

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden, Sector-16, Chandigarh.**  
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Ms Anju Rani Prashar,  
R/o Ward NO-2, Near Nagar Khara Dharamshala,  
Kurali, Mohali.

... Appellant

Versus

**Public Information Officer,**  
O/o SSP,  
Mohali.

**First Appellate Authority,**  
O/o SSP,  
Mohali.

...Respondent

**Appeal Case No. 79 of 2019**

**PRESENT: Ms Anju Rani as the Appellant**  
**Sh.Gurnam Singh Head Constable O/o SSP Mohali for the**  
**Respondent**

**ORDER:**

The case was last heard on 24.06.2019. The appellant claimed that the PIO has not provided the information. The respondent was absent. Having gone through the RTI application, the Commission found that the information regarding points 1 to 6 is not covered under the ambit of the information as per the RTI Act. The PIO was directed to look at points 7 to 10 and provide the information to the appellant as per the RTI Act within 15 days. The PIO was also directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act. And be present on the next date of hearing.

**Hearing dated 26.08.2019:**

The respondent present pleaded that point-wise information has been sent to the appellant vide letter dated 12.08.2019 and a copy of the same submitted to the Commission. The respondent has again handed over a copy to the appellant. The appellant is not satisfied. The appellant has also raised objection on points 1 to 6. Hearing both the parties, following was concluded:

Points 1,2 & 3 - The PIO-Directorate of Information & Public Relation Punjab is impleaded in the case and directed to look at the RTI application and provide the information on these points. To provide press releases for advertisement released for emergency phone call number 100 and women helpline phone call number 181.

Point-6 - PIO-SSP Mohali to provide number of complaints filed.

Rest of the information stands provided.

To come up for further hearing on **27.11.2019 at 11.00 AM** for further hearing.

**Chandigarh**  
**Dated 26.08.2019**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

**CC to PIO-Directorate of Information & Public Relation, Punjab,**  
**Punjab Civil Secretariat, Chandigarh**

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Sh Kuldeep Singh, S/o Sh Hari Singh,  
Heera Bagh ,Street No-12,  
Jagraon, Dist Ludhiana.

... Appellant

Versus

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

**First Appellate Authority,**  
O/o Principal Secretary,  
Health & Family Welfare Deptt,  
Parivar Kalyan Bhawanm, Sector-34-A, Chandigarh.

...Respondent

**Appeal Case No. 104 of 2019**

**PRESENT: None for the Appellant**  
**Sh.Jagtar Singh, Sr. Assistant O/o Director Health & Family Welfare,Pb**  
**Chandigarh and Dr.Balwinder Singh O/o Civil Surgeon, Ludhiana for the**  
**Respondent**

**ORDER:**

The case was first heard by Prof. Viney Kapoor Mehra, State Information Commissioner on 21.02.2019. Due to delay in attending to the RTI application, the PIO was issued a show cause notice and directed to file reply on an affidavit. The First Appellate Authority was also directed to appear and file written submission regarding the RTI application.

The case was last heard on 24.06.2019. The respondent present submitted an affidavit of the PIO stating that they received the RTI application on 13.09.2018 and since the information relates to the office of Civil Surgeon Ludhiana, they transferred the RTI application to Civil Surgeon, Ludhiana on 26.09.2018. The appellant has already been provided the information by the Civil Surgeon Ludhiana vide their letter dated 11.02.2019 and a copy submitted to the Commission.

The appellant was absent. Having gone through the reply of the PIO, the Commission found that the PIO has not provided the complete information since the RTI pertains to the facility provided to the SC category whereas the respondent has informed that the facility for dialysis is available but has chosen to ignore the RTI query.

However, the Commission observed that in the affidavit filed to the Commission, the PIO has clearly mentioned that there is no facility available for SC category and has answered the RTI query of the appellant.

The Commission further observed that there is an enormous delay in providing the information by the PIO, the PIO, Civil Surgeon, Ludhiana was issued a **show cause under section 20 of the RTI Act** and directed to file reply on an affidavit and be present on the next date of hearing.

