

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector-16, Chandigarh.
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Ms. Dimple, D/o Lt Sh Mahadev,
948/3, Khalsa Mohalla,
Patiala

... Appellant

Versus

Public Information Officer,
O/o Civil Surgeon,
Patiala.

First Appellate Authority,
O/o Civil Surgeon,
Patiala.

...Respondent

Appeal Case No. 37 of 2019

PRESENT: None for the Appellant
Sh.Harish Kumar, Sr. Assistant, O/o Civil Surgeon, Patiala for the
Respondent

ORDER:

The appellant through RTI application dated 21.02.2018 has sought information regarding action taken report on the complaint of Smt.Asha Rani w/o late Sh. Mahadev against Dr.Anupa Rajindra Hospital Patiala and other information concerning the office of Civil Surgeon, Patiala. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 31.05.2018, which took no decision on the appeal.

The respondent present pleaded that since the inquiry was pending, the information could not be provided to the appellant. The respondent further informed that after receipt of the enquiry report from the enquiry officer, the same was sent to the appellant vide letter dated 05.02.2019 which however, received back undelivered from the postal authorities with the remarks that the addressee is not available at the given address. They have again sent the enquiry report to the appellant on 19.06.2019 and a copy of the same is submitted to the Commission.

The appellant is absent. A copy of the information is being enclosed with the order for the appellant.

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

Chandigarh
Dated 24.06.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Ms Anju Rani Prashar,
R/o Ward NO-2, Near Nagar Khara Dharamshala,
Kurali, Mohali.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Mohali.

First Appellate Authority,
O/o SSP,
Mohali.

...Respondent

Appeal Case No. 79 of 2019

PRESENT: Mrs.Anju Rani as the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 10.07.2018 has sought information 10 points regarding Punjab Police emergency call phone number, women helpline number and other information concerning the office of SSP Mohali. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 30.10.2019, which took no decision on the appeal.

The appellant claims that the PIO has not provided the information. The respondent is absent. I have gone through the RTI application and find that the information regarding points 1 to 6 is not covered under the ambit of the information as per the RTI Act. The PIO is directed to look at points 7 to 10 and provide the information to the appellant as per the RTI Act within 15 days. The PIO is also directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act. And be present on the next date of hearing.

Both the parties to be present on **26.08.2019 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated 24.06.2019

(Khushwant Singh)
State Information Commissioner



Sh Kuldeep Singh, S/o Sh Hari Singh,
Heera Bagh ,Street No-12,
Jagraon, Dist Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Director, Health & Family Welfare Deptt,
Parivar Kalyan Bhawanm, Sector-34-A,Chandigarh.

First Appellate Authority,
O/oPrincipal Secretary,
Health & Family Welfare Deptt,
Parivar Kalyan Bhawanm, Sector-34-A,Chandigarh.

...Respondent

Appeal Case No. 104 of 2019

PRESENT: None for the Appellant
Sh.Jagtar Singh, Sr. Assistant O/o Director Health & Family Welfare for the Respondent

ORDER:

The appellant through RTI application dated 13.09.2018 has sought information regarding facility being provided to the kidney patient under SC category and other information concerning the office of Director, Health & Family Welfare, Punjab Chandigarh. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 22.10.2018, which took no decision on the appeal.

The case was last heard by Prof. Viney Kapoor Mehra, State Information Commissioner on 21.02.2019. It was observed that the PIO mishandled the RTI application and required information was not supplied within the time prescribed under the RTI Act, The PIO was issued a show cause notice and directed to file reply on an affidavit. The First Appellate Authority was also directed to appear and file written submission regarding the RTI application.

The respondent present has submitted an affidavit of the PIO stating that they received the RTI application on 13.09.2018 and since the information relates to the office of Civil Surgeon Ludhiana, the RTI application was transferred to Civil Surgeon, Ludhiana on 26.09.2018. The appellant has already been provided the information by the Civil Surgeon Ludhiana vide their letter dated 11.02.2019 and a copy submitted to the Commission.

