# PUNJAB STATE INFORMATION COMMISSION

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Sh. Sohan Lal Jain, H No-221, Gali No-11, Manjit Nagar, Bhadson Road, Patiala.

... Complainant

Versus

**Public Information Officer**,

O/o Secretary,
Department of Health & Family Welfare,
Punjab Civil Secretariat-2, Sector 9,
Chandigarh.

...Respondent

Complaint Case No. 15 of 2021

**PRESENT:** None for the Complainant

None for the Respondent

ORDER:

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

The complainant, through RTI application dated 19.10.2020, has sought information regarding action taken on the application dated 06.05.2017 sent to the Chief Minister for action against Dr Sudesh Gupta (now civil surgeon Sangrur) & others – a copy of the rule, based on which action has been taken – posting order of Sr Assistant & other officials worked at Pb Civil secretariat from 06.02.1989 to till date – action taken on application dated 01.12.2016 and other information as enumerated in the RTI application concerning the office of Secretary, Department of Health & Family Welfare, Pb Chandigarh. The complainant was not provided with the information, after which he filed a complaint in the commission.

The case has already been heard on 11.05.2021, 10.08.2021, 13.12.2021& 08.03.2022.

On the date of hearing on 13.12.2021, for non-compliance of the order of the Commission, the PIO was imposed a penalty of Rs.10000/- and directed to submit proof of having deposited the same in the Govt Treasury. The PIO was also directed to pay a compensation amount of Rs.2000/- by way of a demand draft to the complainant for the loss and detriment suffered by him of having to file the appeals and not getting information in time and submit proof of having compensated the appellant.

On the hearing date on 08.03.2022, the appellant claimed that the PIO had not paid the compensation amount. The respondent was absent. The PIO was given one more opportunity to deposit the penalty amount in the Govt treasury and pay the compensation amount to the appellant.

The First Appellate Authority was also directed to ensure that this case is heard and disposed of within 30 days of the receipt of the order since the case was earlier remanded back to them.

## Hearing dated 25.04.2022:

The case has come up for hearing today before this bench again. Both the parties are absent. The complainant vide letter received in the Commission on 27.04.2022 has informed that the first appellate authority has not given any hearing or taken a decision on the case. The first appellate authority is directed to follow the earlier orders of the commission.

# Complaint Case No. 15 of 2021

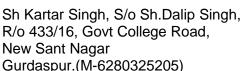
The case is adjourned. To come up for further hearing on **21.09.2022** at 11.00 AM.

Chandigarh Dated:25.04.2022 Sd/-(Khushwant Singh) State Information Commissioner

CC to:First Appellate Authority,
Secretary, Department of Health & Family Welfare,
Pb Civil Secretariat-2, Sector 9,
Chandigarh

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... Appellant

Versus

Public Information Officer, O/o SMO, SMO Mandi Gobindgarh.

...Respondent

## Complaint Case No. 119 of 2022

**PRESENT:** None for the Appellant

None for the Respondent

#### ORDER:

The complainant through an RTI application dated 01.10.2021 has sought information regarding a copy of the GIN account certificate from 01.02.2019 to 30.06.2021 - salary for dated 06.04.2020, 27.04.2020, 09.05.2020 - increment 06.05.2019 to 04.06.2019 & HRA as enumerated in the RTI application from the office of SMO, Mandi Gobindgarh. The complainant was not provided with the information, after which the complainant filed a complaint in the Commission on 04.03.2022.

The case has come up for hearing today through video conferencing at DAC Gurdaspur/Patiala. Both the parties are absent.

The case is adjourned.

To come up for further hearing on **14.09.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Gurdaspur. The PIO to appear at Chandigarh.

Chandigarh Dated: 25.04.2022

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Sh Tejinder Singh, Civil Court, Tehsil Complex, Backside Sanjh Kender, Phillaur.

... Appellant

Public Information Officer,

O/o Civil Surgeon, Amritsar.

