**STATE INFORMATION COMMISSION, PUNJAB**

**Red Cross Building, Sector-16, Chandigarh**

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Sh Janak Raj Singh. S/o sh balbir Singh Uppal,

Ward No-11, Khamanon,

Fatehgarh Sahib.

 . Complainant

Versus

**Public Information Officer,**

O/o Punjab State Warehousing Corporation,

Fatehgarh Sahib. ...Respondent

**Complaint Case No. 1103 of 2017**

Present : (i) Sh. Janak Raj Singh the complainant

(ii) For the respondent : Sh. Gurpreet Singh, PIO and Sh. Pardeep, Accountant

**ORDER**

This order may be read with reference to the previous order dated 23.10.2017 through which the PIO was directed to personally appear on 25.10.2017 alongwith complete record.It was made clear to the respondent-PIO that in case he does not bring the original record on 25.10.2017 action under Section 20(1) of the RTI Act 2005 will be initiated.

2. Sh. Gurpreet Singh- PIO alongwith Sh. Pardeep, Accountant appeared today as respondent and submitted reply intimating that there is a Civil Suit pending against the applicants mill. The PIO by giving reference of Section 8(1)(h) of RTI Act has stated that in view of this provision information cannot be provided to the complainant. He has also given reference of judgment dated 20.07.2011 of Central Information Commission, New Delhi in support of his version. He has prayed that the complaint filed by the appellant may be dismissed.

4. In view of the submissions, legal complication is involved in this case which requires adjudication by the Larger Bench in the commission.

5. In view of the foregoing, the Deputy Registrar is directed to place the papers of the instant case before the Chief Information Commissioner for appropriate orders

**Sd/-**.

**Chandigarh (Preety Chawla)**

**Dated: 25.10.2017 State Information Commissioner**

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 Sh. Harpreet Singh, s/o Sh. Shamsher Singh

Village Sihalan, Tehsil Samrala

Distt. Ludhiana – 141125 Appellant.

Versus

**Public Information Officer,**

O/o DRO, Ludhiana

**First Appellate Authority**

o/o Deputy Commissioner,

Ludhiana

 ...Respondent

**Appeal Case No. 209 of 2017**

Present : (i) Sh. Harpreet Singh the appellant

 (ii) For the respondent : Sh. Kuldip, Office Kanugo

**ORDER**

 This order may be read with reference to the previous order dated 11.09.2017 vide which the respondent was directed to file an affidavit.

2. Today the respondent has filed an affidavit. Copy of the same is handed over to the appellant. The appellant has gone through the same and states that he is satisfied.

3. In view of the foregoing, no cause of action is left. The appeal filed by the appellant is , therefore, **disposed of and closed**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 25.10.2017 State Information Commissioner**

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 Sh.Yogesh Mahajan,

s/o Sh. Kuldeep Raj Mahajan

President of anti corruption Council

Opposite Water Tank, Municipal Market

Mission road, Pathankot Appellant.

Versus

**Public Information Officer,**

O/o Executive Engineer

Provisional Division PWD B&R,

Ferozepur

**First Appellate Authority**

o/o SE PWD B&R, Ferozepur

 ...Respondent

**Appeal Case No. 944 of 2017**

Present : (i) None is present on behalf of the appellant

(ii) For the respondent : Sh. Inderpreet Singh, Jr. Engineer, Sh. Jugal Kishore Anand, Auditor

**ORDER**

 This order may be read with reference to the previous order dated 11.09.2017 vide which the respondent was directed to produce the RTI vide which the appellant had demanded information on same matter.

2. The appellant is absent. He has sent a letter that no information has been given to him so far.

3. As directed by the Commission on the last date of hearing, Respondent has submitted RTI dated 14.01.2014 and 08.01.2016 of the appellant vide which the appellant had demanded information on same matter.

4. After hearing the respondent and gone through the file, it is observed that the information demanded by the appellant vide his present RTI application relates to the period 16.01.2016 whereas the respondent has pleaded that similar information has already been provided to the appellant and a final order was passed by the Hon'ble Pawan Kumar Singla, SIC vide his order dated19.05.2016. After going through that RTI application dated 14.01.2014 and 08.01.2016, it is observed that the same relates to the period 14.01.2013 & 15.01.2015.

