

# PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

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Sh. Sukhwinder Singh,  
President, Anti Corruption Front (Regd),  
Machhiwara, Distt:Ludhiana.

...Appellant

Versus

**Public Information Officer,**  
O/o District Education Officer (EE),  
Ludhiana.

**First Appellate Authority**  
o/o District Education Officer (EE),  
Ludhiana.

...Respondent

## APPEAL CASE NO. 167 OF 2019

**PRESENT:** None is present on behalf of the appellant.  
Sh. Major Singh, Legal Advisor on behalf of the respondent.

### ORDER:

The RTI application is dated 13.09.2018 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 18.10.2018 and second appeal was filed in the Commission on 02.01.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 26.02.2019 in the Commission.

3. A letter has been received from the appellant in the Commission by email mentioning therein that due to unavoidable circumstances, he cannot attend today's hearing and has sought another date.

4. The respondent files reply mentioning therein that the appellant has sought information regarding four schools on 13.09.2018 and he has transferred the same to the concerned Schools vide letter dated 26.09.2018 but these schools are private bodies and two schools have denied to provide their information but rest of two has given, which he has brought today in the Commission to deliver it personally to the appellant.

5. The respondent is directed to send this information to the appellant by registered post. The respondent is also directed to file proper written reply about the complete facts of the case, on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

Contd...p-2

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**APPEAL CASE NO. 167 OF 2019**

6. The Appellant is directed to justify what public interest is involved in the information asked for before the next date of hearing and should personally appear, failing which decision shall be taken on merits.

7. The matter to come up for further hearing now on **10.04.2019 at 11.00AM**. Copies of the order be sent to the parties.

**Chandigarh  
26.02.2019**

Sd/-  
**(Prof. Viney Kapoor Mehra)**  
**State Information Commissioner**

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Sh. Tejinder Singh,  
R/o Village Bholapur,  
P.O:Ramgarh, Chandigarh Road,  
Ludhiana.

...Appellant

Versus

**Public Information Officer,**  
O/o Assistant Civil Surgeon,  
Ludhiana.

**First Appellate Authority**  
o/o Civil Surgeon,  
Ludhiana.

...Respondent

## APPEAL CASE NO. 166 OF 2019

**PRESENT:** None is present on behalf of the appellant.  
Dr. S.P.Singla, DFWO, the respondent.

### ORDER:

The RTI application is dated 02.09.2018 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 14.10.2018 and second appeal was filed in the Commission on 01.01.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 26.02.2019 in the Commission.

3. A letter has been received from the appellant in the Commission by email mentioning therein that till today, correct information has not been provided to him by the respondent and has sought another date.

4. The respondent files reply to the Notice of the Commission mentioning therein that the RTI application of the appellant was received in their office on 11.09.2018 and information has been sent to him on 09.10.2018. He further states that after that the appellant file first appeal with the FAA, in which he has sought additional information, which cannot be provided to him as the case is pending in the Hon'ble Punjab and Haryana High Court. Copy of the reply has been sent to the appellant on 20.02.2019.

5. Last opportunity is given to the appellant to follow up his case in the Commission, failing which decision shall be taken on merits. The respondent is file an affidavit in this regard, on the next date of hearing.

Contd...p-2

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**APPEAL CASE NO. 166 OF 2019**

6. The matter to come up for further hearing now on **10.04.2019 at 11.00AM..** Copies of the order be sent to the parties.

**Chandigarh  
26.02.2019**

Sd/-  
**(Prof. Viney Kapoor Mehra)  
State Information Commissioner**

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Sh. Bharat Bhushan Mattu,  
H.No.153, Akash Nagar,  
Near Greenland School, P.O: Netaji Nagar,  
Salem Tabri, Distt: Ludhiana.

...Appellant

Versus

**Public Information Officer,**  
O/o Tehsildar,  
Nawanshahar, Distt: SBS Nagar.

**First Appellate Authority**  
o/o Sub Divisional Magistrate,  
Nawanshahar, Distt: SBS Nagar.

...Respondent

## APPEAL CASE NO. 174 OF 2019

**PRESENT:** (i) None is present on behalf of the appellant.  
(ii) Sh. Tarlochan Ram, Sr. Assistant is present on behalf of the respondent.

