

Shri Satish Kumar 9815582999
R/o House Plot No. B-5/18,
Near Mahavir Mandir,
Rajpura Town,
District - Patiala.

..Appellant

Vs

Public Information Officer,
O/o Supdt., Department of General Administration,
Establishment branch -I,
Punjab Civil Secretariat- 1,
Chandigarh.

First Appellate Authority,
O/o Under Secretary, Department of General Administration,
Establishment branch -I,
Punjab Civil Secretariat- 1,
Chandigarh.

..Respondents

Appeal Case No. 1346 of 2020
(Video Conference Proceedings)

Present:- Sh. Satish Kumar, appellant.
Ms Simarjeet Kaur through Cisco Webex on behalf of the respondents.

ORDER

The RTI application is dated 19.12.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 18.2.2020 and second appeal was filed in the Commission on 27.5.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant states that the respondents may be directed to supply the information. Whereas the representative of the respondents sent a letter bearing No. 511 dated 22.7.2020 through email, which is taken on record. It has been mentioned in the said letter that as per the decision of the Hon'ble Supreme Court of India in SLP (C) No. 27734/2012-Girish Ramachandra Deshpandey Versus Chief Information Commissioner and as per the circular issued by the Government of India on 14.8.2013 and Appeal No. CIC (Appeal Nos. 243/ICPB/2006 and 244/ICPB/2006)- Sarvesh Kaushal Vs F.C.I. and others, it is exempted under Section 8(1)(j) and no information can be provided.

3. It has also been mentioned in the said letter dated 22.7.2020 by the respondents that the matter is under consideration. The representative of the respondents was asked to clarify - whether the enquiry is in progress or the complaint filed by the appellant is under consideration and no enquiry officer has been appointed by the Department of General Administration.

4. After hearing both the parties, the respondent-Public Information Officer is directed to file his response/reply before the next date of hearing since the above mentioned cases are not

Appeal Case No. 1346 of 2020

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relevant in the present case as the appellant is simply seeking information relating to the complaint filed by him only.

5. To come up on 26.8.2020 at 11.30 AM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Patiala/Cisco Webex.

Dated: 24.7.2020

SD/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

Shri Santosh Kumar S/o Sh. Madan Lal 7973014828
R/o Ward No. 2, House No. 421-A, Janta Nagar,
Hakam Seat Maker's Street, DHURI -148024,
District - Sangrur.

..Appellant

Vs

Public Information Officer,
O/o Director,
Rural Development and Panchayat Department,
Vikas Bhawan,
Punjab, Mohali.

First Appellate Authority,
O/o Financial Commissioner,
Rural Development and Panchayat Department,
Vikas Bhawan,
Punjab, Mohali.

..Respondents

Appeal Case No. 1339 of 2020
(Video Conference Proceedings)

Present:- Shri Santosh Kumar, appellant.
Shri Lehambar Dass, Superintendent-cum-Public Information Officer on
behalf of the respondents.

ORDER

The RTI application is dated 23.12.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 7.2.2020 and second appeal was filed in the Commission on 27.5.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The respondent-Public Information Officer states that the information pertaining to two points of RTI application have been supplied. With regard to the third point, the respondent-Public Information Officer states that the record is being traced and the information will be supplied before the next date of hearing.

3. According to the assurance given by the respondent-Public Information Officer, he is directed to supply the information related to Point No. 3 of the RTI application

4. The case is adjourned to 18.8.2020 at 11.30 AM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Sangrur/Mohali.

Dated: 24.7.2020

SD/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

Sh. Jasbir Singh Sekhon,
s/o Late ShriKartar Singh
VillageTandi, P.O. Laroya,
District Jalandhar.

.....Appellant

Vs

Public Information Officer,
o/oSarpanch, Gram Panchayat
Tandi, Block Bhogpur, District Jalandhar.

First Appellate Authority,
o/o Block Development and Panchayats Officer,
Bhogpur, District Jalandhar.

.....Respondents

Appeal Case No. 4005 of 2019
(Video Conference Proceedings)

Present:- Sh. Jasbir Singh Sekhon, appellant.
Sh. Paramjit Singh, Panchayat Secretary-cum-Public Information Officer
94172 46564 on whatsapp call.

ORDER

This order may be read with the previous order dated 6.7.2020 vide which the respondents were directed to supply the complete information failing which the penalty provisions will be invoked on the next date of hearing.

2. The respondent-Public Information Officer states that the complete information has been supplied to the appellant and requests for the closure of the case. The appellant also agrees with the submissions of the respondent-Public Information Officer that he has received the information but have not gone through the record properly.

3. The complete information has been supplied by the respondents, hence, the case is disposed of and closed. However, the liberty is granted to the appellant to approach the Commission within one month in case of any submissions.