**Appeal Case No. 104 of 2019**

**Hearing dated 26.08.2019:**

The respondent present pleaded that the information has already been provided to the appellant. The respondent has also submitted circular/notification dated 22.05.2018 and 31.12.2018 of the National Health Mission, Govt of Punjab, Department of Health & Family Welfare whereby it has been notified that the Government of Punjab has decided to provide Blood & Blood components and dialysis services to the patients free of cost in the Public Health Institutions. The appellant is absent.

I have gone through the information and find that the information that has been provided to the appellant, is also applicable to the entire state. Thus, I see that the information has been provided to the best possible extent and no further course of action is required. The show cause is dropped.

The case is **disposed off and closed.**

**Sd/-**

**Chandigarh  
Dated 26.08.2019**

**(Khushwant Singh)  
State Information Commissioner**

**CC to PIO-Civil Surgeon, Ludhiana**

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Sh. Yogesh Majahan, S/o Sh Kuldeep Raj Mahajan,  
Opposite Water Tank Municipal Market,  
Mission Road, Pathankot.

... Appellant

Versus

**Public Information Officer,**  
O/o SDO, Construction,  
Sub Division No-1, PWD B&R,  
Sangrur.

**First Appellate Authority,**  
O/o SE,  
PWD B&R, Sangrur.

... Respondent

**Appeal Case No. 205 of 2019**

**Present: None for the Appellant**  
**Sh.Mohit Jindal, SDO for the Respondent**

**Order:**

The case was first heard on **25.04.2019**. The appellant was absent and vide letter received in the Commission on 24.04.2018 informed that the PIO has not provided the information. The respondent was absent without intimation to the Commission. The PIO was directed to provide the information and be present on the next date of hearing.

The case was last heard on **10.06.2019**. The respondent present pleaded that the information has been sent to the appellant vide letter dated 06.06.2019. The appellant was absent and vide email informed that the PIO has not supplied the information.

Having gone through the file, the Commission observed that since there has been an enormous delay of seven months in providing the information, a **show cause notice was issued to the PIO under section 20 of the RTI Act and directed** file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission alongwith the written replies.

**Hearing dated 26.08.2019:**

The respondent present pleaded that the information has been provided to the appellant. The appellant is absent and vide email has informed that he has received the information and does not want to pursue his case further.

Since the information has been provided, no further course of action is required. The show cause is dropped and the case is **disposed off and closed**.

Sd/-

**Chandigarh**  
**Dated: 26.08.2019**

**(Khushwant Singh)**  
**State Information Commissioner**

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Sh. Yogesh Mahajan, S/o Sh Kuldeep Raj Mahajan,  
Opposite Water Tank Municipal Market,  
Mission Road, Pathankot.

... Appellant

Versus

**Public Information Officer,**  
O/o SDO, Provincial,  
Sub Division, PWD B&R, Sangrur.

**First Appellate Authority,**  
O/o SE,  
PWD B&R, Sangrur.

... Respondent

**Appeal Case No. 206 of 2019**

**Present:       None for the Appellant**  
**None for the Respondent**

**Order:**

The case was first heard on **25.04.2019**. The appellant was absent and vide letter received in the Commission on 24.04.2018 informed that the PIO has not provided the information. The respondent was absent without intimation to the Commission. The PIO was directed to provide the information and be present on the next date of hearing.

The case was last heard on **10.06.2019**. The appellant was absent and vide email has informed that the PIO has not supplied the information. The respondent was again absent on second consecutive hearing. Due to delay in providing the information, the PIO was issued a show **cause notice under section 20 of the RTI Act and directed to** file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission alongwith the written replies.

**Hearing dated 26.08.2019:**

The respondent is absent. The appellant vide email has informed that he has received the information and does not want to pursue the case further.

Since the information has been provided, no further course of action is required. The show cause is dropped and the case is **disposed off and closed**.

Sd/-

Chandigarh  
Dated: 26.08.2019

(Khushwant Singh)  
State Information Commissioner

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Sh. Yogesh Mahajan, S/o Sh Kuldeep Raj Mahajan,  
Opposite Water Tank Municipal Market,  
Mission Road, Pathankot.