**Appeal Case No. 944 of 2017**

5. Since, in the present RTI, information demanded by the appellant relates to the period 16.01.2016, the department is bound to supply the same as per provision of the RTI Act 2005. **PIO (by name) , o/o o Executive Engineer, Provisional Division PWD B&R, Ferozepur is directed to come present on the next date of hearing to clear the confusion.** It is observed that the respondents are being represented by low level officials who are not in a position to satisfy the commission. From the next date of hearing, no person below the PIO will be allowed to appear. Appellant may note that in case he does not appear on the next date of hearing , appropriate order in his absence shall be passed

6. To come up on **14.11.2017 at 11.00 AM**. Copy of the order be sent to the parties ***through registered post.***

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 25.10.2017 State Information Commissioner**

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 Sh.Tejinder Singh

r/o Bholapur, PO Ramgarh

Chandigarh Road, Ludhaina Appellant.

Versus

**Public Information Officer,**

O/o Deputy Commissioner

Ludhiana

**Public Information Officer,**

o/o Assistant Civil Surgeon,

Ludhiana ...Respondent

**Complaint Case No. 345 of 2017**

Present : Sh. Jasbir Singh on behalf of the complainant

 For the respondent : Smt. Savita, DRO

**ORDER**

 This order may be read with reference to the previous order dated 11.09.2017 vide which a show cause notice was issued to Madam Savita, DRO.

2. The appellant has authorized Sh. Jasbir Singh to appear on his behalf.

3. Respondent states that the RTI of the appellant is concerned with the Assistant Civil Surgeon, Ludhiana , therefore the same has been transferred to the Assistant Civil Surgeon , Ludhiana.

4. A perusal of the file shows that the appellant has filed his RTI on 20.12.2016, but no information has been given to him so far. The respondent was absent for three last hearings. Therefore, a show cause notice was issued on the last date of hearing to Madam Savita, DRO. Today, DRO the respondent states that the RTI of the complainant has been transferred to the PIO, o/o Assistant Civil Surgeon, Ludhiana.

5. Since, the information is to be provided by the PIO, o/o Assistant Civil Surgeon, Ludhiana. I, therefore, order that PIO, o/o Assistant Civil Surgeon, Ludhiana be impleaded as Respondent No.2. I further direct that PIO, o/o Assistant Civil Surgeon, Ludhiana should supply the information to the Complainant before the next date of hearing.

6. Madam Savita, DRO, o/o Civil Surgeon, Ludhiana is also directed to come present on the next date of hearing.

7. To come up on **08.11.2017 at 11.00 AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 25.10.2017 State Information Commissioner**

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Sh. Harish Kumar, S/o Sh Parshotam Kumar,

H No.B-8/170, Near M.C, Office,

Sujanpur, Distt Pathankot. Appellant.

Versus

**Public Information Officer,**

O/o District Education Officer(S),

Gurdaspur.

**First Appellate Authority**

O/o District Education Officer(S),

Gurdaspur ...Respondent

**Appeal Case No. 1555 of 2017**

Present : (i) Sh. Harish Kumar the appellant

 (ii) For the respondent :Sh. Rakesh Gupta, PIO

**ORDER**

 This order may be read with reference to the previous order dated 08.09.2017 vide which the respondent was absent and a show cause notice was issued to the PIO-respondent.

2. The appellant states that no information has been given to him so far.

3. Respondent states that the information pertaining to point no. 1 & 2 is not available in their record.

4. After hearing both the parties, it is ascertained that no information has been given to the appellant so far. The respondent is directed either to furnish the necessary information to the appellant or furnish an affidavit saying that the record is not available and has been destroyed. If the record is missing departmental proceeding needs to held and if it has been intentionally misplaced then any criminal action is to be taken on merits of the case for the loss of record. The respondent is also directed to conduct departmental inquiry against the erring officer/official who is responsible for the loss of record and file an affidavit in this regard on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated against him.