### ORDER:

The RTI application is dated 01.10.2018 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 09.11.2018 and second appeal was filed in the Commission on 02.01.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 26.02.2019 in the Commission.

3. The appellant is absent for today's hearing.

3. A letter has been received from the appellant in the Commission vide diary no. 3790 dated 18.02.2019 mentioning therein that due to ill health, he cannot attend today's hearing and has sought another date.

4. The respondent states that he has already provided the complete information to the appellant and has also brought the original record today in the Commission for the perusal of the appellant.

5. The appellant is advised to revert back to the authorities, in case of any deficiency within a week with a copy to the Commission. The respondent is directed to file an affidavit that the information which was available stands supplied and nothing is pending, on the next date of hearing.

Contd...p-2

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**APPEAL CASE NO. 174 OF 2019**

6. The matter to come up for further hearing now on **10.04.2019 at 11.00AM**. Copies of the order be sent to the parties.

Sd/-

**(Prof. Viney Kapoor Mehra)  
State Information Commissioner**

**Chandigarh  
26.02.2019**

# PUNJAB STATE INFORMATION COMMISSION

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Sh. Tejinder Singh,  
R/o Village Bholapur,  
P.O:Ramgarh, Chandigarh Road,  
Ludhiana.

...Appellant

Versus

**Public Information Officer,**  
O/o Municipal Council,  
Morinda, Distt: Roopnagar.

**First Appellate Authority**  
o/o Regional Deputy Director,  
Local Govt., Ludhiana.

...Respondent

## Appeal Case No. 4166 of 2018

**PRESENT** : (i) None is present on behalf of the appellant.  
(ii) Sh. Sandeep Singh, Accountant on behalf of the respondent.

### ORDER

This order may be read with reference to the previous order dated 16.01.2019.

2. The appellant is absent for today's hearing. A letter has been received from the appellant in the Commission by email mentioning therein that he has already pointed out deficiencies in the information provided to the respondent by registered post on 01.02.2019.

3. The respondent states that he has brought the information which has been pointed out by the appellant, today in the Commission for the perusal of the appellant but he is absent. Copy of the same is taken on record.

4. The respondent is directed to send the same by registered post to the appellant by tomorrow.

5. With these directions, the case is **disposed off and closed**. Copies of the order be sent to the parties.

Chandigarh  
26.02.2019

Sd/-  
(Prof. Viney Kapoor Mehra)  
State Information Commissioner

**Note:** *After the hearing was over, Sh. Tejinder Singh, the appellant appeared. The copy of the information is handed over to him. After going through the information, the appellant states that he is satisfied with the reply of the respondent and has given in writing his satisfaction. No further cause of action is left in the instant Appeal Case, which is hereby, disposed off and closed.*

Chandigarh  
26.02.2019

Sd/-  
(Prof. Viney Kapoor Mehra)  
State Information Commissioner

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Sh. Parkash Chand Beri,  
Kothi No. 314, Phase-1,  
Sector:55, SAS Nagar, Mohali.

...Appellant

Versus

**Public Information Officer,**  
O/o Director,  
Health & Family Welfare Deptt.,  
Parivar Kalyan Bhawan, Sector:34/A,  
Chandigarh.

**First Appellate Authority**  
o/o Director,  
Health & Family Welfare Deptt.,  
Parivar Kalyan Bhawan, Sector:34/A,  
Chandigarh.

...Respondent

## Appeal Case No. 221 of 2019

**PRESENT :** (i) Sh. Parkash Chand Beri, the appellant.  
(ii) Smt. Ajmer Kaur, Suptd and Sh. Jagtar Singh, Sr. Assistant on behalf of the respondent.

## ORDER

The RTI application is dated 02.07.2018 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 06.07.2018 and second appeal was filed in the Commission on 04.01.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 26.02.2019 in the Commission.
3. The appellant has filed written submission today in the Commission, which is taken on record. He states that correct information has still not been provided to him by the respondent.
4. Smt. Ajmer Kaur, Suptd., is appearing on behalf of the respondent and states that complete information has already been supplied to the appellant and has also inspected the record to the appellant.
5. The PIO is directed to file an affidavit that the information as per the office record stands supplied and nothing is pending on the next date of hearing, failing which action under section 20(1) of the RTI Act, 2005 will be initiated.
6. The matter to come up for further hearing now on **10.04.2019 at 11.00PM**. Copies of the order be sent to the parties.