... Appellant

Versus

**Public Information Officer,**  
O/o SDO, Electrical,  
Sub Division No-4, PWD B&R,  
Patiala.

**First Appellate Authority,**  
O/o SE, Electrical Division (South),  
PWD B&R Circle, Patiala.

...Respondent

**Appeal Case No. 208 of 2019**

**Present:       None for the Appellant**  
**Sh.Dharminder Singh, APIO for the Respondent**

**Order:**

The case was first heard on **25.04.2019**. The appellant was absent and vide letter received in the Commission on 24.04.2018 informed that the PIO has not provided the information. The respondent present pleaded that since the concerned clerk was on medical leave, the information could not be provided. The respondent further pleaded that they will send the information before the next date of hearing.

The PIO was directed to provide the information to the appellant within 10 days and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act. The explanation be sent on an affidavit.

The case was last heard on **10.06.2019**. The respondent present pleaded that the information has been provided to the appellant. The appellant was absent and vide email has informed that he has received the information from the PIO till date.

The respondent also submitted an affidavit, which was taken on the file of the Commission. The PIO in the affidavit pleaded that the clerk dealing with the supply of information was 'mentally upset' due to personal family reasons and he was on medical leave and that there was no other clerk or substitute available in the Division to prepare the requisite information, thus the delay in providing the information.

Having gone through the reply, the Commission took a serious umbrage to the PIO's reply whereby he had declared a clerk mentally upset with a mere stroke of a pen. Such a derogatory remark along with poor usage of language and assertions of someone being 'mentally upset' is not expected of a senior colleague as well from a high-ranking government official. The commission expects that even if the PIO had to take a plea that the delay was caused due to the ill health of the dealing clerk, the affidavit should have been worded more sensitively and corroborated by medical evidence. In any case, the responsibility to disburse information lies in

**Appeal Case No. 208 of 2019**

the hand of the PIO and throwing it upon a clerk or any other official is not a ground to justify the enormous delay in providing the information. Moreover, if the PIO had found that there was a dereliction of duty by the clerk, the PIO should have ensured that the RTI did not suffer and taken remedial measures.

Keeping the above facts in mind, the PIO was issued a **show-cause notice under section 20 of the RTI Act and** directed to file a fresh affidavit in this regard. The PIO was directed to appear personally on the next date of hearing.

**Hearing dated 26.08.2019:**

The respondent present pleaded that the information has been provided to the appellant. The appellant is absent and vide email has informed that he has received the information and does not want to pursue his case further.

Since the information has been provided, no further course of action is required. The show cause is dropped and the case is **disposed off and closed.**

**Sd/-**

**Chandigarh**  
**Dated: 26.08.2019**

**(Khushwant Singh)**  
**State Information Commissioner**

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Sh. Yogesh Mahajan, S/o Sh Kuldeep Raj Mahajan,  
Opposite Water Tank Municipal Market,  
Mission Road, Pathankot.

... Appellant

Versus

**Public Information Officer,**  
O/o XEN, Electrical Engineer,  
Division No-2, PWD B&R,  
Mini Secretariat, Block-C, Patiala.

**First Appellate Authority,**  
O/o SE, Electrical Division (South),  
PWD B&R Circle, Patiala.

...Respondent

**Appeal Case No. 209 of 2019**

**Present:       None for the Appellant**  
**Sh.Dharminder Singh, APIO for the Respondent**

**Order:**

**The** case was first heard on 25.04.2019. The appellant was absent and vide letter received in the Commission on 24.04.2018 informed that the PIO has not provided the information. The respondent present pleaded that since the concerned clerk was on medical leave, the information could not be provided. The respondent further pleaded that they will send the information before the next date of hearing.

The PIO was directed to provide the information to the appellant within 10 days and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act. The explanation be sent on an affidavit.

The case was last heard on **10.06.2019**. The respondent present pleaded that the information has been provided to the appellant. The appellant was absent and vide email has informed that he has received the information from the PIO till date.

The respondent also submitted an affidavit, which was taken on the file of the Commission. The PIO in the affidavit pleaded that the clerk dealing with the supply of information was 'mentally upset' due to personal family reasons and he was on medical leave and that there was no other clerk or substitute available in the Division to prepare the requisite information, thus the delay in providing the information.