5. On the last date of hearing, Respondent was directed to file an affidavit in response to the order showing cause but Respondent has failed to file an affidavit. Respondent is again directed to file an affidavit.

6. To come up on **13.11.2017 at 11.00 AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 25.10.2017 State Information Commissioner**

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Sh Harish Kumar, S/o Sh Parshotam Kumar,

H No-B-8/170, Near M.C Office,

Sujanpur, Distt Pathankot. . . Appellant.

Versus

**Public Information Officer,**

O/o District Education Officer (S),

Gurdaspur.

**First Appellate Authority**

O/o District Education Officer (S),

Gurdaspur ...Respondent

**Appeal Case No. 1642 of 2017**

Present : (i) Sh. Harish Kumar the appellant

 (ii) For the respondent : Sh. Rakesh Gupta, PIO

**ORDER**

 This order may be read with reference to the previous order dated 26.09.2017 vide which the respondent was absent.

2. Today the appellant states that no information has been given to him so far.

3. Respondent has promised that the information will be provided to the appellant before the next date of hearing.

4. To come up on **13.11.2017 at 11.00 AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 25.10.2017 State Information Commissioner**

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Sh. Avtar Singh,

#556, Urban Estate,

Kapurthala. Appellant.

Versus

**Public Information Officer,**

O/o The Administrative,

New Mandi Town Ship,

SCO-2437-38, Sec-22-C,

Chandigarh.

**First Appellate Authority**

O/o Director colonization,

New Mandi Town Ship,

SCO-2437-38, Sec-22-C,

Chandigarh ...Respondent **Appeal Case No. 1913 of 2017**

Present : (i) None is present on behalf of the appellant

 (ii) For the respondent :Sh. Bittu, Sr. Assistant

**ORDER**

 This order may be read with reference to the previous order dated 19.09.2017 vide which the appellant was absent.

2. Today again the appellant is absent without any intimation.

3. Respondent states that the information, as exists, in the record has been sent to the appellant.

4. After hearing the respondent, it is ascertained that the information as exists in the record has been sent to the appellant by the respondent. The appellant is absent today. Even he was absent on the last date of hearing. Therefore, it is presumed that he is satisfied with the information provided.

5. In the aforementioned circumstances, I am of the considered view that no useful purpose would be served by prolonging this matter any further. Whatever information was available with the department has been supplied.

6. In view of the foregoing, no cause of action is left. The appeal filed by the appellant is, therefore, **disposed of and closed**. Copy of the order be sent to the parties,

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 25.10.2017 State Information Commissioner**

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Sh. Harish Kumar, S/o Sh Parshotam Kumar,

H No.- B-8/170, Near M.C Office,

Sujanpur, Distt Pathankot. Appellant.

Versus

**Public Information Officer,**

O/o Cirlce Education Officer,

Jalandhar.

**First Appellate Authority,**

O/o Cirlce Education Officer,

Jalandhar. ...Respondent

**Appeal Case No. 1551 of 2017**

Present : (i) Sh. Harish Kumar the appellant

 (ii) For the respondent : Sh. Satpal, Deputy CEO

**ORDER**

 This order may be read with reference to the previous order dated 08.09.2017 vide which a show cause notice was issued to the respondent-PIO.

2. The appellant states that no information has been given to him so far.

3. Respondent states that the information will be provided to the appellant within 2-3 days.

4. Respondent is directed to provide complete information to the appellant . On the last date of hearing, Respondent was directed to file an affidavit in response to the order showing cause but Respondent has failed to file an affidavit. Respondent is again directed to file an affidavit.

5. To come up on **13.11.2017 at 11.00 AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 25.10.2017 State Information Commissioner**

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 Sh. Lakhvir Singh, s/o Sh. Jaspal Ram,

President Society against corruption and Crimes Branch

Village Gandwa, Tehsil Phagwara, Distt. Kapurthala

 Appellant.