I have gone through the reply of the PIO and find that the PIO has not provided the complete information since the RTI pertains to the facility provided to the SC category whereas the respondent has informed that the facility for dialysis is available but has chosen to ignore the RTI query.

However, the Commission observes that in the affidavit which has been filed to the Commission, the PIO has clearly mentioned that there is no facility available for SC category and has answered the RTI query of the appellant.

The Commission further observes that there is an enormous delay in providing the information by the PIO, Civil Surgeon, Ludhiana. The PIO, Civil Surgeon, Ludhiana is hereby issued a **show cause under section 20 of the RTI Act** as to why penalty should not be imposed upon the PIO for not providing the information within the time prescribed under the RTI Act. The PIO Civil Surgeon Ludhiana is directed to file reply on an affidavit and be present on the next date of hearing.

To come up for further hearing on **26.08.2019 at 11.00 AM.**

Chandigarh
Dated 24.06.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-Civil Surgeon, Ludhiana

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Sh Parkash Chand Beri,
Kothi No-314. Phase-1,
Mohali.

... Appellant

Versus

Public Information Officer,
O/o Director, Health & Family Welfare Deptt, Punjab,
Parivar Kalyan Bhawanm, Sector-34-A, Chandigarh.

First Appellate Authority,
O/o Director, Health & Family Welfare Deptt, Punjab,
Parivar Kalyan Bhawanm, Sector-34-A, Chandigarh.

...Respondent

Appeal Case No. 221 of 2019

PRESENT: Sh.Parkash Chand as the Appellant
Smt.Ajmer Kaur, Suptd.-cum-PIO O/o Director Health & Family Welfare for
the Respondent

ORDER:

The appellant through RTI application dated 02.07.2018 has sought information regarding fixation of pension of pre 01.01.2006 retirees and other information concerning the office of Director Health & Family Welfare, Punjab, Chandigarh. The appellant was not satisfied with the information provided by the PIO vide letter dated 20.07.2018 after which the appellant filed a first appeal before the First Appellate Authority on 08.07.2018, which took no decision on the appeal.

The case was last heard by Prof. Viney Kapoor Mehra, State Information Commissioner on 26.02.2019. Smt.Ajmer Kaur, Superintendent and Sh.Jagtar Singh Sr.Assistant on behalf of the respondent were present. The appellant informed that the PIO has not provided the correct information. The respondent pleaded that the appellant has already inspected the record and complete information has been provided to the appellant. The PIO was directed to file an affidavit that the information as per office record stands supplied and nothing is pending.

The respondent is present and has submitted an affidavit as per order of the Commission. I have seen the reply of the PIO and find that the information has been provided to the best possible extent and no further course of action is required. A copy of the affidavit is being enclosed with the order for the appellant.

The case is **disposed off and closed.**

Sd/-

Chandigarh
Dated 24.06.2019

(Khushwant Singh)
State Information Commissioner

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Sh Joginder Sharma, S/o Basant Ram Sharma,
H No-B-13/688, Aman Nagar, P.O Neraji Nagarm, Salem Tabri,
Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o DEO, (EE),
Ludhiana.

First Appellate Authority,
O/o DPI (EE),
Mohali.

... Respondent

Appeal Case No. 502 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 24.10.2018 has sought information on 7 points regarding ex-India leave availed by the teachers from 01.05.2017 to 01.09.2018 and sanctioned granted and other information concerning the office of DEO(LC) Ludhiana. The appellant was not satisfied with the reply of the PIO vide letter dated 27.11.2018 after which the appellant filed a first appeal before the First Appellate Authority on 30.11.2018, which took no decision on the appeal.

Since both the parties are absent, in the interest of justice, one more opportunity is granted and the case is adjourned.