Having gone through the reply, the Commission taken a serious umbrage to the PIO's reply whereby he had declared a clerk mentally upset with a mere stroke of a pen. Such a derogatory remark along with poor usage of language and assertions of someone being 'mentally upset' is not expected of a senior colleague as well from a high-ranking government official. The commission expects that even if the PIO had to take a plea that the delay was caused due to



the ill health of the dealing clerk, the affidavit should have been worded more sensitively and corroborated by medical evidence. In any case, the responsibility to disburse information lies in

**Appeal Case No. 209 of 2019**

the hand of the PIO and throwing it upon a clerk or any other official is not a ground to justify the enormous delay in providing the information. Moreover, if the PIO had found that there was a dereliction of duty by the clerk, the PIO should have ensured that the RTI did not suffer and taken remedial measures.

Keeping the above facts in mind, The PIO was issued a **show-cause notice under section 20 of the RTI Act and** directed to file a fresh affidavit in this regard. The PIO was directed to appear personally on the next date of hearing.

**Hearing dated 26.08.2019:**

The respondent present pleaded that the information has been provided to the appellant. The appellant is absent and vide email has informed that he has received the information and does not want to pursue his case further.

Since the information has been provided, no further course of action is required. The show cause is dropped and the case is **disposed off and closed.**

**Sd/-**

**Chandigarh**  
**Dated: 26.08.2019**

**(Khushwant Singh)**  
**State Information Commissioner**

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Sh. Sukrit Sharda,  
# 50/186, Old Shahpur Road,  
Pathankot.

... Appellant

Versus

**Public Information Officer,**  
O/o XEN, Construction Division No-1,  
PWD B&R Branch, Amritsar.

**First Appellate Authority,**  
SE, Construction Circle,  
PWD B&R Branch, Amritsar.

...Respondent

**Appeal Case No. 224 of 2019**

**PRESENT: None for the Appellant**  
**Sh.Hardeep Singh O/o EE Construction Div. No.1 PWD(B&R) Amritsar for**  
**the Respondent**

**ORDER:**

The case was first heard on 29.04.2019. The appellant was absent and vide letter received in the Commission on 25.04.2019 informed that the PIO has not provided the information. The Commission received a letter on 02.04.2019 from the PIO stating that they have sent reply to the appellant on 26.10.2018 and again on 26.12.2018.

Having gone through the reply of the PIO, the Commission observed that the PIO not only delayed the information but stonewalled the information by asking the appellant for reasons behind seeking the information. The PIO was issued a show cause **under Section 20 of the RTI Act 2005 and the PIO was** directed to file reply on an affidavit. The PIO was also directed to provide the information within 10 days and appear personally alongwith written reply on an affidavit on the next date of hearing.

The case was last heard on **10.06.2019**. The PIO in spite of the orders of the Commission to be personally present did not turn up. The PIO instead sent Sh.Sikandar Singh who informed that they have sent the information to the appellant on 29.05.2019 and the appellant has acknowledged having received the information.

In reply to the show cause, the respondent submitted an affidavit which was taken on the file of the Commission. Having gone through the affidavit, the Commission found that the reasons mentioned in the affidavit do not justify the delay in providing the information. The PIO, O/o Xen Construction Division No.1, PWD(B&R) Amritsar was held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Punjab State Information Commission's orders. A penalty of Rs.10,000/- was imposed upon the PIO, O/o Xen Construction Division No.1, PWD(B&R) Amritsar and the PIO was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

**Appeal Case No. 224 of 2019**

**Hearing dated 26.08.2019:**

The respondent present pleaded that they have deposited the amount of penalty in the Govt Treasury on 19.08.2019. The Commission has also received a letter diary No.16113 on 22.08.2019 from the PIO stating that the amount of penalty has been deposited in the Govt Treasury and a copy of challan as a proof of having deposited the amount in the Govt Treasury is enclosed with the letter.

Since the information stands provided and the PIO has deposited the amount of penalty in the Govt Treasury, no further course of action is required. The case is **disposed off and closed.**

**Sd/-**

**Chandigarh  
Dated 26.08.2019**

**(Khushwant Singh)  
State Information Commissioner**

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Sh. Mohan Mittal,  
H No-815, Ahata Badan Singh,  
Moga.

... Appellant

Versus

**Public Information Officer,**  
O/o Commissioner, MC,  
Moga.

**First Appellate Authority,**  
O/o Commissioner, MC,  
Moga.

...Respondent

**Appeal Case No. 580 of 2019**

**PRESENT: None for the Appellant**  
**None for the Respondent**

**ORDER:**

The case was last heard on 24.06.2019. The appellant claimed that the PIO has not provided the complete information. The respondent was absent. Having gone through the RTI application and the reply of the PIO, the Commission found that the appellant in point no.2 has sought that if any document exists that establishes the status of the encroachment being regularized. The PIO was directed to provide, if any document has been created to assess the encroachment, or any such document that exists which regularizes such encroachment.

