



Sh. Tejinder Singh Advocate (9041004313)
Civil Court, Tehsil Complex,
Backside Sanjh Kender,
Phillaur-144410

...Appellant

Versus

Public Information Officer,
O/o BDPO,
Mahilpur, Distt. Hoshiarpur.

First Appellate Authority
O/o BDPO,
Mahilpur, Distt. Hoshiarpur.

...Respondents

APPEAL CASE NO. 0088 OF 2021

PRESENT: Sh. Tejinder Singh, the appellant
Sh. Mohit Kumar, APIO, for the Respondent

ORDER:

The appellant, through an RTI application dated 28.09.2021, has sought information regarding a copy of the reply of Sarpanch of village Nonitpur against letter dated No.1351 dated 09.06.2021 – a copy of the notice issued to the sarpanch to visit the office and further instructions issued to the sarpanch for starting work of pond – a copy of the instructions issued to sarpanch calling him to office – work done for village pond after the issuance of instructions from the office of BDPO Mahilpur, district Hoshiarpur. The appellant was not provided with the information, after which the appellant filed the first appeal before the First Appellate Authority on 30.10.2021, which did not decide on the appeal.

The case first came up for hearing on 29.06.2021 through video conferencing at DAC Hoshiarpur. As per the appellant, the PIO has not supplied the information.

The respondent has brought nothing. The respondent, however, informed that he had just joined as APIO and assured to provide information within a week.

There was an enormous delay of more than nine months in attending to the RTI application. The Commission has taken a serious view of this and hereby directs the PIO **to show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period.**

The PIO was again directed to provide information to the appellant within a week and send a compliance report to the Commission.

Hearing dated 25.07.2022 :

The case has come up for hearing today through video conferencing at DAC Hoshiarpur. The respondent present pleaded that the requisite information has been supplied to the appellant vide letter dated 11.07.2022.

The appellant claimed that the information supplied is incomplete.

Having gone through the RTI application and record in the file, the Commission observes that Shri Dharampal Singh, BDPO-cum-PIO, Mahilpur has not filed a reply to the show cause notice. One last opportunity is given to Shri Dharampal Singh, BDPO-cum-PIO, Mahilpur, to file a reply to the show cause notice and supply the remaining information to the appellant with copy of the same to the Commission within 15 days.

After going through the facts available on the record, it clearly reflects that complete information has not been supplied to the appellant for the last more than nine months. Given the loss and detriment suffered by him during this long period in obtaining the information in the instant case, I find full justification in awarding him a suitable compensation. Therefore, in exercise of the powers conferred by Section 19(8)(b) of the RTI Act, 2005, a compensation of Rs.5000/- (Rupees five thousand only) is awarded to the appellant, to be paid by the Public Authority via Govt. treasury within 30 days and confirmation to this effect will be furnished to the Commission.

To come up on **05.12.2022 at 11.00AM** for hearing through video conferencing at DC Office, Hoshiarpur.

Chandigarh
Dated : 25.07.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh. Jasbir Singh
Guru Nanak Nagar
Village Bholapur-Jhabewal,
PO Ramgarh,
Chandigarh Road,
District Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o The Sub Divisional Magistrate,
Kapurthala.

First Appellate Authority
O/o The Sub-divisional Magistrate,
Kapurthala.

...Respondents

APPEAL CASE NO. 5376 OF 2021

PRESENT: None for the appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 02.08.2021 has sought a copy of an appointment letter - date of joining, place of posting - a copy of all certificates, experience certificate submitted while joining the job, any qualification added after joining the service, birth certificate, further place of postings, copy of promotion orders and other information as enumerated in the RTI application concerning the office of SDM Kapurthala. The appellant filed the first appeal before the First Appellate Authority on 04.10.2021, which did not decide on the appeal after that, he filed 2nd appeal in the Commission.

The case has come up for hearing today through video conferencing at DAC Ludhiana/Kapurthala. Both the parties are absent nor are represented.

To come up for further hearing on **05.12.2022 at 11.00AM** through video conferencing in the office of the DC, Ludhiana/Kapurthala.

Chandigarh
Dated : 25.07.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh. Jagir Singh Badwal
S/o Sh.Amar Chand Badwal
VPO HASSI, Tehsil Dasua,
District Hoshiarpur

...Appellant

Versus

Public Information Officer,
O/o The District Election Officer,
Hoshiarpur.

First Appellate Authority
O/o The Deputy Commissioner,
Hoshiarpur.

...Respondents

APPEAL CASE NO. 5038 OF 2021

PRESENT: None for the appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 28.01.2019, has sought information regarding action taken on the application dated 20.09.2018 report and other information as enumerated in the RTI application concerning the office of SDM Kapurthala. The appellant filed the first appeal before the First Appellate Authority,, which took no decision, after which, the appelant filed a 2nd appeal in the Commission.

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

As per the letter dated 30.03.2022 received in the Commission on 04.04.2022, the amendment in the wards/voter list is carried out by the Addl. DC(D)-cum-District Election Officer, Hoshiarpur.

The PIO O/o Addl. DC(D)-cum-District Election Officer, Hoshiarpur, is impleaded as Respondent No.2. The PIO o/o Addl. DC(D)-cum-District Election Officer, Hoshiarpur is directed to provide the information through registered post to the appellant and a copy of the same be sent to the Commission. The PIO O/o Addl. DC(D)-cum-District Election Officer, Hoshiarpur, is directed to attend the next date of hearing.

