



Sh.Sandeep Kumar Gupta,
H NO-1722, Sector-14,
Hisar.

...Appellant

Versus

Public Information Officer,
O/o Department of Local Govt,
Sector- 35-A, Chandigarh.

First Appellate Authority,
O/o Department of Local Govt,
Sector-35-A, Chandigarh

Respondent

Appeal Case No. 1018 of 2020

PRESENT: None for the Appellant
Sh.Vikas Kumar, Sr. Assistant O/o Municipal Service Cell of Local
Govt.Pb for the Respondent

ORDER:

The appellant through RTI application dated 28.10.2019 has sought information regarding reply received from employees in response to the notices issued vide letter No.S3/DSS-MSS-2018/73244-253 and letter No.S3/DSS-MSS-2018/73255-262 Dated 26.12.2018 and action taken subsequent to receipt of reply and other information concerning the office of Department of Local Govt. Punjab Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 01.12.2019 which took no decision on the appeal. After filing the first appeal, the PIO vide letter dated 27.12.2019 denied the information.

On the date of the first hearing on 06.10.2020, the respondent present pleaded that since the case is pending in the court, the information cannot be provided. The Commission also received an email from the PIO stating that the information is 3rd party and is exempt u/s 8(1)(j) of the RTI Act.

The Commission was not satisfied with the reply of the PIO since the PIO while applying exemption provisions from Section 8 had not given any reasons why this exemption has been sought. The PIO was directed to submit a detailed reply that how the information is 3rd party and why it cannot be provided, and whether the rules as prescribed in Section 11 regarding third-party information were applied before denying the information.

On the date of hearing on 09.12.2020, the respondent did not bring any reply as per the earlier order of the Commission. The appellant was absent. The case was adjourned.

On the date of the last hearing on **10.02.2021**, the respondent submitted a reply which was taken on the file of the Commission. In the reply, the PIO stated that since the matter is pending in the High Court, the information cannot be provided.

The appellant was absent. The case was adjourned.

On the date of the last hearing on **17.05.2021**, the respondent has stated that since the matter is pending in the High Court, the information cannot be provided. The respondent has again submitted a detailed reply which has been taken on the file of the Commission.

The appellant was absent. The case was adjourned.

Hearing dated 24.08.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The respondent is present at Chandigarh and informed that they have already filed a reply during the previous hearing. The respondent has also brought information that has been taken on the file of the Commission.

The appellant is continuously absent on four hearings to pursue his case without any legitimate reasons for the absence. The appellant has also not been represented at any hearing.

Having gone through the RTI application and the reply of the PIO, the Commission finds that the RTI has been suitably replied to. A copy of the information that has been submitted by the respondent, is being sent along with the order to the appellant.

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

Chandigarh
Dated:24.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Sandeep Kumar
Gupta, H NO-1722,
Sector-14,
Hisar.

...Appellant

Versus

Public Information Officer,
O/o Department of Local Govt,
Sector-35-A, Chandigarh.

First Appellate Authority,
O/o Department of Local Govt,
Sector-35-A, Chandigarh.

Respondent

Appeal Case No. 1025 of 2020

PRESENT: None for the Appellant
Sh.Vikas Kumar, Sr. Assistant O/o Municipal Service Cell of Local
Govt.Pb for the Respondent

ORDER:

The appellant through RTI application dated 28.10.2019 has sought information regarding action taken on the directions of the High Court in CWP 1640 of 2008 and Supreme Court in CA No.17902-17905/2017 – names of the persons having diploma/degrees suspended by the directions of the high court and supreme court – the action was taken against the person found to be having diploma/degrees declared suspended by the courts and other information concerning the office of Department of Local Govt. Punjab Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 04.12.2019 which took no decision on the appeal. After filing first appeal, the PIO vide letter dated 27.12.2019 denied the information.

On the date of the first hearing on 06.10.2020, the respondent present pleaded that since the case is pending in the court, the information cannot be provided.

Having gone through the record, the Commission observed that the PIO in his reply dated 27.12.2019 had denied the information stating that the information is 3rd party.

The Commission was not satisfied with the reply of the PIO since the PIO had not applied his mind and has denied the information without giving any reasons. The PIO was directed to relook at the RTI application and provide the information to the appellant as per the RTI application and send a compliance report to the Commission.

On the date of last hearing on 09.12.2020, the respondent present has submitted a copy of reply being sent to the appellant which was taken on the file of the Commission.

