

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100
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Whatsapp No. 62848-20189 Cisco Webex: 158 708 3455



Sh. Harjot Singh Harikay Advocate,
Chamber No 1011,
District Courts Complex,
Ludhiana. M : 9815000231

..Appellant

Vs

Public Information Officer,
O/o Deputy Commissioner,
Ludhiana

First Appellate Authority
O/o Deputy Commissioner,
Ludhiana.

....Respondent(s)

Appeal Case No. 95/2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Sh. Lucky, Clerk, on behalf of the appellant. 9915233869 9501385203
Sh. Kuldeep 9915233869 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 3.8.2021.

2. The representative of the respondents states that the complete information has already been supplied to the appellant. However, the representative of the appellant requested for the adjournment of the case to file the rejoinder. Accordingly, last opportunity is granted to the appellant to file the rejoinder, if any, to the respondent-Public Information Officer with a copy to the Commission before the next date of hearing failing which ex-parte decision will be taken on the next date of hearing.

3. To come up on 14.9.2021 at 3.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

sd

Dated: 26.8.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Complaint Case No. 867 of 2021

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the RTI Act merely because a statutory mechanism is evolved and prescribed under an Act, which is also applicable, obliging a public authority to share the same by following a prescribed procedure subject to fulfilment of prescribed conditions. If it is held otherwise, it would negate and lead to derecognising the fundamental right to information as granted under the RTI Act, which is unacceptable.

13. The answers to the two questions as posed in para 6 above are;

(i) In case of any inconsistency between the provisions of RTI Act and other Act/law, the RTI Act shall prevail.

(ii) In case of an application preferred under the RTI Act where alternative procedure and conditions are prescribed under any other statute/law, the said application cannot be rejected and/or information denied on this ground. Such application shall be dealt with under the provisions of the RTI Act.

14. In the light of the above, the impugned order dated 04.04.2016 (Annexure P-6) passed by the State Information Commission, Haryana, cannot sustain as the Commission has rejected the claim of the petitioner under the RTI Act proceeding upon the wrong assumption that the 6 of 7 Registration of Births and Deaths Act, 1969, being a legislation and statutory in nature, is not overridden by the RTI Act. It may be added here that the information under the RTI Act can only be denied if the same is exempted from disclosure of information under the provisions of RTI Act itself such as Sections 8, 9 and 11 thereof."

Keeping in view the judicial pronouncements mentioned herein, the respondent-Public Information Officer-cum-Tehsildar has to supply the information under the RTI Act, 2005 free of cost before the next date of hearing with which the respondent agreed to and requested for the short adjournment of the case and assured that the same will be supplied to the appellant.

5. Accordingly, the case is adjourned.

6. To come up on 3.9.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana.

sd

Dated: 26.8.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Jasbir Singh,
Guru Nanak Nagar,
Village Bholapur, Jhabewal,
P.O. Ramgarh,
District Ludhiana 141123 98886296107

..Complainant

Vs

Public Information Officer
o/o Joint Sub Registrar,
Koomkalan,
District Ludhiana

....Respondent

Complaint Case No. 854 of 2021
(Video Conference Proceedings)

Present:- Sh. Jasbir Singh, complainant.
Sh. Kuldeep Singh, 9815200512 on behalf of the respondents.

ORDER

The RTI application is dated 13.4.2021 vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 1.7.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

3. The representative of the respondents filed the specific response regarding the sought information which is being sent to the complainant to file the rejoinder, if any, before the next date of hearing to the Public Information Officer with a copy to the Commission. A copy of the same is being **sent** to the complainant along with this order.

4. To come up on 20.9.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana.

Dated: 26.8.2021

sd
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Bitu, S/o Sh. Om Kumar,
Village Bholapur PO Sahibana,
Chandigarh Road,
Distt Ludhiana-141123 M : 9872455496

Complainant

Vs

Public Information Officer,
O/o Deputy Commissioner,
Distt Ludhiana.