**First Appellate Authority,** O/o Civil Surgeon, Amritsar.

...Respondent

**Appeal Case No. 1119 of 2021** 

PRESENT: Sh.Tejinder Singh as the Appellant

**Smt.Kamaldeep Kaur, Food Safety Officer for the Respondent** 

Versus

#### ORDER:

**The** appellant, through RTI application dated 06.10.2020, has sought information regarding details of inspections conducted by Health Officers relating to food business operators from June 2020 to 06.10.2020 – improvement notice issued to food operators/manufacturers – a copy of movement register before moving for taking samples of food operators – details of vehicles used during sample collection and other information as enumerated in the RTI application concerning the office of Civil Surgeon Amritsar. The appellant was not provided with the information, after which the appellant filed the first appeal before the First Appellate Authority on 12.12.2020, which took no decision on the appeal.

The case first came up for hearing on 29.07.2021 through video conferencing at DAC Ludhiana. As per the appellant, he had inspected the record regarding point-5 relating to Food Safety Officer-2, but no information regarding point-5 relating to the other Food Safety officers (1,3,4 &5) as well as on other points had been provided.

The respondent was absent.

The PIO was directed to facilitate the rest of the information, as available on the record, for the RTI application and send a compliance report of the same to the Commission.

On the date of hearing on **10.11.2021 which** was fixed through video conferencing at DAC Ludhiana/Amritsar, the appellant claimed that the PIO has not supplied the information.

The respondent was absent nor has complied with the order of the Commission. There has been an enormous delay of more than one year in providing the information. The Commission having taken a serious view of this issued a **show-cause notice under section 20** of the RTI Act 2005 for not supplying the information within the statutorily prescribed period and directed reply on an affidavit.

The PIO was again directed to provide complete information to the appellant within ten days of receiving the order.

On the last hearing date on 21.03.2022, the appellant claimed that the PIO had not supplied the information.

#### **Appeal Case No. 1119 of 2021**

The PIO was absent on the 3rd consecutive hearing nor has complied with the order of the Commission to provide the information and not appearing before the Commission.

Since the PIO-Civil Surgeon, Amritsar was flouting the spirit of the RTI Act continuously and not appearing before the Commission, to secure an erring PIO"s presence before the commission, a bailable Warrant of the PIO-Civil Surgeon, Amritsar was issued through Senior Superintendent of Police, Amritsar under section 18(3) of the RTI Act for his presence before the Commission on **25.04.2022.** 

## Hearing dated 25.04.2022:

Smt.Kamaldeep Kaur, Food Safety Officer, is present on behalf of the PIO and informed that the information has already been provided to the appellant vide letter dated 21.04.2022. The PIO has also sent a copy of the reply to the Commission, which has been taken on record.

The appellant claims that there are five food Supply Officers, but he inspected the record regarding point-5 relating to Food Safety Officer-2, but no information regarding point-5 relating to the other Food Safety officers (1,3,4 &5) and on other points has been provided.

The respondent present informed that the information relating to points 1 to 4 relates to the District Health Officer. The reply to these points has already been sent to the appellant vide letter dated 16.07.2021. The information relating to point-5 relates to Food Safety Officers, and there are five Food Safety Officers in the District. Food Safety Officer Amritsar 2 has already sent a reply vide letter dated 23.04.2022 and Food Safety Officer Amritsar (1, 3,4 & 5) has already sent a reply vide letter dated 21.04.2022. The Commission has also received a copy of the reply from the PIOs, which has been taken on record.

Having gone through the RTI application and reply of the PIO, the Commission finds that the RTI has been sufficiently replied to.

Regarding the decision on show-cause notice, due to the extra burden on the medical staff during Covid time, I am taking a lenient view on the penalty and drop the show cause notice.

However, since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

Hence the PIO- Civil Surgeon, Amritsar is directed to pay an amount of **Rs.5000/-** via demand draft through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO is directed to duly inform the commission of the compliance of the order and submit proof of having compensated the appellant.

