

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
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Sh. Wassan Singh Goraya,
S/o Sh. Ajit Singh,
R/o 120 D, Sector-79,
Airport Road, Mohali.

Complainant

Versus

Public Information Officer,
O/o Director,
Technical Education and Industrial Training,
Plot No. 1 – A, Sector-36, Chandigarh.

Respondent

Complaint Case No.1007/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
25.07.2018	07.08.2018	Nil	Nil	21.09.2018

Present: Sh. Wassan Singh Goraya, Complainant in person.
Sh. Ajay Kumar, Clerk, Maharaja Ranjit Singh Punjab Technical University,
Dabwali Road, Bathinda
Sh. Baldev Singh, Sr. Asstt. O/o Director, Tech. Edu. & Indl. Trg., Pb.
Sh. Balbir Singh, Executive Assistant, Punjab Skill Development Mission,
– for Respondent.

ORDER:

The following order was passed on 04.06.2019:

“This case has been allocated to this bench on the request of Sh. Sanjeev Garg, Ld. SIC, who had observed that the conduct of the complainant is non-cooperative and he was unable to successfully clinch the matter. This bench has gone through the original application of the complainant. Essentially, he is seeking information about the appointment of Sh. Sandeep Singh Kaura, Joint. M.D., Rayat Bahra Group of Institutions as Honorary Adviser to the Punjab Skill Development Mission and the various issues concerned about him.

Sh. Baldev Singh, Sr. Assistant appearing on behalf of the respondent says that the entire record pertaining to the application lying with them, has been supplied and the one concerned with the Maharaja Ranjit Singh Punjab Technical University, Bathinda and the Punjab Skill Development Mission were referred to them under 6(3) of the RTI Act for appropriate action. The complainant is not satisfied with the information provided to him by the Maharaja Ranjit Singh Punjab Technical University, Bathinda. The PIO, O/o Maharaja Ranjit Singh Punjab Technical University, Bathinda is directed to send across to him the documents relating to his foreign visit and file a written reply to the Commission as well.



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Complaint Case No.1007/2018

The PIO, Punjab Skill Development Mission, SCO No. 149-52, Sector 17 C, Chandigarh is also directed to file their contention on the points of application from Sr. No. 1 to 4”.

04.06.2019

The case has come up today. The respondents have provided him the additional information relating to the foreign visit of the Technical Education Minister and his Adviser. However, according to the applicant, it does not carry along with copies of vouchers and copy of the order of Govt. sanctioning the expenditure. The respondents are again advised to provide him the aforesaid information within a week from today positively and send compliance report to the Commission.

25.07.2019

The case has come up today. The respondents have endorsed a copy of the letter addressed to the complainant wherein it suggests that the bills, vouchers in contention have been dispatched to the complainant. The complainant denies its receipt. However, the respondents reiterate that it has been sent undr registered cover, a copy of which has been shown to the Commission. The postal receipt under which it has been despatched, has also been shown. The Commission believes that the sought for information has been delivered to the complainant. No further action is called for.

The complaint is disposed of.

25.07.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

CC: The PIO, O/o Maharaja Ranjit Singh Punjab Technical University, Dabwali Road, Bathinda for n/a.

CC: The PIO, O/o Punjab Skill Development Mission, Sector 17-C, Chandigarh, for n/a.



Sh. Saroop Singh,
S/o Sh. Bachan Singh,
R/o Village Choure, Block Sri Hargobindpur,
Teh. Batala, Distt. Gurdaspur.

Complainant

Versus

Public Information Officer,
O/o District Development and Panchayat Officer,
Gurdaspur.

Respondent

Complaint Case Nos.1032 and 1033 of 2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Complaint
12.01.2018	Nil	Nil	Nil	26.09.2018

Present: None is present on behalf the Appellant.
Sh. Narinder Singh, Panchayat Secretary, BDPO Office, Sri Hargobindpur –
for Respondent.

ORDER

It will be appropriate to reproduce the order passed on 16.04.2019 and 04.06.2019 which reads as under:-

16.04.2019

“Since the complainant, respondent are the same and the information sought for is almost identical, the single order shall dispose of both the complaints.

The complainant had sought information about the income having accrued and the expenditure incurred during the incumbency of the former sarpanch of village Chaura, Block Sri Hargobindpur, Tehsil Batala, District Gurdaspur from 2013 to 2018. Sh. Narinder Singh, Panchayat Secretary appearing on behalf of the respondent says that the information is quite voluminous. Nonetheless, it has partially been delivered on the complainant. He assures to provide the rest expeditiously. The complainant also seems in agreement with the contention of the respondent.”

The case has come up today. The complainant says that despite having assured during the course of hearing on the previous date the respondent has refused to provide him the information.

The PIO 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 maximum of Rs.25,000/- 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 and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.

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.”

Complaint Case No.1032 and 1033 /2018

“The cases have again been taken up today. The incumbent Panchayat Secretary Sh. Narinder Singh submits that the original record continues to be retained by one Sh. Dalbir Singh his predecessor who has not passed it on his transfer. He has also shown us some communications issued by the BDPO, Sri Hargobindpur in this regard.