Chandigarh  
26.02.2019

Sd/-  
(Prof. Viney Kapoor Mehra)  
State Information Commissioner



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Sh. Surjit Singh,  
S/o Late Sh. Gokal Singh,  
VPO: Jarg, Tehsil: Payal,  
Distt:Ludhiana.

...Complainant

Versus

**Public Information Officer,**  
O/o DPI (EE),  
Punjab, Phase-VIII,

...Respondent

## Complaint Case No. 1065 of 2018

**PRESENT:** (i) Sh. Surjit Singh, the complainant.  
(ii) Smt. Jasbir Kaur, Sr. Assistant on behalf of the respondent.

### ORDER

This order may be read with reference to the previous order dated 17.01.2019.

2. The complainant states that no information has been provided to him by the respondent.

3. The respondent states that she has brought the final action taken report today in the Commission. Copy of the same is handed over to the complainant for his perusal.

4. The respondent has not filed any reply in response to the show cause notice. Last opportunity is given to the PIO to file an affidavit in response to the show cause notice and should personally appear, on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

5. The matter to come up for further hearing now on **10.04.2019 at 11.00AM**. Copies of the order be sent to the parties.

Sd/-

Chandigarh  
26.02.2019

(Prof. Viney Kapoor Mehra)  
State Information Commissioner

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Sh. Jagir Singh,  
S/o Sh.Partap Singh,  
Village: Dalia Rajputa,  
Presently, R/o, Village Gill,  
P.O: Jagdev Khurd, Tehsil:Ajnala,  
Distt: Amritsar.

...Appellant

Versus

**Public Information Officer,**  
O/o District Social Security Officer,  
Women and child Development and  
Welfare Deptt, Amritsar.

**First Appellate Authority**

o/o District Social Security Officer,  
Women and child Development and  
Welfare Deptt, Chandigarh.

...Respondent

**APPEAL CASE NO. 1154 OF 2018**

**PRESENT:**

- (i) None is present on behalf of the appellant.
- (ii) Smt. Gurmit Kaur, Sr. Assistant on behalf of the respondent.

**ORDER:**

This order may be read with reference to the previous order dated 17.01.2019.

2. The appellant is absent for today's hearing.
3. Smt. Gurmit Kaur, Sr. Assistant is appearing on behalf of the respondent and files an affidavit as directed by the Commission during the last hearing in response to the show cause notice. Copy of the same is taken on record.
4. The information has already been supplied to the appellant with which he is satisfied. Keeping in view all the facts mentioned in the reply are found satisfactory but taking a lenient view, the PIO is warned to be careful in future while dealing with the RTI applications. The show cause notice is hereby, dropped.
5. In view of the above, no further cause of action is left in the instant Appeal Case, which is, hereby, **disposed off and closed**. Copies of the order be sent to the parties.

Sd/-

Chandigarh  
26.02.2019

(Prof. Viney Kapoor Mehra)  
State Information Commissioner

**Through registered post**

CC: Sh. Narinderjit Singh Pannu, Public Information Officer o/o District Social Security Officer, Women and Child Development and Welfare Deptt., Amritsar.

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Sh. Kanwal Pal Singh.  
# HIG-683, Phase-1, Urban Estate,  
Patiala.

...Appellant

Versus

**Public Information Officer,**  
O/o DEO(EE),  
Patiala.

**First Appellate Authority**  
o/o DPI(EE), Punjab,  
Mohali.

...Respondent

## **Appeal Case No. 4142 of 2018**

**PRESENT :** (i) Sh. Kanwalpal Singh, the appellant.  
(ii) Sh. Hatinder Pal, Clerk is present on behalf of the respondent.

## **ORDER**

This order may be read with reference to the previous order dated 16.01.2019.