Versus

**Public Information Officer,**

O/o Executive Engineer

Construction Division -2, PWD B&R,

Amritsar

**First Appellate Authority**

O/o SE, Construction Circle,

PWD B&R, Amritsar

 ...Respondent

**Appeal Case No. 1251 of 2017**

Present : None for the parties.

**ORDER**

 Today neither the appellant nor the respondent is present. Even the respondent has not filed his reply in response to the show cause notice issued to him.

2. Last opportunity is given to both the parties to appear before the Commission and state his case.

3. To come up on **13.11.2017 at 11.00 AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 25.10.2017 State Information Commissioner**

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Sh. Satish Kumar,

opposite Nehru Park,

Jaiton Distt Faridkot Appellant.

Versus

**Public Information Officer,**

O/o Nagar Council,

Jaiton, Distt.Faridkot

**First Appellate Authority**

O/o Deputy Director

Local Govt., Ferozepur ...Respondent

**Appeal Case No. 1189 of 2017**

Present : (i) None is present on behalf of the appellant

 (ii) For the respondent :Sh. Indergurpreet Singh, PIO

**ORDER**

 This order may be read with reference to the previous order dated 08.09.2017.

2. The appellant is absent today. The Respondent states that the required information has already been given to the appellant and has shown the acknowledgment given by the appellant in token of having received the information.

3. In view of the foregoing, no cause of action is left. The appeal filed by the appellant is, therefore, **disposed of and closed.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 25.10.2017 State Information Commissioner**

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Sh. Satish Kumar,

opposite Nehru Park,

Jaiton Distt Faridkot Appellant.

Versus

**Public Information Officer,**

O/o Nagar Council,

Jaiton, Distt.Faridkot

**First Appellate Authority**

O/o Deputy Director

Local Govt., Ferozepur ...Respondent

**Appeal Case No. 1188 of 2017**

Present : (i) None is present on behalf of the appellant

 (ii) For the respondent :Sh. Indergurpreet Singh, PIO

**ORDER**

 This order may be read with reference to the previous order dated 08.09.2017.

2. The appellant is absent today. The Respondent states that the required information has already been given to the appellant and has shown the acknowledgment given by the appellant in token of having received the information.

3. In view of the foregoing, no cause of action is left. The appeal filed by the appellant is, therefore, **disposed of and closed.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 25.10.2017 State Information Commissioner**

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Sh. Satish Kumar,

opposite Nehru Park,

Jaiton Distt Faridkot Appellant.

Versus

**Public Information Officer,**

O/o Nagar Council,

Jaiton, Distt.Faridkot

**First Appellate Authority**

O/o Deputy Director

Local Govt., Ferozepur

 ...Respondent

**Appeal Case No. 1187 of 2017**

Present : (i) None is present on behalf of the appellant

 (ii) For the respondent :Sh. Indergurpreet Singh, PIO

**ORDER**

 This order may be read with reference to the previous order dated 08.09.2017.

2. The appellant is absent today. The Respondent states that the required information has already been given to the appellant and has shown the acknowledgment given by the appellant in token of having received the information.

3. In view of the foregoing, no cause of action is left. The appeal filed by the appellant is, therefore, **disposed of and closed.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 25.10.2017 State Information Commissioner**

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 Sh.Gurinder jit Singh

House No. 1757/30 C, Gali no. 9,

Heera Bagh Jagraon, Distt Ludhiana

 Appellant.

Versus

**Public Information Officer,**

O/o Nagar Nigam, Moga

**First Appellate Authority**

Nagar Nigam Moga ...Respondent

**Appeal Case No. 3680 of 2016**

Present : (i) Sh. Gurinder Jit singh the appellant

 (ii) For the respondent : Sh. Satish Verma, PIO

**ORDER**

 This order may be read with reference to the previous order dated 11.09.2017 vide which an amount of Rs. 1500/- was awarded as a compensation.

2. The appellant states that he has received the information and compensation. He further states that he is satisfied.

3. Respondent has filed his reply in response to the order showing cause. Keeping in view all the facts mentioned in the reply the show cause notice is hereby dropped.