The Commission takes a very serious note of the conduct of the respondent. The show cause notice issued earlier is now directed at Sh. Dalbir Singh, PIO – cum – Panchayat Secretary, O/o BDPO, Dhariwal who shall explain his conduct for not parting with the record and show cause as to why the penalty proposed should not be imposed upon him for willful and malafide suppression of information. Both Sh. Narinder Singh and Sh. Dalbir Singh, Panchayat Secretaries are directed to file their written replies also before the next date of hearing”.

04.06.2019

“Sh. Narinder Singh, Panchayat Secretary, representative of the respondent, submits that almost the entire record has been provided to the complainant. The Commission observes that the Show Cause Notice already issued on 24.01.2019 was directed against Sh. Dalbir Singh, PIO-cum-Panchayat Secretary, O/o BDPO Dhariwal. He has failed to explain the delay and reasons for providing the information. The Commission is well within its right to impose penalty even at this juncture. However, final opportunity is afforded to Shri Dalbir Singh, Panchayat Secretary to submit in writing as to why the penalty mentioned in the show cause notice should not be imposed. Be it noted that no further opportunity shall be given to him.”

25.07.2019

The case has come up today. Shri Dalbir Singh, Panchayat Secretary, despite having earlier been issued a couple of notices has refused to disclose the information and attend the hearings in the court. Show cause Notice was issued to him on 04.06.2019 for imposition of penalty for having violated the provisions of Section 7(1) of the RTI Act.

He has not come up with any explanation much less a valid one. The delay is beyond 100 days as can be made out from the chronology of filing applications and appeals mentioned above. He is culpable for being penalized. Therefore, exercising its authority under Section 20(1) of the Act, the Commission imposes a penalty of Rs.25,000/- @ Rs.250/- per day for 100 days to be recovered from his salary by the BDPO Dhariwal in 5 equal installments commencing from the month of September, 2019. It shall be deposited in the Govt. treasury under the head: - **0070-Other Administrative Services- 60 Other Services- 800 Other Receipts- 86 Fee under RTI Act, 2005.** A copy of the challan shall be sent to the Commission for record immediately.



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Complaint Case No.1032 and 1033 /2018

The aforesaid PIO has shown grave misconduct and indiscipline. His appointing authority is desired to issue him charge sheet and take appropriate action as per rules governing his service conditions.

The information has to be provided, he cannot get away with the same. The Commission while exercising the powers vested in it under Section 18(7), issues a bailable warrant for a sum of Rs.25,000/- and directs the Senior Superintendent of Police, Gurdaspur to serve it upon him so as to appear in the office of Commission on **25.07.2019 at 11.30 AM with the original record.**

25.07.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

CC: The Senior Superintendent of Police, Gurdaspur.

CC: The Block Development & Panchayat Officer, Dhariwal to ensure that this order is delivered on Sh. Dalbir Singh, Panchayat Secretary, for necessary action.

REGISTERED

BAILABLE WARRANT OF PRODUCTION

BEFORE SHRI YASHVIR MAHAJAN, STATE INFORMATION COMMISSIONER, PUNJAB

AT CHANDIGARH

In case of Sh. Saroop Singh S/o Sh. Bachan Singh, resident of Village Choure, Block Sri Hargobindpur, Tehsil Batala, District Gurdaspur versus PIO, O/o District Development & Panchayat Officer, Gurdaspur, in Complaint Case No.1032 and 1033 of 2018

UNDER SECTION 18(3) (a) OF THE RIGHT TO INFORMATION ACT, 2005

COMPLAINT CASE No.1032 OF 2018 & 1033 of 2018

NEXT DATE OF HEARING: 05.09.2019 AT 11.30 AM

To

**The Senior Superintendent of Police,
Gurdaspur.**

Sh. Dalbir Singh, Panchayat Secretary O/o Block Development & Panchayat Officer, Dhariwal, District Gurdaspur has failed to appear before the State Information Commissioner despite the issuance of notice/summon in the above mentioned appeal case. Whereas, the Commission feels that the presence of the PIO along with the relevant record is inevitable to arrive at the judicious conclusion of the aforesaid case, you are directed to serve this bailable warrant on Sh. Dalbir Singh to appear before the State Information Commissioner, Punjab, at Red Cross Building, Sector – 16, Madhya Marg, Chandigarh, on **05.09..2019 (Thursday) at 11.30 AM.**

Dated, this 25th day of July, 2019.

**Sd/-
(Yashvir Mahajan)
State Information Commissioner, Punjab.**



Sh. Janak Singh,
S/o Late Shri Ujjar Singh,
R/o Behlolpur, Block Majri, Tehsil & Distt Mohali.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Majri, Distt Mohali.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Mohali.