To come up for further hearing on **02.09.2019 at 11.00 AM.**

Sd/-

Chandigarh
Dated 24.06.2019

(Khushwant Singh)
State Information Commissioner



Sh Jaswant Rai,
H No-1062/7A1,
Dhadari Kalan, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Deptt of Information Technology,
Chandigarh.

First Appellate Authority,
O/o Deptt of Information Technology,
Chandigarh.

...Respondent

Appeal Case No. 559 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 17.10.2018 has sought information regarding technical posts created in the office of PPSC in the year 2010 and other information concerning the office of Department of Information Technology, Chandigarh. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 22.11.2018, which took no decision on the appeal.

Both the parties are absent. I have seen the RTI application and find that the PIO has applied to the office of Department of Information Technology, Chandigarh which does not come under Punjab State Information Commission. There seems to be some confusion that from which department, the appellant is seeking information.

The appellant is not here to clarify. The case is **disposed off and closed.**

Sd/-

Chandigarh
Dated 24.06.2019

(Khushwant Singh)
State Information Commissioner

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Sh Pawan Kumar, S/o Sh Shiv Lal,
Village Rupana, Tehsil & Distt Sri Mukatsar Sahib.
Versus

... Appellant

Public Information Officer,
O/o XEN,
Provincial Division NO-1,
B&R, Patiala

First Appellate Authority,
O/o Superintendent Engineer,
Construction Division B&R,
Circle No-1, Patiala.

...Respondent

Appeal Case No. 534 of 2019

PRESENT: Sh.Pawan Kumar as the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 31.10.2018 has sought information regarding copies of quotations, work order book register from 01.04.2017 to 30.10.2018 alongwith fuel expenses of Govt vehicles and other information concerning the office of Xen, Provincial Division No.1, B&R Patiala. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 06.12.2018, which disposed off the appeal on 13.12.2018 with the directions to the PIO to provide the information.

The appellant claims that the PIO has not provided the information. The appellant further informed that since the PIO raised fee of Rs.912/- vide letter dated 13.12.2018 which was not received by him and the PIO was requested to provide the receipt of dispatch of letter.

The respondent is absent. I have seen the RTI application and find that the information is voluminous. The appellant is now interested in the information regarding points 2 & 3. Since there has been delay in raising the fee, the PIO is directed to provide the information regarding points 2 & 3 to the appellant free of cost, within 15 days and send a compliance report to the Commission.

With the above order, the case is **disposed off and closed**. The Commission makes it clear that if the appellant is not satisfied with the information, he is free to come to Commission again.

Sd/-

Chandigarh
Dated 24.06.2019

(Khushwant Singh)
State Information Commissioner

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Sh. Mohan Mittal,
H No-815, Ahata Badan Singh,
Moga.

... Appellant

Versus

Public Information Officer,
O/o Commissioner, MC,
Moga.

First Appellate Authority,
O/o Commissioner, MC,
Moga.

...Respondent

Appeal Case No. 580 of 2019

PRESENT: Sh.Mohan Mittal as the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 12.04.2018 has sought information regarding names and designation of officers in Tehibzari Branch Moga and encroachment by shopkeepers from Railway Phatak main bazaar to Ramganj Mandi and other information concerning the office of MC Moga. The appellant was not satisfied with the reply of the PIO vide letters dated 11.05.2018, after which the appellant filed a first appeal before the First Appellate Authority on 14.05.2018, which took no decision on the appeal.

The appellant claims that the PIO has not provided the complete information. The respondent is absent. I have gone through the RTI application and the reply of the PIO and find that the appellant in point no.2 has sought that if any document exists that establishes the status of the encroachment being regularized. The PIO is directed to provide, if any document has been created to assess the encroachment, or any such document that exists which regularizes such encroachment.

