**PUNJAB STATE INFORMATION COMMISSION**

 **RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

 **Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

 **Email:psic22@punjabmail.gov.in**

Sh. Bhupinder Singh

S/o Sh. Gurjail Singh,

VPO: Bahmna, Tehsil Samana,

District Patiala. Appellant

Versus

Public Information Officer,

O/o Deputy Commissioner,

Patiala, Mini Sectt. Patiala

First Appellate Authority

O/o Commissioner, Patiala Division,

Patiala. Mini Sectt. Patiala. Respondents

 **APPEAL CASE NOs 325 and 326 of 2018**

Date of RTI application : 06.11.2017/16.10.2017

Date of First Appeal : 20.12.2017/20.11.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 10.01.2018

**Present: Sh. Bhupinder Singh, Appellant in person.**

1. **Sh. Sandeep Singh, Tehsildar, Samana,**
2. **Sh. Hakam Singh, Jr. Assistant, Tehsil Office, Samana,**
3. **Sh. Kanwaljeet Singh, Office, Kanungo,Tehsil office, Samana - for Respondents.**

**ORDER**

Sh. Sandeep Singh, Tehsildar says that he has recently joined. He seeks adjournment. The matter shall be reheard on **28.08.2018 at 11.30 AM.**

 Meanwhile, he should file a written reply in the shape of an affidavit before the next date of hearing.

 **Sd/-**

**26.07.2018 (Yashvir Mahajan) State Information Commissioner**

**Cc: The Deputy Commissioner, Patiala, for n/a.**

**CC: Sh. Sandeep Singh, PIO – cum – Tehsildar, Samana, Distt. Patiala, for n/a.**

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Sh. Hakam Parshad,

S/o Sh. Hazari Lal,

R/o #180, Sector 20-C,

Subhash Nagar,

Mandi Gobindgarh Appellant

Versus

Publilc Information Officer,

O/o Sub Divisional Magistrate,

Kharar, S.A.S Nagar.

First Appellate Authority,

O/o Deputy Commissioner,

District Administrative Complex,

Sector-76, S.A.S Nagar Respondents

**APPEAL CASE NO.1201/2018**

Date of RTI application: 14.09.2017

Date of First Appeal : 09.02.2018

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 05.02.2018

**Present: Sh. Vivek Kumar on behalf of the Appellant.**

**None on behalf of the Respondents.**

**ORDER**

 To make the facts clear it shall be appropriate to reproduce the orders passed on 31.05.2018 and 05.07.2018:

 **Order dated 31.05.2018**

  *“The appellant is seeking the outcome of an application made by him for the demarcation of a property the part of which reportedly has been acquired by the Land Acquisition Officer for the widening of the State highway. The appellant says that he is running from pillar to post without success to lay hand to the information.*

 *The response of the respondents is evasive. Sh. Tarsem Singh Mittal, Tehsildar, Kharar is directed to file a written reply and explain the inordinate delay having been taken in disposing of the original application, failing which the penal action shall be taken.”*

 *Contd…page…2*

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**APPEAL CASE NO.1201/2018**

 **Order dated 05.07.2018**

 *“Vide order dated 31.05.2018, the Tehsildar, Kharar was directed to file a written explanation for the inordinate delay in providing the information. He is neither present nor any communication has been received from him.*

 *The Commission takes a serious note of it. While taking it as a case of willful defiance in providing the information the PIO 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.”*

The case has come up today. It transpires that the noticee namely Sh. Tarsem Singh Mittal the then Tehsildar, Kharar has superannuated. The Commission deems it appropriate to call off the notice thus served on him as mentioned above. Meanwhile the new incumbent Sh. Ravinder Kumar Bansal is directed to look into the entire issue and arrange to provide the information to the appellant within fifteen days from the receipt of this order.

 The matter shall again be heard on **23.08.2018 at 11.30 AM.** **Sd/-**

**26.07.2018 ( Yashvir Mahajan )**

 **State Information Commissioner**

**Cc: Sh. Ravinder Kumar Bansal, Tehsildar, Kharar, Distt. Mohali, for n/a.**

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Sh. Jagroop Singh,

S/o Sh. Hakum Singh,

R/o H.No.354, Sector-91, S.A.S. Nagar Complainant

Versus

Public Information Officer,

O/o Senior Supdt of Police,

District Administrative Complex,

Sector-76, S.A.S. Nagar. Respondent

 **COMPLAINT CASE NOs.248 and 249 of 2018**

Date of RTI application : 07.02.2018/09.02.2018

Date of First Appeal : N/A

Date of Order of FAA : N/A

Date of 2nd Appeal/complaint : 19.02.2018

**Present:** None on behalf of the Complainant.

1. ASI Avtar Singh, Chowki Incharge, Sunny Enclave, Kharar,
2. Constable Maninder Singh, RTI Br., SSP Office, Mohali – for Respondent.

**ORDER**

 It shall be appropriate to reproduce an order passed on 29.05.2018:

 “*Since the complainant and the respondents are the same and the nature of the issue in hand is identical, the single order shall dispose of both the complaints.*

 *The respondents are absent despite issue of notice. The Commission takes serious note of the apathy and directs him to file a written statement before the next date of hearing.”*

On 05.04.2018 it observed as under:

 *“The status quo remains. The Commission is anguished to note that the displeasure conveyed earlier seemingly has not have the desired effect. A last opportunity is afforded to the respondent to take appropriate action on the original application and file a reply to the Commission else it shall be taken as a case of willful denial and the penal consequences shall follow.”*

 *“The case has again come up today. Despite the issue of notice and express orders Contd…page…2*

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***COMPLAINT CASE NOs.248 and 249 of 2018***

*showing its displeasure no cognizance whatsoever either in providing the information or filing a reply to the notice has been taken by the respondent. The respondent is silent on the issue. Such an apathy can not be accepted.*

 *Sh. Kuldip Singh Chahal, IPS, Senior Superintendent of Police, Mohali, PIO 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 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.”*

ASI Avtar Singh has come present. A communication from the APIO has also been received wherein it has been stated that the sought for information has been handed over to the complainant on 21.06.2018. An acknowledgement as a token of the information having been received by the complainant has also been produced by the respondent which has been taken on record.

 The respondent further regrets the delay. They submit that the office is awesomely Contd…page…3

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***COMPLAINT CASE NOs.248 and 249 of 2018***

occupied over the maintenance of law & order and in the exigency of the nature of their duty the information has been slightly delayed. Be that as it is the show cause notice has been issued by name to the Sr. Superintendent of Police, Mohali. He should file the explanation in person failing which it shall be presumed that he has nothing to say and the follow up penal action on the notice shall be taken.

To come up on **28.08.2018 at 11.30 AM.**

**Sd/-**

**26.07.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Sh. Kuldeep Singh Chahal, IPS, Sr. Superintendent of Police, SAS Nagar (Mohali) for n/a.**