4. Since, the order of the Commission has been complied with, no cause of action is left. The appeal filed by the appellant is, therefore, **disposed of and closed.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 25.10.2017 State Information Commissioner**

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Sh. Tejinder Singh,

r/o Village Bholapur, Post Office Ramgarh,

Chandigarh road, Ludhiana Appellant.

Versus

**Public Information Officer,**

O/o Naib Tehsildar, Sub Registrar,

Tehsil Koomkalan, distt. Ludhiana

**First Appellate Authority**

O/o SDM, East, Ludhiana ...Respondent

**Appeal Case No. 55 of 2017**

Present : (i) Sh. Jasbir Singh on behalf of the appellant

 (ii) For the respondent : Sh. Navdeep Singh, Naib Tehsildar

**ORDER**

 This order may be read with reference to the previous order dated 11.09.2017.

2. The appellant has authorized Sh. Jasbir Singh to appear on his behalf. Sh. Jasbir Singh states that the appellant has received information pertaining to point no. 1 only.

3. As directed during the last hearing, Sh. Navdeep Singh has appeared and states that complete information will be provided to the appellant. Respondent may note that this is the last opportunity given to him to provide complete information to the appellant.

4 To come up on **08.11.2017 at 11.00 AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 25.10.2017 State Information Commissioner**

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 Sh.Tejinder Singh

r/o Bholapur, PO Ramgarh

Chandigarh Road, Ludhaina Appellant.

Versus

**Public Information Officer,**

O/o Sub Divisional Magistrate (E),

Ludhiana

 ...Respondent

**Complaint Case No. 331 of 2017**

Present : (i) Sh. Jasbir Singh on behalf of the complainant

 (ii) None is present on behalf of the respondent

**ORDER**

 This order may be read with reference to the previous order dated 11.09.2017 vide which a show cause notice was issued to Madam Paramjit Kaur, Supdt.-cum-PIO.

2. The complainant has authorized Sh. Jasbir Singh to appear on his behalf. He states that no information has been given to the complainant so far.

3. Respondent is absent today.

4. A perusal of the file shows that the respondent was not present even on the last date of hearing and a show cause notice was issued to Madam Paramjit Kaur, PIO. But it was received back un-delivered with the remarks of the postal authorities that Madam Paramjit Kaur was refused to accept the same, which shows that she has no regard for the orders issued by the Commission. Today neither Madam Paramjit Kaur nor her representative is present to attend the hearing.

5. Despite repeated directions, the Respondent-PIO is not appearing before the Commission. Hence, bailable warrant be issued to her through Commissioner of Police, Ludhiana so that she should appear before the Commission to present his case personally.

6. To come up on **14.11.2017 at 11.00 AM.** Copy of the order be sent to the parties ***through registered post.***

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 25.10.2017 State Information Commissioner**

**Regd. Post**

**BAILABLE WARRANT OF PRODUCTION**

BEFORE SH. HARINDER PAL SINGH MANN, STATE INFORMATION COMMISSIONER, PUNJAB

SCO NO. 32-33-34, Sector 17-C, Chandigarh

In case of Sh. Tejinder Singh, r/o Village Bholapur, PO Ramgarh, Ludhiana v/s PIO, SDM (East), Ludhiana

Complaint/Appeal No. : CC: 331 of 2017

 **UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005.**

**NEXT DATE OF HEARING : 14.11.2017**

To

 The Commissioner of Police,

 Ludhiana

 Whereas the Smt. Paramjit Kaur, Supdt-cum-PIO, o/o SDM (East), Ludhiana has failed to appear before the State Information Commissioner despite the issuance of repeated notices/directions in the above mentioned complaint case. Therefore, you are hereby directed to serve this bailable warrant on Smt. Paramjit Kaur, Supdt-cum-PIO, o/o SDM (East), Ludhiana to appear before Madam Preety Chawla, State Information Commissioner Punjab at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on 14.11.2017 at 11.00 AM and submit his written submissions in regard to the order dated 11.09.2017 (copy enclosed) alongwith the information to be provided to the Appellant.

(Preety Chawla)

State Information Commissioner

 Chandigarh

Dated : 25.10.2017