To come up for further hearing on **26.08.2019 at 11.00 AM.**

Sd/-

Chandigarh
Dated 24.06.2019

(Khushwant Singh)
State Information Commissioner



Sh.Rajesh Kumar, S/o Sh Om Parkash,
R/o-B-11-619, Kothi Khawaza Azam,
Near Division No-3, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Secretary, RTA,
Ludhiana

First Appellate Authority,
O/o State Transport Commissioner,
Punjab, Chandigarh.

...Respondent

Appeal Case No. 586 of 2019

PRESENT: Sh.Rajesh Kumar as the Appellant
Sh.Rohit Sood Clerk O/o RTA Ludhiana for the Respondent

ORDER:

The appellant through RTI application dated 13.09.2018 has sought information regarding challan issued by the traffic police for the vehicles mentioned in the RTI application and sent to the office of RTA Ludhiana alongwith the penalty amount recovered and other information concerning the office of RTA Ludhiana. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 12.12.2018, which took no decision on the appeal.

The respondent pleaded that the information is not available in their record since the record stands misplaced and they have already filed FIR. The appellant is not satisfied and claims that the traffic police has issued challan for the vehicles for which the information has been sought but the PIO is not providing the information.

Hearing both the parties, I hereby direct the appellant to provide proof of challans for which the information has been sought. The PIO is directed to relook and provide the information on an affidavit.

The case is adjourned. To come up for further hearing on **02.09.2019 at 11.00 AM.**

Sd/-

Chandigarh
Dated 24.06.2019

(Khushwant Singh)
State Information Commissioner



Sh. Mohd. Nazir, S/o Sh Rahim Din,
R/o Village Bhainia, Kamboan,
Tehsil Malerkotla, Distt Sangrur.

... Appellant

Versus

Public Information Officer,
O/o Punjab Wakf Board,
SCO NO-1062-63, Sec-22-B, Chandigarh.

First Appellate Authority,
O/o Punjab Wakf Board,
SCO NO-1062-63, Sec-22-B, Chandigarh.

... Respondent

Appeal Case No. 589 of 2019

PRESENT: Mohd Nazir as the Appellant
Sh. Tayyab Hasan, PIO for the Respondent

ORDER:

The appellant through RTI application dated 20.09.2018 has sought information on 13 points regarding formation of Board of Punjab Waqf Board alongwith specific reference of the provisions of law, members of the Board, appointment of chairman and other information concerning the office of Punjab Waqf Board, Chandigarh. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 20.10.2018, which took no decision on the appeal.

The respondent present pleaded that the information has been provided to the appellant vide letter dated 10.12.2018. The appellant is not satisfied with the information regarding points-c, e, f & k. After hearing both the parties, the following was concluded:

- Point-c PIO to procure the information from the concerned department and provide to the appellant.
- Point-e The respondent informed that the information is available with Haryana Waqf Board. The PIO is directed to procure the copy of order vide which the promotion ban was ordered to be revoked, from the concerned authority and provide to the appellant.
- Point-f The appellant is directed to inspect the record. The PIO is directed to provide the information.
- Point-k PIO to give in writing that no communication was made.

The case is adjourned. To come up for compliance on **02.09.2019 at 11.00 AM.**

Sd/-

Chandigarh
Dated 24.06.2019

(Khushwant Singh)
State Information Commissioner

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Sh.Lalit Mohan, S/o Sh Satpal Gargi,
13813-A, Street NO-7, Ganesh Basti,
Bathinda.

... Appellant

Versus

Public Information Officer,
O/o SDM,
Ropar.

First Appellate Authority,
O/o State Transport Commissioner,
SCO-177-178, Sector-17-C, Chandigarh

...Respondent

Appeal Case No. 629 of 2019

PRESENT: Sh.Lalit Mohan as the Appellant
Mrs. Mohan Kaur, Suptd.-cum-PIO O/o SDM Ropar for the Respondent

ORDER:

The appellant through RTI application dated 27.03.2018 has sought information regarding transfer of Maruti zen HR01L-0527 and other information concerning the office of SDM Ropar. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 14.05.2018, which took no decision on the appeal.