To come up for compliance on **10.08.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear at DAC Amritsar.

Chandigarh Dated:25.04.2022

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Sh. Ramesh Kumar, S/o Sh Amar Nath, H NO-1652, Sardar Nagar, Opposite Central Jail, Ajnala Road, Amritsar.

... Appellant

**Public Information Officer,** O/o SSP, Rural, Amritsar.

**First Appellate Authority,** O/o SSP, Rural, Amritsar.

...Respondent

**Appeal Case No. 3651 of 2020** 

PRESENT: Sh.Ramesh Kumar as the Appellant

Sh.Rashminder Singh, ASI O/o SSP Amritsar for the Respondent

Versus

### ORDER:

The appellant through RTI application dated 02.10.2020 has sought information on 12 points regarding FIR no.83/18 dated 16.08.2018- enquiry report of the enquiry – a copy of rule for temporarily not implementing the findings of enquiry – the name of officer deputed for 2<sup>nd</sup> enquiry of Prince Kumar and Vishal Singh and other information as enumerated in the RTI application from the office of SSP Amritsar(Rural). The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 28.10.2020 which took no decision on the appeal.

The case was first heard on 06.05.2021 through video conferencing at DAC Amritsar. The appellant claimed that the PIO has not provided the information.

The respondent was absent and vide letter received in the Commission on 15.03.2021, the PIO sent a reply, which was taken on the file of the Commission. In the reply, the PIO had stated that a re-enquiry was conducted by the then SP(HQ) Amritsar (R) who recommended the cancellation of the present case which was approved by the Director BOI. The Director BOI directed to proceed as per enquiry and the order of PO may be recalled by moving a separate application before the Hon'ble court. On the basis of that report, the case has been filed in the court of SDJM Ajnala for cancellation on 19.08.2020 and since the case is pending in the court, the information cannot be provided and the appellant has been asked to get the information from the concerned court.

Having gone through the RTI application, the Commission observed that the RTI application is not legible for the commission to take any decision.

The appellant was directed to send a typed legible copy of the RTI application to the Commission for the perusal of the appeal case. A copy of the reply received from the PIO was sent to the appellant with the order.

On the date of the last hearing on **03.08.2021**, the appellant submitted a typed copy of the RTI application which has been taken on the file of the Commission. The appellant claimed that the PIO has not supplied the information.

### Appeal Case No. 3651 of 2020

The Commission received a reply from the PIO through email which was taken on the file of the Commission. In the reply, the PIO stated that the case has been filed in the court of SDJM Ajnala for cancellation on 19.08.2020 and the case is pending in the court, the information cannot be provided u/s 8(1)(g) of the RTI Act.

Having gone through the position of law on the matter, the police cannot deny the information simply on the ground that the cancellation report is presented in the court and the case is pending in the court or it does not have any case documents in its custody after submission of the report in the court.

The PIO was directed to provide information to the appellant on all points of the RTI application as per the RTI Act and send a compliance report to the commission.

On the date of hearing on **10.11.2021**, the appellant claimed that despite the order of the Commission, the PIO had not supplied the information.

The respondent present reiterated his earlier plea that since the case has been filed in the court of SDJM Ajnala for cancellation on 19.08.2020 and the case is pending in the court, the information cannot be provided u/s 8(1)(g) of the RTI Act.

Since the order had already been passed, the PIO was given one last opportunity to comply with the order of the Commission and provide complete information to the appellant otherwise the Commission will be constrained to issue show cause as per provisions of section 20 of the RTI Act.

The case was marked to the SSP (Rural) Amritsar with the direction to ensure that the order of the Commission is complied with and the information is provided to the appellant as per the RTI application.

On the date of the last hearing on **21.03.2022**, the respondent present pleaded that the information is ready and will be provided to the appellant within 2/3 days to which the appellant agreed on the same.