**Hearing dated 26.08.2019:**

The appellant is absent and vide email has informed that the PIO has not provided the information. The respondent is absent. In the interest of justice, one more opportunity is granted and the PIO is directed to comply with the earlier order which still stands and be present on the next date of hearing alongwith the explanation for not complying with the order of the Commission.

To come up for further hearing on **11.11.2019 at 11.00 AM.**

**Sd/-**

**Chandigarh**  
**Dated 26.08.2019**

**(Khushwant Singh)**  
**State Information Commissioner**

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Sh.Vikram Vaid,  
# 1527, Gali No-2,  
Bagh Ramanand, Amritsar.

.....Appellant

Versus

**Public Information Officer,**  
O/o Deputy Commissioner of Police,  
Amritsar

**First Appellate Authority,**  
Commissioner of Police,  
Amritsar.

...Respondent

**Appeal Case No. 3340 of 2018**

**Present: Sh.Vikram Vaid as Appellant**  
**Sh.Parkash Singh, ASI and Sh.Hira Singh, ASI Office of DC Amritsar for the Respondent**

**Order:**

The case was first heard **on 07.01.2019**. The respondent present pleaded that the information has already been provided to the appellant. The respondent submitted a letter of the PIO dated 05.01.2019 stating that they received the RTI application on 01.06.2018 through the office of Asstt .Inspector General of Police, Chandigarh-cum-PIO (Admn) and after collecting report from the concerned Police Officer, the reply was sent to the appellant vide letter dated 07.07.2018. The appellant was informed that the information sought is not available in their record.

The PIO further stated in the letter that after the receipt of notice of the Commission, the information was again called from the concerned police officer, Police Kotwali, Amritsar and the following reply was sent to the appellant:

1. The information regarding points 1,2,3,5,6,7,11 &12 is not available in their record;
2. The information regarding points 4, 15 & 16 is available on the public domain;
3. The information regarding points 9 & 10 are in question form;
4. The information regarding point No.13 does not relate to them.

The respondent further informed that the appellant has filed two more appeal cases No.1675 and 1678/2018 seeking similar information which are fixed for hearing before Sh.S.S.Channi, CIC.

The appellant was absent and asked for hearing through video conferencing in the office of DC Amritsar The request was accepted and the case was adjourned.

The case was again heard on **11.02.2019** through video conference facility available in the office of the Deputy Commissioner, Amritsar. Sh.Hira Singh, ASI from the office of Deputy

Commissioner, Amritsar was present at Chandigarh. The respondent pleaded that the reply has already been sent to the appellant.

As per information from the office of DC Amritsar, the appellant was present. However, since some other department was holding a video conference, the case was adjourned.

### **Appeal Case No. 3340 of 2018**

The case was last heard on **29.05.2019**. Having gone through the facts of the case, the Commission observed that the PIO in its reply to the appellant had informed that no information is available for points 1,2,3,5,6,7,11 &12 while the information on points 4,15 & 16 is available on the public domain.

Regarding point-1, the appellant produced a copy of his statement which he had clicked on his mobile when his statement was recorded. The PIO declined the information stating that it is not available. The PIO was directed to look at this and provide the information, otherwise the Commission is within its power to investigate the matter through the means available to it.

Regarding point-2, the appellant produced a document that the hospital had sent the X-ray film/scan etc. to concerned police station. The PIO-SHO Police Kotwali, Amritsar was impleaded in the case and directed to look at the RTI application and provide the information, since there is ample evidence towards the fact that the X-rays were handed over to the PIO-SHO Police Kotwali, Amritsar.

Regarding point-3, the respondent informed that there is no system to mark attendance of employees of police. The PIO was directed to clarify how the attendance is marked. The PIO was also directed to clarify on which public domain the information on points-4,15& 16 is available. Regarding point-11, the PIO to relook and provide the information. Regarding point-13, the PIO was directed to give in writing.