The appellant was absent. A copy of the reply was sent to the appellant along with the order. The appellant was directed to point out the discrepancies in writing to the PIO with a copy to the Commission, otherwise, the case will be decided ex-parte.

On the date of last hearing on **10.02.2021**, the respondent submitted a reply which was taken on the file of the Commission. In the reply, the PIO stated that since the matter is pending in the High Court, the information cannot be provided.

The appellant is absent. The case was adjourned.

Appeal Case No. 1025 of 2020

On the date of last hearing on **17.05.2021**, the respondent has stated that since the matter is pending in the High Court, the information cannot be provided. The respondent has again submitted a detailed reply which has been taken on the file of the Commission.

The appellant was absent. The case was adjourned.

Hearing dated 24.08.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The respondent is present at Chandigarh and informed that they have already filed reply during the previous hearing. The respondent has also brought information that has been taken on the file of the Commission.

The appellant is continuously absent on four hearings to pursue his case without any legitimate reasons for the absence, nor has been represented

Having gone through the RTI application and the reply of the PIO, the Commission find that the RTI has been suitably replied to. The appellant has also not appeared on any of the hearings to point out any discrepancies. A copy of the information that has been submitted by the respondent, is being sent alongwith the order to the appellant.

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

Sd/-

Chandigarh
Dated:24.08.2021

(Khushwant Singh)
State Information Commissioner



Smt. Madhu Sharma, W/o Sh.Sawtantar Kumar,
4811/1, Sector-38 (West),
Chandigarh.

... Appellant

Versus

Public Information Officer,
O/o XEN, Water Supply and Sanitation,
Division-3,Mini Secretariat, Ludhiana.

First Appellate Authority,
O/o SE, Water Supply and Sanitation
Circle Ludhiana.

...Respondent

Appeal Case No. 1853 of 2020

PRESENT: None for the Appellant
Sh.Raivarinder Singh,SDO and Sh.Rohit Kumar Xen-cum-PIO, Water Supply & Sanitation Division Nawanshahar(earlier Xen-cum-PIO, Water Supply & Sanitation Division No.3, Ludhiana)for the Respondent

ORDER:

The appellate through RTI application dated 08.11.2019 has sought information regarding the list of enlistment cases received in the division from 01.01.2017 till date along with recommendations – documents received from various contractors – enlistment cases forwarded to SE for approval – all notings which approval for enlistment is granted and other information concerning the office of Water Supply and Sanitation Division No.3, Ludhiana. The appellant was not provided the information after the appellant filed the first appeal before the First Appellate Authority on 29.01.2020 which took no decision on the appeal.

The case last came up for hearing on **08.02.2021** through video conferencing at DAC Bathinda. The respondent present pleaded that the information has been sent to the appellant vide letter dated 25.01.2021.

The appellant was absent nor had communicated any discrepancies. The appellant was given one more opportunity to point out the discrepancy and appear before the Commission to plead her case.

There had been an enormous delay in attending to the RTI application. In reply, the respondent informed that the delay was on the part of earlier PIO as he had since joined as PIO. The respondent was directed to submit a list of PIOs from the date of filing of RTI application till the date of supply of information.

On the date of hearing on **25.05.2021**, as per the respondent, the information had already been provided.

The appellant was absent nor had communicated any discrepancies. It was presumed that the appellant has received the information and is satisfied.

The Commission also received a letter from the Xen, Water Supply & Sanitation Division No.3, Ludhiana on 16.02.2021 as per which Sh. Rohit Kumar, Xen was the PIO from 08.11.2019 to 19.10.2020, who has since been transferred to Nawanshahr.

Since there had been an enormous delay of more than one year and two months in providing the information, Sh.Rohit Kumar, Xen-cum-PIO, Water Supply & Sanitation Division Nawanshahar(earlier Xen-cum-PIO, Water Supply & Sanitation Division No.3, Ludhiana) was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

Hearing dated 24.08.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Mohali. The appellant is absent on 3rd occasion nor has pointed out the discrepancies.

Sh.Rohit Kumar, Xen-cum-PIO, Water Supply & Sanitation Division Nawanshahar(earlier Xen-cum-PIO, Water Supply & Sanitation Division No.3, Ludhiana) is present at Chandigarh and has submitted his reply which has been taken on the file of the Commission.

In the reply, the PIO has mentioned that during his posting as Xen-cum-PIO, Water Supply & Sanitation Division-3, Ludhiana, I was not aware of any RTI application filed by Madhu Sharma since the RTI application as well as First appeal received in the office, were never put up to the PIO by the concerned Superintendent, rather himself marked to the record keeper. Hence the information was not supplied.