The PIO was directed to provide information to the appellant as assured and send a compliance report to the Commission.

## Hearing dated 25.04.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. As per the respondent, the information has been provided.

As per the appellant, there are some discrepancies in the provided information.

The appellant is directed to point out the discrepancies to the PIO with a copy to the Commission and the PIO is directed to sort out the same.

To come up for further hearing on **14.09.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh Dated: 25.04.2022

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Sh Kanchan Bala, D/o Sh Pawan Kumar, # B-12/233, Street No-4, Kamal Colony, Samrala, Distt Ludhiana.

Versus

... Appellant

Public Information Officer, O/o SMO, PHC, Dhudhan, Sadhan, Distt Patiala.

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

...Respondent

## Appeal Case No. 1289 of 2021

PRESENT: Smt. Kanchan Bala for the Appellant

Dr. Jaspreet Singh and Sh. Subhash Chander, Sanitary Inspector for the

Respondent

#### ORDER:

The appellant through RTI application dated 29.06.2020 has sought information on 08 points regarding departmental promotion of multipurpose health supervisors in 10/2018 – a copy of the pay register(complete salary statements) of health supervisors for the months 5/2019 to 06.2020 along with DA arrears to supervisors from 10/18 to 06/2020 and other information as enumerated in the RTI application concerning the office of SMO-PHC Dudhan Sadhan, Distt.Patiala. The appellant was asked to vide letter dated 20.07.2020 by PIO to deposit requisite fee of Rs.200/- which the appellant did not deposit and filed the first appeal before the First Appellate Authority on 16.11.2020, which took no decision on the appeal. After filing the first appeal, the PIO sent information to the appellant vide letter dated 24.11.2020 to which the appellant was not satisfied and filed 2<sup>nd</sup> appeal in the Commission on 09.03.2021.

The case first came up for hearing on 29.07.2021 through video conferencing at DAC Ludhiana. As per the respondent, the information had already been provided to the appellant vide letter dated 24.11.2020, 05.12.2020 and 29.06.2021. As per the appellant, the information was incomplete and not legible nor attested.

Hearing both the parties, the Commission directed the appellant to inspect the record on 02.08.2020 at 10.00 AM by visiting the office of PIO and get the deficiency resolved. The PIO was directed to allow inspection of the record on the given date and time and provide the appellant with the deficient information. It was made clear that only that information needs to be provided, which has been sought in the RTI application.

On the date of hearing on **10.11.2021**, the respondent informed that the information has been supplied to the appellant.

The appellant was absent and sent her reply, which was received in the Commission on 08.11.2021. In the reply, the appellant expressed non-satisfaction with the provided information. In the reply, the appellant mentioned that as per the order of the Commission, she visited the office of PIO on 02.08.2021 for inspection of the record but the record was not shown to her. However, the PIO instead of allowing to inspect the record provided the same information that was shown during the last hearing and got an acknowledgement of the same. The appellant, however, requested for a physical hearing at Chandigarh as well as for direction

### Appeal Case No. 1289 of 2021

to the PIO to get the record inspected before the Commission and to provide complete information as per the RTI application.

Accepting the plea of the appellant, the Commission directed the PIO to bring the entire record relating to this RTI application to the Commission on the next date of hearing.

The case was last heard on 21.03.2022. The respondent was absent nor had complied with the order of the Commission to bring the record to the Commission.

Since the PIO-SMO-Dudhan Sadhan, District Patiala was flouting the spirit of the RTI Act continuously and not appearing before the Commission, to secure an erring PIO"s presence before the commission, a bailable warrant of the PIO- SMO-PHC-Dudhan Sadhan, District Patiala was issued under section 18(3) of the RTI Act issued through Senior Superintendent of Police, Patiala for his presence before the Commission on **25.04.2022.** 

#### Hearing dated 25.04.2022:

Dr.Jaspreet Singh and Sh.Subhash Chander, Sanitary Inspector are present on behalf of the PIO and pleaded that the available information has already been provided to the appellant and the appellant has acknowledged having received the information. The respondents have also brought the record.