Dated: 24.7.2020

SD/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

Sh. Bhupinder Punj,
r/o # 186, village Luhara,
District Ludhiana.

....Appellant

Vs

Public Information Officer,
o/o Secretary,
Regional Transport Authority,
Sangrur

First Appellate Authority
o/o State Transport Commissioner, Pb.
SCO 177-78, 1st Floor, Sector 17,
Chandigarh.

....Respondents

Appeal Case No. 3762 of 2019
(Video Conference Proceedings)

Present:- None on behalf of the appellant.
Sh. K.S. Chinna, Regional Transport Authority, Sangrur on behalf of the
respondents.

ORDER

This order may be read with the previous order dated 15.6.2020 vide which the case was adjourned due to absence of both the parties.

2. An email has been sent by the appellant vide which he has requested for the adjournment of the case due to urgent piece of work, which is taken on record and also stated that no information has been provided by the department. Whereas, the Public Information Officer o/o Regional Transport Authority, Sangrur states that the appellant was informed in July 2019 under the provisions of the RTI Act to the appellant i.e. 11.3.2019 to 20.3.2019, 115 vehicles were challaned. Regarding rest of the information the respondent-Public Information Officer states that the similar information has been sought by the appellant from almost all the Regional Transport Authorities in the Punjab state for his vested interest and there is no public interest involved in it. In addition to it, he states that the office has to spend more than 75% of resources in dealing with such type of RTI applications and attending the hearings in the Commission regularly as the number of such cases is increasing day by day and requests to close the case.

3. The appellant is absent today i.e. 24.7.2020 and on the previous date of hearing i.e. 12.3.2020.

4. According to the submissions, record available on the case file and the decision given by the Commission in similar case i.e. Appeal Case No. 3766 of 2019, the respondent-Public Information Officer is directed to supply the copies of challan, receipt thereof and the copy of amount deposited in the bank regarding the challans may be supplied to the appellant

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Appeal Case No. 3762 of 2019

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within two weeks from the issue of this order. The Commission is of the view that no more action is required to be taken in this case, hence, the case is disposed of and closed. However, the liberty is granted to the appellant to approach the Commission within three weeks in case of any submissions.

SD/

Dated: 24.7.2020

(Suresh Arora)
Chief Information Commissioner,
Punjab.

Sh. Gurcharan Singh s/o Sh. Gujjar Singh
VPO Bambiha Bhai,
Block Bagapurana, Distt, Moga.

..Complainant

Vs

Public Information Officer,
o/o Gram Panchayat ,
Village Bambiha Bhai,
Block Bagapurana,
Distt. Moga

..Respondent

Complaint Case No. 271 of 2020

Present: None on behalf of the complainant.
Sh Amit BDPO Bagapurana (M 8130727021) on behalf of the respondent.

Order

This order may be read with the reference to the previous order dated 26.6.2020.

2. The Complainant is absent without intimation to the Commission.
3. The respondent PIO o/o Gram Panchayat Village Bambiha, Bhai Block Bagapurana is absent. Sh. Amit BDPO, Bagapurana was contacted on telephone and apprised him about the absence of the Public Information Officer and the reply given by Sh. Surjit Singh, Sarpanch, Gram Panchayat, Bambiha Bhai, District Moga to the complainant vide his letter dated 18.1.2020 in which he has denied the information sought on the contention that the RTI application of the complainant is in question form and cannot be answered as per the RTI Act, 2005.
4. After going through the RTI application, it is revealed that the information sought in the RTI application although is in question form but, is the matter of record. The respondent has erred in his interpretation of what constitute "information" as defined under the RTI act section 2(f). Therefore, the contention of the respondent for the supply of the information to the appellant is rejected by the Commission. Accordingly, the respondent-Public Information Officer is hereby, directed to provide the information sought by the complainant based on the record within ten days from the issue of this order failing which punitive action will be initiated on the next date of hearing.
5. To come up on 26.8.2020 at 11.30 A..M. through the video conference facility available in the office of the Deputy Commissioner, Moga / Cisco Webex. The URL no. of Cisco Webex 913122670.

SD/

Dated: 24.7.2020

(Suresh Arora)
Chief Information Commissioner,
Punjab.

Sh. Sohan Lal Sharma,
r/o House No. 677,
MIG, Phase 1, Urban Estate,
District Patiala.