To come up for further hearing on **05.12.2022 at 11.00AM** through video conferencing in the office of the DC, Hoshiarpur.

Chandigarh
Dated : 25.07.2022

Sd/-
(Khushwant Singh)
State Information Commission

Cc : Public Information Officer
Addl. DC-cum-Distt. Election Officer
Hoshiarpur



Shri Vikaramjit Singh (964692711)
411/4, Darshan Singh Nagar,
PATIALA.

...Appellant

Versus

Public Information Officer,
O/o The SSS Board, Punjab
Sector 68, Mohali

First Appellate Authority
O/o The SSS Board, Punjab
Sector 68, Mohali

...Respondents

APPEAL CASE NO. 5235 OF 2021

PRESENT: Sh. Vikaramjit Singh, the appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 11.01.2021 has sought the certified copy of question papers of Punjab steno typist and Punjabi Junior Stenographer taken by SSS Board in the year 2017 as enumerated in the RTI application concerning the office of SSS Board, Punjab. The appellant filed first appeal before the First Appellate Authority on 26.02.2021 which took no decision on the appeal after that he filed 2nd appeal in the Commission.

The case has come up for hearing today through video conferencing at DAC Ludhiana. As per appellant no information has been provided by the respondent.

The respondent is absent nor represented. However, a letter from the PIO is received in the Commission stating that information is being attached herewith to the appellant but no is received with the said letter in the Commission.

Having gone through the RTI application and record available in the file, the Commission observes that more than one and half year has elapsed, the PIO has not supplied the information. Therefore, viewing a prima facie violation of section 7 from the PIO (office of the Secretary, SSS Board Punjab), **a Show Cause notice under Section 20(1) of the RTI Act, 2005, is issued to the PIO to explain reasons through a duly attested affidavit as to why a penalty at the rate of Rs. 250/- per day, subject to a maximum of Rs. 25,000/- be not imposed upon him for the delay in the supply of information** and also as to why a suitable compensation under Section 19 (8)(b) of the RTI Act, 2005, be not awarded to the complainant for the loss and detriment suffered by him. He is also afforded an opportunity of personal hearing on the next date of hearing, before taking any action.

The PIO is directed to file reply to the show cause notice and supply information to the appellant for next date of hearing.

The PIO is directed to file reply to the show cause notice and supply information to the appellant for next date of hearing.

To come up on **05.12.2022 at 11.00AM** for hearing in Commission's office at Chandigarh. The appellant to come up for hearing through video conferencing at DC office, Patiala.

Chandigarh
Dated : 25.07.2022

Sd/-
(Khushwant Singh)
State Information Commission

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Smt. Harwinder Kaur,
PUNCOM, Department Production,
B-91, Phase VII, Industrial Area,
Mohali - 160071

...Appellant

Versus

Public Information Officer,
O/o Punjab Communications Ltd,
B-91, Phase VII, Industrial Area,
Mohali - 160071

First Appellate Authority
O/o Punjab Communications Ltd,
B-91, Phase VII, Industrial Area,
Mohali - 160071

...Respondents

APPEAL CASE NO. 4996 OF 2021

PRESENT: Ms. Harwinder Kaur, the appellant
Sh. Tarun Jaitly, PIO for the Respondent

ORDER:

The appellant, through an RTI application dated 02.08.2021, has sought 7-point information i.e. company rules/standing order of Punjab Communications Ltd, Mohali, criteria and eligibility for getting superannuation allowance, date of introduction for superannuation allowance scheme, number of details of employees covered under this scheme, number of employees claimed the superannuation benefit with the amount paid under the scheme and other information as enumerated in the RTI application concerning the office of Punjab Communications Limited, Mohali. The appellant, dissatisfied with the denial of the information by the PIO, filed the first appeal before the First Appellate Authority on 13.09.2021, which upheld the PIO's view, post which the appellant filed a 2nd appeal in the Commission.

As per the record on the file, the PIO has refused the sought information to the appellant under section 8(e) of the RTI Act vide, terming it as a Fiduciary relationship through a letter dated 07.09.2021.

As per the record, the first appellate authority upheld the decision of the PIO vide letter dated 13.09.2021, stating that the RTI pertains to the internal rules of the company and therefore not liable to be disclosed in the public interest under Section 8(e) of the RTI Act 2005.

Decision-

The Commission observes that the appellant has been wrongfully denied the information, as the sought information does not fall under a Fiduciary relationship. The information sought is about rules, etc, whereas, a fiduciary relationship is a relation of trust between the fiduciary and beneficiary under which one party relies on the judgement and opinion of the other.

Given the facts above, the decision of the first Appellate Authority (13.09.2021) is overruled and the PIO is directed to provide the information immediately.

Prima facie, during the course of the hearing it has been observed that the sought information has been refused by the PIO at the instance of senior-level officers. Keeping this observation in mind, the Chief Finance Officer, J. S. Bhatia is impleaded as Respondent No.2, under section 5(5) with the direction to supply the information to the appellant within 15 days from the date the decision was pronounced in the open court. The Bench further directs J. S. Bhatia, Chief Finance Officer, to be present personally on the next date of hearing alongwith a set of information supplied to the appellant. and non-compliance of the order of the Commission shall attract penal proceedings under section 20 of the RTI Act 2005.

To come up on **16.08.2022 at 11.00AM** for hearing in Commission's office at Chandigarh.

Chandigarh
Dated : 25.07.2022

Sd/-
(Khushwant Singh)
State Information Commission