The appellant informed that the discrepancies were pointed out to the PIO but the same has not been sorted out.

The respondents have brought the record and during the hearing, the appellant has again inspected the record and pointed out the discrepancies to the respondent. The respondent has noted down discrepancies and agreed to provide the same as discussed during the hearing. The appellant has also agreed to the same.

The PIO is directed to sort out the discrepancies as pointed out and discussed during the hearing and provide the complete information to the appellant within 15 days of the receipt of the order.

To come up for compliance on **02.08.2022 at 11.00 AM**.

Chandigarh Dated:25.04.2022

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Sh Ved Parkash, R/o D/112, Street NO-4, Inderpuri, Kot Khalsa,

Versus

**Public Information Officer,** 

O/o DCP, Amritsar.

Amritsar.

First Appellate Authority,

O/o Police Commissioner, Amritsar.

...Respondent

... Appellant

Appeal Case No. 2883 of 2021

PRESENT: Sh.Ved Parkash as the Appellant

Sh.Bhag Singh Inspector for the Respondent

ORDER:

The appellant through RTI application dated 23.12.2020 has sought information regarding electric connection provided in all police stations under Punjab Police Amritsar – name and place of electric connection – penalty imposed by Punjab Power Corporation in the office/police stations of Punjab Police Amritsar from 01.06.2020 to 31.07.2020 and other information as enumerated in the RTI application from the office of DCP Amritsar. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 15.03.2021 which disposed of the appeal on 06.04.2021.

The case last came up for hearing on 14.12.2021 through video conferencing at DAC Amritsar. The appellant claimed that the PIO had not supplied the information.

The respondent present pleaded that since the appellant had asked for information relating to electric connections installed in all offices, police chowkis and police stations coming under Punjab Police Amritsar which is not specific and has to be created, it cannot be provided as it does not come under section 2(f) of the RTI Act. The Commission also received a reply from the PIO on 11.10.2021 which was taken on the file of the Commission.

The case was marked to the Commissioner Police for reconciliation.

### Hearing dated 25.04.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that the information (i.e. copies of electricity bills relating to offices and police stations available with the account branch) has been sent to the appellant vide letter dated 22.04.2022. The respondent further informed that there is no record of a fine imposed by Power Corporation to the office/police stations of Punjab Police regarding point-2.

The appellant is directed to point out the discrepancies in the provided information regarding point-1 and the PIO to sort out the same. Regarding point-2, if the information is not available, the PIO to give a reply on an affidavit regarding the information sought.

To come up for further hearing on **14.09.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar.

Sd/Chandigarh (Khushwant Singh)
Dated: 25.04.2022 State Information Commission

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Ms Kamaldeep Kaur, D/o Sh Pritpal Singh, VPO Gurmtala, Near Govt Dispensary, Amritsar.

... Appellant

Versus

**Public Information Officer,** 

O/o NRI, Police Station, Macleod Road, Amritsar.

First Appellate Authority,

O/o NRI Police Station, Macleod Road, Amritsar.

...Respondent

**Appeal Case No. 2844 of 2021** 

PRESENT: Ms.Kamaldeep Kaur as the Appellant

Sh.Jaswant Singh, HC Police Station(NRI), Amritsar for the Respondent

ORDER:

The appellant through RTI application dated 13.03.2021 has sought information regarding complaint No.1828000 dated 15.07.2020 – a copy of the agreement of Balraj Kaur with Gurmeet Singh – a copy of panchayat resolution and other information as enumerated in the RTI application from the office of NRO Police Station Amritsar. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 15.04.2021 which did not decide on the appeal.

The case first came up for hearing on 14.12.2021 through video conferencing at DAC Amritsar. The appellant claimed that the PIO had not supplied the information.