Respondents

Complaint Case No. 826 of 2021
(Video Conference Proceedings)

Present:- None on behalf of the complainant.
Sh. Kuldeep 9915233869 on behalf of the respondents.

ORDER

The RTI application is dated 8.4.2021 vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 28.6.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The complainant has sought the following information:-

”1... ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਤੋਂ ਕੁਲ ਕਿੰਨੇ ਕਰਮਚਾਰੀ/ਮੁਲਾਜ਼ਮ ਡੈਪੁਟੇਸ਼ਨ ਤੇ ਗਏ ਹਨ, ਉਹਨਾਂ ਦੀ ਤਸਦੀਕਸ਼ੁਦਾ ਲਿਸਟ ਦਿੱਤੀ ਜਾਵੇ।

2..... ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਤੋਂ ਡੈਪੁਟੇਸ਼ਨ ਤੇ ਗਏ ਕਰਮਚਾਰੀ/ਮੁਲਾਜ਼ਮ ਤੋਂ ਕਿਸ ਕਿਸਮ ਦਾ ਕੰਮ ਲਿਆ ਜਾਂਦਾ ਹੈ, ਉਸਦੀ ਤਸਦੀਕਸ਼ੁਦਾ ਸੂਚਨਾਂ ਦਿੱਤੀ ਜਾਵੇ।

3....ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਤੋਂ ਡੈਪੁਟੇਸ਼ਨ ਤੇ ਆਏ ਕਰਮਚਾਰੀ/ਮੁਲਾਜ਼ਮ ਕਿਸ ਮਿੱਤੀ ਤੋਂ ਇਥੇ ਤੈਨਾਤ ਹਨ, ਉਹਨਾਂ ਦੀ ਤਸਦੀਕ ਸ਼ੁਦਾ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ।”

3. The representative of the respondents states that the response has already been sent to the complainant that neither the office has sent the employee on deputation nor any person is working in the office on deputation.

4. Keeping in view the above, the Commission observes that no further action is required to be taken in this case. Hence, the case is disposed of and closed.

sd

Dated: 26.8.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Baldev Singh 9872124103
Village Sathiali, PO Nainakot,
Gurdaspur

....Appellant

Vs

Sh. Sukhjinder Singh 9653233333
Public Information Officer **Registered**
o/o Block Development and Panchayats Officer,
Block Khanuwan, Gurdaspur

First Appellate Authority
o/o Block Development and Panchayats Officer
Block Khanuwan, Gurdaspur

Sh. Raj Kumar 9465665252
Executive Engineer,
Panchayati Raj, Gurdaspur.

....Respondents

Appeal Case No. 2850 of 2020

Present:- Sh. Baldev Singh, appellant.
Sh. Sukhjinder Singh, Block Development and Panchayats Officer, Kahnuwan,
9653233333 Sh. Vijay Kumar 8872204567 and Sh. Rajesh Kumar, Panchayat
Secretary 8080000064 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 27.7.2021.

2. The representative of the respondents states that the complete information has already been supplied to the appellant. The Block Development and Panchayats Officer as well as the Panchayat Secretary has submitted the written reply pertaining to Point No. 1 to 3, which is reproduced below:-