The respondent present pleaded that the information is not available in their record since the record previous to the year 2005-06 stands destroyed. Further they have checked the record online and found that the said vehicle is registered in the name of Prem Sharma d/o Chuni Lal of Ambala. The respondent further informed that after formation of District Mohali, some of the record was transferred to District Mohali and the information might be with RTA Moali.

During the course of hearing, it has come to the notice that the ownership of car No.HR01L-0527 is in some other name whereas the car was transferred in the name of Lalit Mohan on 22.08.2014 at RTA Faridkot. Since there seems to be some discrepancy in this, the RTA Mohali and RTA Faridkot are also impleaded in the case and directed to produce relevant record of this particular case at the next date of hearing.

To come up for further hearing on **02.09.2019 at 11.00 AM.**

Sd/-

Chandigarh
Dated 24.06.2019

(Khushwant Singh)
State Information Commissioner

CC to : 1. PIO-Regional Transport Authority, Fardikot
2. PIO- Regional Transport Authority, Mohali

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Smt Suchi, W/o Sh Surinder Kumar,
B-533, Basti Hazoor, Singh,
Fazilka.

... Appellant

Versus

Public Information Officer,
O/o Civil Surgeon,
Failka.

First Appellate Authority,
O/o Director Deptt of Health and Family Welfare,
Sector-34, Punjab, Chandigarh.

...Respondent

Appeal Case No. 701 of 2019

PRESENT: Ms.Vidushi on behalf of Smt.Suchi, appellant
Dr.Anita Kataria, Dental Surgeon O/o Civil Surgeon Fazilka and Sh.Jagtar Singh, Sr.Asstt. O/o Director Health & Family Welfare, Pb Chandigarh for the Respondent

ORDER:

The appellant through RTI application dated 11.05.2018 has sought information on 6 points which includes information on time frame of medical test of the rape victim and other information pertaining to the Guidelines & Protocols of Medico-Legal Care for Survivors of Sexual Violence concerning the office of Civil Surgeon, Fazilka. The appellant was not satisfied with the reply of the PIO vide letter dated 23.05.2018 after which the appellant filed a first appeal before the First Appellate Authority on 03.09.2018. Thereafter, the PIO sent reply to the appellant vide letter dated 05.10.2018 informing that some of the information is available on the website of the department, and for some part of the information, they have transferred the RTI application to the concerned Medical Officers of the District.

The respondent present pleaded that they received the RTI application and transferred it vide letter dated 16.05.2018 to all concerned medical officers of the District for providing the information. Out of all these medical officers, four medical officers informed that no such information is available with them. Thereafter, the appellant filed first appeal with the first appellate authority which was received by them on 11.09.2018 and the complete information was sent to the appellant vide letter dated 05.10.2018. The respondent further pleaded that a copy of the guidelines has also been provided to the appellant vide letter dated 03.04.2019.

The appellant pleaded that the information which has been provided is contradictory since all the PIOs/Medical Officers of the district have given varied answers.

I have gone through the reply of the various SMOs and find that no SMO is aware of the Guidelines & Protocols of Medico-Legal Care for Survivors of Sexual Violence, which is a serious issue especially given the sensitivity of the issue at hand. In fact the appellant has downloaded the information from the website through her own research and no SMO or the respondent PIO could provide the actual information.

Give the above circumstances, I strongly recommend that the Secretary, Health and Family Welfare to organize a refresher course for all the SMOs to make them fully aware of the medico guidelines to perform their duties with earnestness.

However, since the information has been downloaded by the appellant on her own, no further course of action is required. The case is **disposed off and closed**.

Sd/-

Chandigarh
Dated 24.06.2019

(Khushwant Singh)
State Information Commissioner

CC to :PIO-Secretary, Health & Family Welfare,
Punjab, Chandigarh.