The PIO-Commissioner of Police, Amritsar was also impleaded in the case and directed to investigate the matter as it appears to be a case of stonewalling the information, and direct the concerned PIO to provide the information to the appellant and file a reply in the matter.

#### **Hearing dated 26.08.2019:**

The respondent present pleaded that the information has been provided to the appellant. The respondent has submitted reply of the PIO-cum-DCP Amritsar City stating that the information regarding points 1 & 2 is not available in their record. However, the appellant has produced evidence on both the points. Prima-facie, it appears that these documents exist in the record of police department. I hereby direct the Deputy Commissioner of Police, Amritsar City to formally enquire into it and provide enquiry report to the appellant.

With the above order, the case is **disposed off and closed**.

**Chandigarh**  
**Dated: 26.08.2019**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

**CC to PIO-SHO, Police Kotwali, Amritsar**

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ShJaspal Singh, S/o Sh Ramesh Arora,  
H No-319/3, Gurdeep Nagar, Jagraon,  
Ludhiana.

... Appellant

**Public Information Officer,**  
O/o Executive Officer, Nagar Council,  
Jagraon, Ludhiana.

**First Appellate Authority,**  
O/o Deputy Director, Local Bodies,  
Ludhiana.

...Respondent

**Appeal Case No. 1284 of 2018**

**Present:       None for the Appellant**  
**None for the Respondent**

**ORDER:**

The case was first heard on **19.06.2018**. The appellant was not satisfied with the information provided by the respondent regarding points 1 to 4. The PIO was directed to provide the information regarding these points within 10 days.

The case was again heard on **24.07.2018**. The appellant was not present. The respondent present brought the information. The information was found incomplete as the copies of the information were not attested and signed by the competent authority.

The PIO was directed to send the complete information on all points duly attested and signed by the competent authority within ten days. The PIO Sh.Manohar Singh was also directed to be present personally on the next date of hearing with suitable reply and explain as to why action should not be taken against him for not complying with the orders of the Commission.

The case again came up for hearing on **20.08.2018**. The Commission found that the PIO is showing laxity in providing the information and not complying the orders of the Commission. The Commission made clear that on the next date of hearing, the designated PIO should be personally present with explanation for not complying the orders of the Commission failing which the Commission will be compelled to issue summons u/s 18(3)(a) of the RTI Act 2005 and also initiate action under the provisions of RTI Act.

The appellant was absent. The appellant was also directed to be present to go through the information, failing which the Commission will be constrained to decide the case ex-parte.

The case came up for hearing again on **26.09.2018**. The respondent was absent and sought exemption due to election duty of the staff.

The appellant pleaded that the PIO has not abided by the orders of the Commission. The PIO was directed to send the certified copies of the information regarding points 1 to 4 as per the RTI Act within 15 days failing to do so, the Commission will be constrained to issue show cause notice. The PIO was also directed to send compliance report before the next date of hearing to the Commission.

**Appeal Case No. 1284 of 2018**

The case was again heard on **19.11.2018**. The appellant informed that the information has not been provided to him so far. The respondent was absent again asked for exemption citing the reason that the APIO dealing with such cases has been deputed for election duty. It was observed that the PIO is not serious in complying with the orders of the Commission, the PIO was issued **show cause notice with the directions to file an affidavit** in this regard.

The case was further heard on **14.01.2019**. The respondent present submitted an affidavit stating that the information has been provided to the appellant as per available record and there is no more information in their record. The appellant was absent and vide email informed that the PIO has not provided the information as per orders of the Commission.

The PIO was absent and sent an affidavit through his representative. The affidavit was not on the stamp paper. The PIO was directed to appear personally on the next date of hearing and submit appropriate reply to the show cause notice. The PIO was also directed to send the certified copies of the information regarding points 1 to 4 to the appellant.

The case was again heard on **26.02.2019**. The respondent present pleaded that the information has been provided to the appellant on 21.02.2018. The appellant stated that the PIO has not provided certified copies of the information per order of the Commission. The respondent was directed to provide certified copy of the information regarding points 1 to 4 within 3 days.

Regarding reply to the show cause notice, the respondent pleaded that he had just joined on 23.10.2018 and there was another PIO who was handling this case. Since there were more than one PIO involved in continuous defiance of the Commission's order as well as continuous defiance in respect of Commission's various directions, both the PIO's were directed to be present on the next date of hearing with appropriate reply to the show cause notice issued on 19.11.2018.

