing. An advance copy be also sent to the respondents so that the issue can be discussed and clinched at the earliest.

 To come up for arguments **on 03.07.2018 at 11.30 AM.**

 **Sd/-**

 **(Yashvir Mahajan)**

 **24.05.2018 State Information Commissioner**

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Sh. Nirmaljit Singh,

S/o Late Sh.Joginder Singh,

MIG 485, Urban Estate Phase-1,

Patiala Appellant

Versus

Public Information Officer,

O/o Secretary,

Shiromani Gurdwara Parbhandhik Committee,

Amritsar

First Appellate Authority

O/o Shiromani Gurdwara Parbhandhik Committee,

Amritsar. Respondents

 **APPEAL CASE NO.3477/2017**

Date of RTI application : 27.02.2017/10.04.2017

Date of First Appeal : 13.07.2017

Date of Order of FAA : Reply 03.04.2017

Date of 2nd Appeal/complaint : 16.11.2017

**Present:** Sh. Nirmaljit Singh, Appellant in person.

 Sh. Simarjit Singh, G.P.A.-cum-PIO – for respondents.

**ORDER**

 The following order was passed by this forum on 09.05.2018.

*“ The appellant had sought a copy of an action taken report/order issued by the respondents on a complaint made by him about an alleged fake registration of marriage.*

*Sh. Kuldip Singh, Assistant Supervisor appearing on behalf of the*

*respondents submits that his complaint has been duly attended to and the concerned Granthi who has been found guilty of the delinquency, has been removed from his office. The appellant insists that the respondents should revoke the certificate issued by him and order to annul the marriage. The respondents are afraid that they are vested with such powers. However, they are inclined to part with the information available with them on the issue. They are directed to supply the appellant the certified copies of the available documentation under intimation to the Commission.”*

*Contd….page…2*

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***APPEAL CASE NO. 3477 of 2017***

The case has come up today. Sh. Simarjit Singh appearing on behalf of the respondents has brought along some documents, which reflect celebration of the marriage under issue. The same has been handed over to the appellant on spot. However, he is not satisfied. He is seeking a copy of the enquiry having been conducted by SGPC along with statements of the witnesses and other connected documents.

 The respondent agrees to send it by post. They should do it quickly and ensure that all the documents on the case file which are admissible under the RTI Act are provided.

 To come up on **21.06.2018 at 11.30 AM at Chandigarh.**

  **Sd/-**

  **(Yashvir Mahajan)**

**24.05.2018 State Information Commissioner**

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Sh. Suresh Ram,

S/o Sh. Afsar,

Vil. Sasa Gujran, P.O Bibipur,

Dist. Patiala. Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

Mini Sectt. Block B, Patiala.

First Appellate Authority,

O/o Director General of Police, Punjab,

Punjab Police Headquarters, Sector-9,

Chandigarh. Respondents

**Appeal Case No.1116/2018**

Date of RTI application: 27.11.2017

Date of First Appeal : 04.01.2018

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 27.03.2018

**Present:** Sh. Suresh Ram, Appellant in person.

 Sh. Hakam Singh, Head Constable (RTI Branch) – for respondents.

**ORDER**

Heard.

 It is a case of internal bickering between a teacher and staff of school. The appellant is seeking a copy of the complaint filed by him against an alleged threat issued to him by another colleague and consequent DDR/FIR lodged by the respondents. Strangely, he is seeking a copy of complaint made by him only, a copy of which should be in his possession. The information obviously cannot be in exclusive custody of public authority.

 The respondent denies the possession of a DDR or an FIR which seemingly was never registered. We take that it is a grievance of an official, which should be taken up with the higher authorities in the department only. RTI Act is not a forum to settle personal scores rather is an instrument to curb corruption and promote transparency. He should approach the competent authority in the Department only to seek redressal.

**Disposed.**

  **Sd/-**

 **(Yashvir Mahajan)**

 **24.05.2018 State Information Commissioner**

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Sh. Mukesh K. Sharma, Advocate,

#258, MDC, Sector 4, Panchkula. Appellant

Versus

Public Information Officer,

O/o Police Station, Zirakpur,

Distt. S.A.S Nagar.

First Appellate Authority,

O/o Police Station, Zirakpur,

Distt. S.A.S Nagar Respondents

**Appeal Case No.1148/2018**

Date of RTI application: 02.01.2018

Date of First Appeal : 07.02.2018

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 02.04.2018

**Present:** Sh. Mukesh K. Sharma, Appellant in person.

None for the respondents.

**ORDER**

 None is present on behalf of the respondent.

 The Commission takes serious note on this.

 The Public Information Officer is directed to file a written statement to the notice issued by the Commission. Be it noted that the indifference shall warrant serious consequences.

 To come up on **03.07.2018 at 11.30 A.M.**

 **Sd/-**

 **(Yashvir Mahajan)**

 **24.05.2018 State Information Commissioner**