The respondent present pleaded that they received the RTI application of the appellant for seeking information relating to the complaint UID No.1828000 dated 15.07.2020 and since the information relates to the PIO-cum-ADGP(NRI Wing), SAS Nagar, Mohali, the RTI application was sent to them vide letter dated 22.04.2021 and the appellant was informed of the same telephonically.

The PIO-ADGP(NRI Wing), SAS Nagar, Mohali was impleaded in the case and directed to look at the RTI application forwarded by Police Station-NRI Amritsar vide letter dated 22.04.2021 and provide the information to the appellant.

#### Hearing dated 25.04.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. As per the appellant, the PIO has not supplied the information.

As per the respondent, the available information has been supplied by the office of ADGP(NRI Wing) Mohali on 07.02.2022.

Since the appellant claims to have not been provided with the information, the PIO-AIG(NRI) Wing)-Phase-VII SAS Nagar is directed to reconcile the RTI application and provide information to the appellant whatever is available in the record.

# Appeal Case No. 2844 of 2021

The case is adjourned. To come up for further hearing on **14.09.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO-AIG(NRI wing) to appear at Chandigarh.

Chandigarh Dated: 25.04.2022 Sd/-(Khushwant Singh) State Information Commission

CC to 1. PIO-ADGP(NRI Wing)
Phase-VII, SAS Nagar, Mohali

2. PIO-cum-AIG(NRI Wing)
Phase-VII, SAS Nagar, Mohali

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Ms Kamaldeep Kaur, D/o Sh Pritpal Singh, VPO Gurmtala, Near Govt Dispensary, Amritsar.

... Appellant

Versus

**Public Information Officer**,

O/o NRI, Police Station, Macleod Road, Amritsar.

First Appellate Authority,

O/o NRI Police Station, Macleod Road, Amritsar.

...Respondent

Appeal Case No. 2842 of 2021

PRESENT: Ms.Kamaldeep Kaur as the Appellant

Sh.Jaswant Singh, HC Police Station(NRI), Amritsar for the Respondent

#### ORDER:

The appellant through an RTI application dated 13.03.2021 has sought information regarding a copy of complaint No.1828000 – statement of both parties – documents attached with a complaint by both parties – enquiry report and other information as enumerated in the RTI application from the office of NRO Police Station Amritsar. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 15.04.2021 which did not decide on the appeal.

The case last came up for hearing on 14.12.2021 through video conferencing at DAC Amritsar. The appellant claimed that the PIO has not supplied the information.

The respondent present pleaded that they received the RTI application of the appellant for seeking information relating to the complaint UID No.1828000 dated 15.07.2020 and since the information relates to the PIO-cum-ADGP(NRI Wing, SAS Nagar, Mohali, the RTI application was sent to them vide letter dated 22.04.2021 and the appellant was informed of the same telephonically.

The PIO-ADGP, SAS Nagar, Mohali was impleaded in the case and directed to look at the RTI application forwarded by Police Station-NRI Amritsar vide letter dated 22.04.2021 and provide the information to the appellant as per the provisions of the RTI Act..

### Hearing dated 25.04.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. As per the appellant, the PIO has not supplied the information.

As per the respondent, the available information has been supplied by the office of ADGP(NRI Wing) Mohali on 07.02.2022.

Since the appellant claims to have not been provided with the information, the PIO-AIG(NRI) Wing)-Phase-VII SAS Nagar is directed to reconcile the RTI application and provide information to the appellant whatever is available in the record.

# Appeal Case No. 2842 of 2021

The case is adjourned. To come up for further hearing on **14.09.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO-AIG(NRI wing) to appear at Chandigarh.

Sd/Chandigarh (Khushwant Singh)
Dated: 25.04.2022 State Information Commission

CC to 1. PIO-ADGP(NRI Wing)
Phase-VII, SAS Nagar, Mohali

2. PIO-cum-AIG(NRI Wing)
Phase-VII, SAS Nagar, Mohali