2. The appellant states that till today, complete and relevant information has not been supplied to him by the respondent.
3. The respondent states that he has brought the original record today in the Commission for the perusal of the appellant.
4. After going through the record, the appellant states that this record is not related with his RTI application.
5. The respondent states that the record which is related with the RTI application of the appellant is missing.
6. The respondent is directed to lodge an FIR for the loss of record and submit the report on the next date of hearing. The PIO is also directed to take disciplinary action against the erring officer who is responsible for the loss of the record. The PIO is also directed to appear personally on the next date of hearing alongwith his written reply in this regard, failing which action will be initiated against him as per the provisions of the RTI Act, 2005.
7. The matter to come up for further hearing now on **10.04.2019 at 11.00PM**. Copies of the order be sent to the parties.

**Chandigarh**  
**26.02.2019**

Sd/-  
**(Prof. Viney Kapoor Mehra)**  
**State Information Commissioner**

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Sh. Gagandeep Singh Janjuja,  
Village Tura, P.O: Kumbh,  
Tehsil:Amloh, Distt: Fatehgarh Sahib.

Appellant

Versus

**Public Information Officer,**  
o/o Executive Officer,  
M.C, Rahon, Distt:SBS Nagar.

**First Appellate Authority,**  
o/o Deputy Director,  
Local Govt., Jalandhar.

Respondent

## APPEAL CASE NO. 4123 OF 2018

**PRESENT:** (i) None is present on behalf of the appellant.  
(ii) Sh. Vinod Kumar, Clerk is present on behalf of the respondent.

### ORDER:

This order may be read with reference to the previous order dated 16.01.2019.

2. A letter has been received from the appellant in the Commission by email mentioning therein that till today, no information has been provided to him by the respondent.

3. Sh. Vinod Kumar, Clerk is appearing on behalf of the respondent and files an affidavit as directed by the Commission, during the last hearing. Copy of the same is taken on record.

4. After perusing the case file, it is ascertained that an affidavit has been filed by the respondent today in the Commission in response to the RTI application of the appellant, which is taken on record. The appellant is advised to collect the same from the Commission office on any working day.

5. In view of the above, no further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

Sd/-

Chandigarh  
26.02.2019

(Prof. Viney Kapoor Mehra)  
State Information Commissioner

# PUNJAB STATE INFORMATION COMMISSION

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## APPEAL CASE NO. 3112 OF 2014

Sh. Balbir Aggarwal,  
# 167-B, Industrial Area Estate,  
Miller Ganj, Ludhiana-141003.

...Appellant

Versus

**Public Information Officer,**  
O/o Commissioner,  
Municipal Corporation,  
Ludhiana.

**First Appellate Authority,**  
O/o Commissioner,  
Municipal Corporation,  
Ludhiana.

...Respondents

### ORDER:

This case was last heard on 29.08.2018 and the order was reserved.

2. Vide order dated 27.04.2017, a penalty of Rs. 10,000/- was imposed on the Respondent - PIO under Section 20 of the Right to Information Act, 2005 due to the failure on her part to supply the information within the statutorily prescribed period of 30 days. The perusal of the order dated: 27.04.2017 shows that on that day the Respondent - PIO was not present and, therefore, the case was decided against her in absentia.

3. Ms. Monika Anand who was PIO at the time of filing RTI application, has filed a reply dated: 04.06.2018 and 28.08.2018, praying for recall the order dated 17.04.2018, imposing the penalty of Rs. 10,000/- upon her and has intimated/prayed reproduced as under:-

*"Application for review of order dated: 17.04.2018 passed in the Hon'ble Court of Prof. Viney Kapoor Mehra, State Information Commission, Punjab, Chandigarh.*

*Respectfully Showeth,*

- 1. That the Hon'ble Commission (Single Bench) vide order dated: 17.04.2018 has been pleased to pass the order dated: (Annexure A1) and has fixed 20.06.2018 for further hearing that is for confirmation of compliance of order dated: 17.04.2018.*
- 2. That the Hon'ble Commission without looking into the entailed objections dated: 22.01.2018 filed by petitioner/applicant with regard to her innocent as regard the supply of information to the applicant/appellant has solely relied upon the report sent by the Commissioner Municipal Corporation, Ludhiana vide dated: 28.11.2017 (Annexure A2). As such the petitioner has been condemned unheard and has suffered mental injury and harassment for not finding any fault for her.*
- 3. Despite the fact that Hon'ble Commission observed and noticed that in the order dated: 17.04.2018, appellant had demanded the information relating to third party and information had already been supplied to the appellant in another application. Above all the appellant having been already supplied requisite information did not lodge any protest for award of compensation or imposing of penalty on the Municipal Corporation officers. Rather he remained absent during the hearing held on 17.04.2018 and on earlier dates which duly proved that appellant was satisfied, therefore did not pursue to present appeal. Hence the Hon'ble Commission has imposed penalty of Rs. 10000/- without any cogent reason or evidence that the petitioner has willfully delayed the supply of information.*