The case was again heard on **30.04.2019**. The respondent present informed that all the information has been provided to the appellant. The appellant informed that the information is not certified. The PIO was directed to provide the information on point-3 and certify all the information already provided.

The case was last heard on **10.06.2019**. The appellant was absent and vide email has informed that the PIO has not provided the information on point-3. The respondent was absent. The PIO was given one last opportunity to comply with the earlier order of the Commission which still stands and appear personally before the Commission on the next date of hearing.

**Hearing dated 26.08.2019:**

Both the parties are absent. The PIO vide letter received in the Commission on 13.08.2019 has informed that complete information has been provided to the appellant and the appellant is satisfied. The appellant vide letter received in the Commission on 15.07.2019 has informed that he has received the complete information and requested that his appeal case be closed.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

**Sd/-**

**Chandigarh**  
**Dated: 26.08.2019**

**(Khushwant Singh)**  
**State Information Commissioner**





Sh.Simranjit Singh, S/o ShJagdisth Singh,  
93/2, Adarsh Nagar,  
Jalandhar.

...Appellant

Versus

**Public Information Officer,**  
O/o JDA,  
Jalandhar.

**First Appellate Authority,**  
O/oJDA,  
Jalandhar.

...Respondent

**Appellant Case No. 3851 of 2018**

**Present:       None for the Appellant**  
**None for the Respondent**

**Order:**       The case was first heard on **05.03.2019**. The respondent present pleaded that the appellant was asked to inspect the record vide letter dated 23.07.2018 and after inspecting the record, the appellant submitted a list of documents vide letter dated 31.08.2018. Thereafter, the appellant was asked to deposit requisite fee of Rs.10000/- vide letter dated 24.09.2018 which the appellant has not deposited.

The appellant refuted this claim of the department and stated that as per envelope of the letter, the dispatch date was 01.10.2018 and the appellant received the letter only on 06.10.2018. The respondent was directed to bring dispatch register to ascertain the date of dispatch of the letter. The appellant also raised objection stating that the detail of Rs.10000/- has not been provided. The PIO was directed to provide break up of Rs.10000/-.

The case was last heard on **24.04.2019**. The respondent present brought the break up of Rs.10000/- and handed it over to the appellant. The respondent also brought copy of dispatch register as a proof of dispatch of letter dated 24.09.2018. The appellant raised objection regarding raising of fee and pleaded that since the information has not been provided within the time prescribed under the RTI Act, the information be provided free of cost.

Having gone through the record and hearing both the parties, the Commission found no malafide or willful intention on the part of the PIO in attending to the RTI application, since the appellant had filed the RTI application on 06.07.2018 which was responded to by the PIO well within the time prescribed under the RTI Act on 23.07.2018 and asked the appellant to inspect the record. Further the time taken in raising the fee after the appellant submitted list of documents after inspection of record, was on account of due procedure of correspondence between the two parties.

Having gone through the fee that was raised by the PIO, the Commission observed that the PIO to relook the fee for the maps, as the fee to be charged under the RTI Act is as per actual cost, and not as fixed by the Govt. The PIO was directed to send a fresh demand of fee to be collected after determining the actual cost. The PIO was also directed to provide the information within 15 days once the fee is deposited by the appellant.

**Appellant Case No. 3851 of 2018**

The case was last heard on **10.06.2019**. Since both the parties were absent, in the interest of justice, one more opportunity was granted and the case was adjourned. The PIO was directed to comply with the earlier order of the Commission which still stands.

**Hearing dated 26.08.2019:**

Both the parties are absent. The Commission has received a letter from the PIO on 22.07.2019 stating that they have obtained rates of photocopy for maps from the market and as per these rates, the total charges would exceed Rs.10000/- for the information that has been sought and the appellant has been informed again vide letter dated 08.07.2019.

Keeping the above in view, if the appellant is still interested to seek information, he is directed to deposit the requisite fee and get the information. The PIO is directed to provide the information once the fee is deposited by the appellant.

With the above observation and order, the case is **disposed off and closed**.

**Sd/-**

**Chandigarh**  
**Dated: 26.08.2019**

**(Khushwant Singh)**  
**State Information Commissioner**