....Appellant

Vs

Public Information Officer,
o/o Deputy Director (E.P.)
Rural Development & Panchayat Department,
Vikas Bhawan, Sector 68,
SAS Nagar (Mohali)

First Appellate Authority
o/o Financial Commissioner,
Rural Development & Panchayat Department,
Vikas Bhawan, Sector 68,
SAS Nagar (Mohali)

....Respondents

Appeal Case No. 171 of 2020
(Cisco Webex Proceedings)

Present: Sh.Sohan Lal Sharma,appellant.
Sh. Sagar Mittal Sr. Assistant (M 9464656733) on behalf of the respondents
(On Telephone)

Order

This order may be read with reference to the previous order dated 12.6.2020 vide which the Public Information Officer o/o Financial Commissioner, Rural Development and Panchayat Department, Punjab was impleaded as necessary party in this case and was directed to file the action taken on the enquiry report as per the RTI application of the appellant i.e. dated 4.9.2019 before the next date of hearing failing which the punitive action will be initiated under the provisions of the RTI Act and the case was adjourned to 24.7.2020.

2. The appellant states that no information regarding action taken on the enquiry report has been provided so far even after the lapse of around 10 months.

3. The representative of the respondents states that he has recently joined and earlier Ms. Aarti, Senior Assistant of RDE 5 Branch was dealing with RTI application, who has been transferred. He also requests for the adjournment of the case.

4. After hearing both the parties, it is revealed that no information regarding the action taken report on the inquiry has been provided to the appellant till date. The Commission has taken a serious view on the erring official(s) for non implementation of the last orders by Ms Aarti, Senior Assistant is, thus, issued a show cause notice to her to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on her for causing willful delay/denial of the information to the RTI applicant.

5. In addition to the written reply, she 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. She may take a note that in case, she does not file her written reply and does not avail herself of the opportunity of personal hearing on the date fixed, it will be presumed that she has nothing to say and the Commission shall proceed to take further proceedings against her ex parte.

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Appeal Case No. 171 of 2020

6. In view of the above the representative of the respondents, Sh. Sagar Mittal Senior Assistant is hereby, directed to appear before the Commission at Chandigarh along with PIO on the next date of hearing with the concerned file failing which punitive action will be initiated against him on the next date of hearing.

7. To comp up on 17.8.2020 on 11.30 A.M. to be heard through video conference facility available in the office of Deputy Commissioner, Patiala for the appellant and at Chandigarh for the respondent(s).

SD/

Dated: 24.7.2020

(Suresh Arora)
Chief Information Commissioner,
Punjab

Ms Aarti, Senior Assistant
c/o Financial Commissioner,
Rural Development and Panchayat Punjab,
Vikas Bhawan, Sector 62,
Mohali

Sh. Chand Singh S/o Sh. Sant Singh,
R/o Village- Kadrabad,
Tehsil Samana, District Patiala.

.....Appellant
Vs

Public Information Officer-cum- Asstt Engineer
c/o Block Development and Panchayats Officer,
Block Samana, District Patiala.

PIO-cum-Assistant Programme Officer, NAREGA,
c/o Block Development and Panchayats Officer,
Block Samana, District Patiala.

PIO-cum V.D.O o/o Gram Panchayat,
Kadrabad, Block –Samana,
c/o Block Development and Panchayats Officer,
Block Samana, District Patiala.

First Appellate Authority,
O/o District Development & Panchayats Officer,
Mini Secretariat, Patiala.

..... Respondents

Appeal Case No. 200 of 2020
(Video Conference Proceeding)

Present: Sh. Chand Singh, appellant.

Sh. Gurmit Singh GRS, Sh. Brish Bhan, Panchayat Secretary (M 9878146900)
on behalf of the respondents.

Order

This order may be read with reference to the previous order dated 12.6.2020 vide which the respondents were directed to supply the information pertaining to point no. 1 (relates to panchayat) and Point No.3 (relates to MGNAREGA) of the RTI application of the appellant and the case was adjourned to 12.6.2020.

2. The appellant states that no information has been provided since the last order passed by the Commission.

3. The representative of the respondents Sh. Gurmit Singh GRS states that information has been supplied by registered post dated 20.7.2020 and he has also brought along the copy of information pertaining to point no. 3 sought by the appellant. He has handed over the information consisting of 18 pages duly certified to the appellant containing the detail of bills, location and detail of labour during the course of hearing relates to MGNAREGA. He further states that the complete information is also available on the MGNAREGA website and he is providing the same as available on the website. An email dated 23.7.2020 has been sent by the Block Development and Panchayats Officer-cum-Programme Officer MGNAREGA, Samana along with a letter addressed to the appellant informing the Commission that the information has been supplied, which is taken on record. Similarly, Sh. Brish Bhan Panchayat Secretary has supplied the information pertaining to point no. 3 duly certified consisting of 156 pages. He has handed over the information to the appellant during the course of hearing duly certified. Both the representative of the respondents states that the complete information as available on record has been supplied.