Contd...p-2

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## APPEAL CASE NO. 3112 OF 2014

4. That it is common practice in the government offices that whenever the responsibility for negligence is to be fixed. The officer in position always shift onus on to the already transferred and retired officers. In this case the Commissioner had called the report from the town planning branch in compliance of this Hon'ble Commission order dated: 08.08.2017. But the report was prepared without any opportunity given to the petitioner rather the report was prepared by the officers who were initially held responsible for delay in supply of information. The Commissioner Municipal Corporation has simply forwarded the said report of Municipal Corporation Commissioner dated: 28.11.2017, nothing has been stated against the petitioner i.e. circumstances which prove that petitioner was responsible for delay. Hence the report of Corporation Commissioner dated: 28.11.2017 does not communicate the true and exact facts.
5. That petitioner is law abiding officer and always performed her duties honestly and diligently. Accordingly in the event, order dated: 17.04.2018 are not reviewed and modified, petitioner shall suffer immense loss and injury to her reputation and may also block her further chances of promotion as the office of Municipal Corporation is likely to make "red entry" in the service book of petitioner for imposition of fine by Hon'ble Commission. The circumstances warrants i.e. order dated: 17.04.2018 may be reviewed and the order of recovery of penalty amount withdrawn or at least i.e. Municipal Corporation may be held liable to make payment of Rs. 10000/- by Hon'ble Commission.
6. In view of the above true facts stated above, it is respectfully submitted that the present review petition may kindly be entertained in view of justice and equity and order of recovery of Rs. 10000/- from the salary of petitioner suitably modified as prayed above. The petitioner has never been punished by Hon'ble Commission in the past rather the petitioner has been making compliance of order of Honble Commission with due diligence.
7. It is further prayed that petitioner may kindly be heard in person on date fixed i.e. 20.06.2018 and till then he recovery of amount of Rs. 10000/- from salary of petition may be stopped please.

x      x      x      x      x      x

During the hearing dated: 20.06.2018, the following order was passed: -

*This order may be read with reference to the previous order dated: 17.04.2018.*

2. The appellant is absent for today's hearing without any intimation to the Commission.
3. Ms. Monika Anand, STP is appearing on behalf of o/o Commissioner, MC, Jalandhar and states that some more time be given to her to file her written submission in response to the orders dated 17.04.2018.
4. The PIO o/o Commissioner, MC, Ludhiana is also directed to appear personally on the next date of hearing.
5. The PIO o/o Commissioner, MC, Jalandhar is also directed to appear personally, on the next date of hearing and file written reply in response to the orders dated 17.04.2018 of the Commission.
6. Last opportunity is given to Ms. Monika Anand, STP, o/o MC, Jalandhar to file additional reply in response to the orders dated 17.04.2018.
7. The matter to come up for further hearing now on **23.07.2018 at 11.30A.M.** Copies of the order be sent to the parties.

During the hearing dated 29.08.2018 (23.07.2018 hearing was postponed to 29.08.2018) the following order was passed:-

Contd...p-3

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## APPEAL CASE NO. 3112 OF 2014

*This order may be read with reference to the previous order dated: 20.06.2018.*

*The appellant is absent for today's hearing in the Commission.*

*Ms. Monika Anand, Senior Town Planner (A.C.), MC, Ludhiana appears and files her written submission regarding review the order dated: 27.04.2018. The copy of the same is taken on record.*

The above said written submission reproduced as under:-

*"Application for review of order dated: 17.04.2018 passed in the Hon'ble Court of Prof. Viney Kapoor Mehra, State Information Commission, Punjab, Chandigarh.*