Respondents

Appeal Case Nos.3656, 3657, 3658, 3659, 3660 and 3661 of 2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
14.08.2018/01.08.2018/ 27.07.2018/02.07.2018/ 12.04.2018/30.07.2018	Nil	13.09.2018	Nil	30.10.2018

Present: Sh. Janak Singh, Appellant in person.
None is present on behalf of the Respondents.

Order:

The following order was passed on 18.04.2019:-

“As the appellant and respondents are the same and a common submission has been made by the respondents. The single order shall address all the aforementioned appeals.

Sh. Charanjeet Singh, Panchayat Secretary, representing the respondents submits that the respondents have been awesomely occupied with the conduct of Panchayat polls and could not attend to the applications. They assure that the information shall be provided to the appellant within fortnight positively.

The cases have come up for hearing today. Despite the assurance given by the respondents and express directions of the Commission, the respondents have failed to provide the information. The Commission believes that the respondents are mala fide sitting over the



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Appeal Case Nos.3656, 3657, 3658, 3659, 3660 and 3661 of 2018

applications with willful intent. Taking it as an offence under Section 7(1) of the RTI Act Sh. Hiten Kapila, PIO – cum – Block Development & Panchayat Officer, Majri, District, Mohali is 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 him for 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.

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.

04.06.2019

The cases have come up today. The Commission sees that these are very long standing cases. The respondents have shown lackadaisical attitude. The Commission has taken strong exception to it. The respondents as on today have taken the plea that they are engaged seriously with the conduct of Parliamentary Elections. The Commission agrees with them to the extent of their engagement in the conduct of elections. However, the earlier delay has not been justifiably explained. A final opportunity is afforded to them to part with the information without fail before the next date of hearing. Be it noted that they are already under show cause notice the cognizance of which shall be taken separately.



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Appeal Case Nos.3656, 3657, 3658, 3659, 3660 and 3661 of 2018

The respondents are absent despite express orders of the Commission. These are the long standing cases. The Commission is justified in imposing the penalty on the respondents. However, in the interest of fair play, last opportunity is afforded to the respondent to show cause on the notice already issued to him about his conduct in withholding and delaying the information without any valid reasons.

25.07.2019

Sh.Yadvinder Singh, Panchayat Secretary is present. He has brought along the entire record pertaining to Cash Book and the proceedings book which have been handed over on spot to the appellant. During the course of discussions, it transpires that the information pertaining to the execution of works is yet to be copied down and handed over to the appellant. The Commission feels that it shall be appropriate in case an inspection is arranged, which according to the concurrence of the parties, shall be clinched on 26.07.2019 in the office of BDPO, Majri 11.30 AM. The appellant shall identify the documents not beyond 50 pages.

To come up on **10.09.2019 at 11.30 AM.**

25.07.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Tejinder Pal Singh Walia,
S/o Sh. Surjit Singh Walia,
R/o Kothi No.175, Phase-2,
S.A.S. Nagar (Mohali)

Complainant

Versus

Public Information Officer,
O/o Director,
Treasury & Accounts, Punjab
Finance & Planning Bhawan,
Sector-33, Chandigarh.
First Appellate Authority
O/o Director,
Department of Finance
(Treasury & Accounts), Punjab,
Finance & Planning Bhawan,
Sector-33, Chandigarh

Respondents

Appeal Case No.1339/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
09.01.2019	Nil	05.02.2019	Nil	08.04.2018

Present: Sh. Tejinder Pal Singh Walia, Appellant is absent.
Mrs. Archana, Senior Assistant and Sh.Rajiv Khanna, Jr. Assistant
– for Respondent

ORDER:

The following order was passed on 06.06.2019:-

“The appellant has sought an information primarily about the service matters of one Sh.Arun Nagpal in the Department of Treasury & Accounts, Punjab. The respondents have taken the plea of exemption under Section 8(1)(j) of the RTI Act.

The appellant while challenging it, says that it is in larger public interest and proviso to Section 8 be invoked to reveal it. The Commission partially agrees with the contention of the appellant and directs the respondent to apprise the appellant about the outcome of the disciplinary proceedings.”

The respondents say that the aforesaid orders of the Commission have been complied with. This being the situation, the Commission feels that the appellant has been adequately informed. No further intervention of the Commission seems to be called for.

Disposed.

25.07.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Hardial Singh,
S/o Sh. Sher Singh,
R/o VPO Dhablan,
Tehsil & Distt.Patiala

Appellant

Versus

Public Information Officer,
O/o District Development and Panchayat Officer,
Patiala.

First Appellate Authority
O/o District Development & Panchayat Officer,
Patiala.

Respondents

Appeal Case No.1248/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
26.11.2018	Nil	25.01.2019	Nil	02.04.2019

Present: Sh.Hardial Singh, Appellant is present.

Sh.Buta Singh, Panchayat Secretary, on behalf of respondents.

ORDER:

The respondent has brought along a detailed reply comprised in about 32 pages.

The appellant may like to go through the same and revert in writing in case he desires so.

To come up on **12.09.2019 at 11.30 AM.**

25.07.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