Even though the onus to supply the information lies on the PIO, I see no malafide intention on the part of the PIO and drop the show cause.

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

Chandigarh
Dated: 24.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Manjeet Singh,
H No-1435, Street No-6, Block-A,
Guru Nanak Colony, Gill Road,
Ludhiana.

.....Appellant.

Versus

Public Information Officer,
O/o XEN, PSPCL Unit-1,
2443 Sub Division, Janta Nagar
Ludhiana-3.

First Appellate Authority,
O/o XEN, PSPCL, Unit-1-2443,
Sub Division-1, Janta Nagar,
Gill Road, Ludhiana-3.

...Respondent

Appeal Case No. 407 of 2019

PRESENT: None for the Appellant
Sh.Surjit Singh, Addl. SE for the Respondent

ORDER:

This order should be read in continuation to the previous order.

The appellant through RTI application dated 24.08.2018 sought information regarding action taken report on the complaint dated 03.05.2018 for overreading and other information from the office of Xen, PSPCL Unit-1, Ludhiana-3. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 21.09.2018 which took no decision on the appeal.

The case has already been heard on 07.05.2019, 03.07.2019, 13.08.2019, 29.11.2019, 27.01.2020, 03.06.2020, 22.07.2020 & 27.01.2021.

Since the PIO did not supply the information, the PIO was issued a show-cause notice on **29.11.2019 and directed to file a reply on an affidavit.** The PIO was again directed to provide the information to the appellant within 10 days.

On the date of hearing on 27.01.2020, Sh.Jasvir Singh, AEE Commercial Janta Nagar Div(spl) appeared and informed that the information has been provided to the appellant vide letter dated 27.12.2019. The PIO was absent nor had sent any reply to the show cause, rather tried to take the Commission into confidence on the ground that the information has been provided. The PIO was given one last opportunity to file a reply to the show cause on an affidavit.

On the next date of hearing on 03.06.2020, the appellant vide email informed that the PIO has not provided the information. The respondent was absent nor had sent any reply to the show-cause notice. The PIO was given one last opportunity to provide the information to the appellant and appear personally on the next date of hearing along with a reply to the show-cause notice on an affidavit.

On the date of the last hearing on **22.07.2020**, both the parties were absent. The case was adjourned.

On the date of last hearing on **27.01.2021**, Sh.Nitesh Kumar, SDO present on behalf of the PIO informed that the information has been sent to the appellant vide letter dated 27.12.2019. The appellant is absent nor has communicated whether the information provided is correct.

The PIO is absent nor has sent any appropriate reply to the show-cause notice. There has been a delay of more than one year and four months in providing the information as the RTI application was filed on 24.08.2018 whereas the information as per the affidavit has been provided on 27.12.2019.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, The PIO-cum-Additional SE(Operational), PSPCL, Janta Nagar Division(Spl)-Ludhiana a penalty of **Rs.10,000/-** was imposed upon the the PIO-cum-Additional SE(Operational), PSPCL, Janta Nagar Division(Spl)-Ludhiana and directed to submit proof of having deposited the same in the Govt Treasury.

Since the appellant had to suffer undue inconvenience in getting the information, the PIO was directed to pay an amount of **Rs.2500/-** via demand draft drawn as compensation to the appellant and submit proof of having compensated the appellant.

On the date of last hearing on **02.08.2021**, both the parties were absent. The case was adjourned.

As per record, there was no communication whether the PIO has deposited the amount of penalty and paid the compensation to the appellant.

The PIO was given one last opportunity to comply with the order of the Commission and submit proof of having deposited the amount of penalty in the Govt treasury and paid the compensation amount to the appellant.

Hearing dated 24.08.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. Sh.Surjit Singh, Addl. SE(Op) Janta Nagar Div(Spl) Ludhiana is present and informed that the penalty amount of Rs.10000/-has been deposited in the Govt treasury and the compensation amount of Rs.2500/- (via demand draft No.452951 dated 23.08.2021) has been sent to the appellant vide letter dated 23.08.2021.

The commission has received a copy of challan and a copy of demand draft from the PIO through email as a proof of having deposited the penalty in the Govt Treasury and the compensation paid to the appellant which has been taken on the file of the Commission.

Since the penalty has been deposited and the compensation has been paid to the appellant, no further course of action is required.

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

Chandigarh
Dated: **02.08.2021**

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to Additional S.E (Op),
Janta Nagar Div(Spl),
PSPCL,Ludhiana.