*Respectfully Showeth,*

- 1. That the Hon'ble Commission (Single Bench) vide order dated: 17.04.2018 has been pleased to pass the order dated: (Annexure A1) and has fixed 29.08.2018 for further hearing that is for confirmation of compliance of order dated: 17.04.2018.*
- 2. That I have already submitted the affidavit dated 22.01.2018 (Annexure A2) and review application dated: 04.06.2018 (Annexure A3) to your goodself.*
- 3. I request you to modify the order dated 17.04.2018 on the following facts which I have already numerated in affidavit dated 22.01.2018 and review application dated 04.06.2018 in detail –*
  - a. That the office report clearly states that the information asked for by the appellant vide his application dated 23.07.2014 was supplied to the appellant by applicant on 16.12.2014. As the demanded information relates to challans of year 2012 and building inspectors are custodian of such record. After receiving the record/information from the concerned building inspector, same was supplied to appellant hence there is not any willful delay by undersigned.*
  - b. That above all the appellant having been already supplied requisite information did not lodge any protest for award of compensation or imposing of penalty on the Municipal Corporation officers. Rather he remained absent during the many hearings held on 17.04.2018, 21.06.2018, 23.07.2018 and on earlier dates which duly proved that appellant was satisfied, therefore did not pursue to present appeal. Even he (RTI applicant) has submitted in written application on 23.07.2018 (annexure 3) that he has got the information already and satisfied with it.*
  - c. It is submitted that in this case the Commission Municipal Corporation Ludhiana had called the report from the town planning branch in compliance of this Hon'ble Commission order dated 08.08.2017. But the report dated 27.04.2017 was prepared without any opportunity given to the petitioner rather the report was prepared by the officers who was initially held responsible for delay in supply of information.*
  - d. It is brought in your kind notice that after my transfer from Zone D Ludhiana in July, 2015, five PIOs named Ravneet Kaur, Bhupinder Singh, Vijay Kumar, Ankit Midda, Surinder Singh Bindra remained in this area who dealt this RTI/orders passed by Hon'ble Commission time to time, whereas the undersigned was only held responsible for the delay after four years from date of filing application. Moreover the*

*Contd...p-4*



# PUNJAB STATE INFORMATION COMMISSION

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## APPEAL CASE NO. 3112 OF 2014

- e. *zimni order passed by Hon'ble Commission on 24.07.2016, 17.09.2016, 21.10.2016 and others prove that none PIO has appeared before Commission on fixed date. Further the reply to the show cause notice issued to PIO cum ATP Surinder Singh Bindra was not replied and all this compelled the Hon'ble Commission to pass the order dated 27.04.2017. All facts were not touched in the report culminating into order of Commissioner dated 24.11.2017.*
4. *That petitioner is law abiding officer and always performed her duties honestly and diligently. The petitioner has never been punished by Hon'ble Commission in the past rather the petitioner has been making compliance of order of Hon'ble Commission with due diligence. Hence it is again requested that order of recovery of amount 10000/- from salary of petitioner may be withdrawn please.*

4. I have carefully considered the submissions made by the Respondent PIO Ms. Monika Anand. The first question to be addressed is whether the Bench can review/recall its earlier order dated: 27.04.2017, imposing a penalty of Rs. 10,000/- upon the Respondent?

5. The Right to Information Act, 2005 does not contain any provision conferring the power of review on the Commission in relation to the orders passed by it on the judicial side. It is trite law that power of review can be exercised by a statutory authority only if it has been expressly conferred by the statute concerned. In the absence of an express power, a statutory authority, cannot review its orders on merits. However, this principle is subject to certain exceptions. These exceptions are:-

- i. Where the order sought to be recalled has been passed without notice to the person affected or where his/her absence at the time of passing the order was not willful, but was occasioned by reasons beyond his/her control.
- ii. Where the order sought to be recalled has been passed on mis-presentation of facts by the opposite party.
- lii. Where there are obvious clerical/typographical mistakes in the order.

6. In the instant case, I find that the absence of the Respondent on 27.04.2017 was more on account of remissness on the part of the subordinate staff than any willful default on the part of the Respondent because she was transferred from Municipal Corporation Zone-D, Ludhiana to Municipal Corporation, Jalandhar at that time. Moreover, the perusal of the case file shows that requisite information stands provided to the Appellant and he has acknowledged the same. Since Ms. Monika Anand stands transferred from the Respondent department in July, 2015 and despite the repeated directions of the Commission, she was not apprised of the proceedings of the Commission by the then PIO, therefore she cannot be held responsible for not appearing before Commission at the time of hearing of the case.