4. Since, the information has been supplied to the appellant, no more action is required in this case. Hence, this case is disposed of and closed. However, the liberty is granted to the appellant to approach the Commission within 15 days from the issue of this order in case of any further submissions.

Dated: 24.7.2020

SD/
(Suresh Arora)
Chief Information Commissioner,
Punjab

Shri Mall Singh S/o Shri Guljar Singh 9914032831
R/o Village - Smalsar,
Tehsil - Bagha Purana,
District - Moga.

..Appellant

Vs

Public Information Officer,
O/o District Development and Panchayat Officer,
Mini Secretariat,
Moga.

First Appellate Authority-cum-
O/o Deputy Commissioner,
Mini Secretariat,
Moga.

..Respondents

Appeal Case No. 1377 of 2020
(Video Conference Proceedings)

Present: Sh. Mall Singh, appellant.
Sh. Shamsher Singh, Panchayat Secretary, M 9317200008 on behalf of the
respondents (On telephone)

Order

The RTI application is dated 9.12.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority on 11.1.2020 and second appeal was filed in the Commission on 29.5.2020 under Section 19 of the Right to Information Act, 2005. Notice of hearing was issued to the parties for 15.6.2020 and hearing was fixed for today i.e. 24.7.2020.

2. The appellant states that the information has been denied on the pretext that the RTI application is in question form. He further states that he has not asked any question but sought documents pertaining to the period from January 2019 to December 2019 concerning Grants i.e. Cash Book, Estimate, Proceedings, Mustroll etc.

3. The representative of the respondent being absent in the hearing has been contacted on telephone. His primary contention is that the sought information is in question form which cannot be supplied in accordance with the RTI Act, 2005.

4. After going through the RTI application, it appears that the information sought by the appellant relates to the matter of record and the respondent has erred in his interpretation of what constitute 'information' as defined under the RTI act section 2(f). Therefore, the contention of the respondent for the supply of the information to the appellant is rejected by the Commission. The respondent-Public Information Officer is directed to provide the information sought by the appellant based on the record within ten days from the issue of this order failing which punitive action will be initiated on the next date of hearing.

5. To come up on 20.8.2020 at 11.30 A..M. through the video conference facility available in the office of the Deputy Commissioner, Moga / Cisco Webex. The URL no. of Cisco Webex is 913122670.

Dated: 24.7.2020

SD/
(Suresh Arora)
Chief Information Commissioner,
Punjab

Sh. Jasbir Singh Sekhon,
s/o Late Shri Kartar Singh
Village Tandi, P.O. Laroya,
District Jalandhar.

.....Appellant
Vs

Public Information Officer,
o/o Sarpanch, Gram Panchayat
Tandi, Block Bhogpur,
District Jalandhar.

First Appellate Authority,
o/o Block Development and Panchayats Officer,
Bhogpur, District Jalandhar.

.....Respondents

Appeal Case No. 4008 of 2019
(Video Conference Proceedings)

Present:- Sh. Jasbir Singh Sekhon, appellant.
Sh. Paramjit Singh, Panchayat Secretary-cum-Public Information Officer
94172 46564 on whatsapp call.

ORDER

This order may be read with the previous order dated 6.7.2020 vide which the respondents were directed to supply the complete information failing which the penalty provisions will be invoked on the next date of hearing.

2. The appellant states that the respondent-Public Information Officer is not providing the complete information. He also states that whatever information is being supplied by the respondents that is misleading.

3. Whereas, the respondent-Public Information Officer states that he has supplied the information and requests for the adjournment of the case so that the complete information could be supplied to the appellant to his entire satisfaction.

4. After hearing both the parties, it is revealed that the respondent-Public Information Officer is dealing the RTI application very leniently and not providing the complete information although the RTI application of the appellant is dated 15.5.2019. The Commission has taken a serious view about the erring i.e. respondent-Public Information Officer Shri Paramjit Singh, who is, thus, 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 a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay/denial of the information to the RTI applicant.

5. In addition to the written reply, he 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 a 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.

Appeal Case No. 4008 of 2019

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6. The respondent-Public Information Officer is also directed to supply the complete information before the next date of hearing.

7. To come up on 26.8.2020 at 11.30 AM to be heard through Cisco Webex (913122670)

Dated: 24.7.2020

SD
(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC

District Development and Panchayats Officer, (By name) (Regd.) To ensure the
District Administrative Complex, compliance of this order.
Jalandhar.

Block Development and Panchayats Officer (By name) (Regd.) -do-
Block Bhogpur,
Jalandhar.

Sh. Paramjit Singh, Panchayat Secretary (Regd.)
C/o Block Development and Panchayats Officer
Block Bhogpur, Jalandhar.