### **Section 20 of the RTI Act, 2005 provides as under:**

(1) *Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:*

Contd..p-5



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## APPEAL CASE NO. 3112 OF 2014

*Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:*

*Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.*

*(2) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.*

7. Since notice was not issued to Ms. Monika Anand, S.T.P. (A.C.), Municipal Corporation, Jalandhar to appear personally before the Commission and to explain her position before imposing penalty in this case. In view of the facts mentioned in the request of Ms. Monika Anand for the review/recall orders passed in the instant case falls within the first exception as indicated in para 5 (i) above.

8. In view of the foregoing, I am of the view that penalty imposed in this case upon Ms. Monika Anand, S.T.P. (A.C.), Municipal Corporation, Jalandhar deserves to be recalled and therefore, I recall the order passed on 27.04.2017, imposing a penalty of Rs. 10,000/- upon the Respondent. Therefore, no further action is required in Appeal Case, which is hereby **closed and disposed off**. However, Ms. Monika Anand is warned to be careful in future while dealing with the RTI applications. Copies of the order be sent to the parties.

Sd/-

Chandigarh  
26.02.2019

(Prof. Viney Kapoor Mehra)  
State Information Commissioner

Through registered post

Copy to Intimation & Necessary Action: -

- (i) **The Commissioner (By Name)**, Municipal Corporation, Ludhiana.
- (ii) **The Commissioner (By Name)**, Municipal Corporation, Jalandhar.
- (iii) **Ms. Monika Anand**, Senior Town Planner (A.C.), Municipal Corporation, Jalandhar.

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Sh. Manjit Singh,  
S/o Sh. Hari Singh,  
Village Upperla Manwal,  
P.O: Tehsil & Distt: Pathankot.

Complainant

Versus

**Public Information Officer,**  
O/o Deputy Commissioner,  
Pathankot.

**Public Information Officer,**  
o/o XEN,  
PWD, B&R, Pathankot.

**Public Information Officer,**  
O/o XEN,  
Punjab Mandi Board,  
Pathankot.

Respondent

## Complaint CASE NO. 1398 OF 2017

**PRESENT:** (i) None is present on behalf of the complainant.  
(ii) Sh. Manmohan, XEN and Sh. Gurdeep Kumar, S.A o/o D.C, Pathankot on behalf of the respondent.

### ORDER

This order may be read with reference to the previous order dated 16.01.2019.

2. The complainant is absent for today's hearing.
3. Sh. Manmohan, XEN appearing in person and files an affidavit that the complete information as per office record has already been supplied to the complainant. He further adds that first reply was sent to him vide letter dated 07.11.2017 and detailed information was sent to him by the office of XEN, PWD, B&R, Pathankot on 02.04.2018. The copy of the affidavit is taken on record.
4. After hearing the respondent and perusing the record, it is ascertained that the PIO o/o XEN, Punjab Mandi Board, Pathankot has already provided the information to the complainant and XEN, PWD, B&R, Pathankot has filed an affidavit today in the Commission mentioning the detailed facts of the case. Keeping in view all the facts mentioned in the reply are found satisfactory. The show cause notice is hereby, dropped.
5. In view of the above, no further cause of action is left in the instant Complaint Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

Sd/-

Chandigarh  
26.02.2019

(Prof. Viney Kapoor Mehra)  
State Information Commissioner

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Sh. Vinay Sophat, #136/1,  
Block 12, Shahpur Road,  
Ludhiana.

Complainant

Versus

**Public Information Officer,**  
O/o DPI (Colleges),  
Punjab, 7<sup>th</sup> Floor, Punjab School Education Board,  
Complex, Phase-8, SAS Nagar, Mohali.

Respondent

## Complaint Case No. 154 of 2018

**PRESENT:** None for the parties.

### ORDER

This order may be read with reference to the previous order dated 16.01.2019.

2. Neither the complainant nor the respondent is present for today's hearing.
3. ***The judgment is reserved in this case.***

Chandigarh  
26.02.2019

Sd/-  
**(Prof. Viney Kapoor Mehra)**  
State Information Commissioner