ਮਾਪੀਓ ਕਰਤਾ ਸ੍ਰੀ ਜੇ. ਮਾਮਲਾ ਸੂਚਨਾ ਕਮਿਸ਼ਨ
ਕਰਦਾਰੀ ਸਾ ਹੀ ਹੈ।
Point no. 1. ਜੇਕਰ ਕੁਝ 11/2018 ਤੋਂ 08/2019 ਤੱਕ ਇਸ ਤੋਂ
ਇਸਦਾ ਮਾਪੀਓ ਕਰਤਾ ਹੈ 11/11/2017 ਤੋਂ 3/2018 ਤੱਕ
ਤਾਂ ਜੋ ਮਾਮਲਾ ਖਰਬ ਹਾ ਵੱਲੋਂ ਮੇਰਾ ਕੀਤੀ ਹੈ ਇਸ ਤੋਂ ਵੱਖਰੇ
ਕੋਈ ਮਾਮਲਾ ਖਰਬ ਹੀ ਨਹੀਂ ਸੀ ਇਸ ਵਿਸ਼ੇਸ਼ ਮਾਪੀਓ ਕਰਤਾ
ਜੋ ਚੀ.ਡੀ.ਪੀ.ਓ ਕਰਤਾ ਕਾਰਜਦਾਨ ਇਸ ਤੋਂ ਵੱਖਰੇ ਇਸ ਪਾਠੇਗਾ
ਜੋ ਚੀ.ਡੀ.ਪੀ.ਓ - 1367 ਨੂੰ ਕਰਦਾਰੀ ਕੀਤੀ 13/11 ਤੱਕ
Point no. 2 ਮਾਪੀਓ ਕਰਤਾ ਇਸ ਤੋਂ ਮਾਮਲਾ ਨੂੰ ਖਰਬ ਹਾ
ਵੱਲੋਂ ਮਾਮਲਾ ਸਿਰਫ਼ ਤਾਂ ਉਹ ਕੁਝ ਕੁਝ ਕਰਤਾ ਕਾਰਜਦਾਰੀ ਕਰਦਾਰੀ
ਇਸ ਤੋਂ ਤਾਂ ਨੂੰ ਮਾਪੀਓ ਕਰਤਾ ਇਸ ਤੋਂ A 402 ਕਾਰਜ ਪੁਰਿਸ਼ਾ,
ਸਿਰਫ਼ ਤਾਂ ਇਸ ਤੋਂ ਕੁਝ ਹੀ ਕੁਪਕਰਤਾ ਕੀਤੀ ਹੈ ਇਸ ਮਾਪੀਓ ਕਰਤਾ
ਇਸ ਵਿਸ਼ੇਸ਼ ਕੀ ਮੇਰਾ ਕਰਤਾ ਹੈ।
Point no. 3, ਇਸ ਕਰਤਾ ਕਰਤਾ 11/11/18 ਤੋਂ 3/3/21
ਨੂੰ H.D.F.C ਕਰਤਾ ਕਰਤਾ 11/11/18 ਤੋਂ 9/2019 ਤੱਕ ਇਸ ਤੋਂ
ਇਸਦਾ ਹੈ 11/11/17 ਤੋਂ 3/18 ਤੱਕ ਮਾਪੀਓ ਕਰਤਾ ਹੈ ਕਰਤਾ ਕਰਤਾ
ਜੋ ਮੇਰਾ ਕੀਤੀ ਹੈ ਉਹ ਪੁਰਿਸ਼ਾ ਕੀ ਇਸ ਮਾਮਲੇ, ਕਰਤਾ X-ਓ
ਪੁਰਿਸ਼ਾ ਕੀ ਮੇਰਾ ਕੀਤੀ ਵਿਸ਼ੇਸ਼ ਕਰਤਾ ਇਸ ਤੋਂ ਕਰਤਾ ਹੈ।

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Appeal Case No. 2850 of 2020

-2-

Sh. Sukhjinder Singh, Block Development and Panchayats Officer also submitted the written reply, which is taken on record, with regard to the show cause notice issued to him and requested to withdraw the same.

3. However, the appellant states that there are deficiencies in the information so supplied by the respondents i.e. copy of Measurement Book(s), Utilization certificate(s) and Bank Statement of HDFC Bank from 1.1.2017 to 19.8.2019 has not been supplied. He also states that the respondent-Public Information Officer has also not paid the compensation amounting to Rs.10,000/- as has been awarded by the Commission.

4. After detailed deliberations with both the parties the directions are issued to the respondent-Public Information Officer-cum-Block Development and Panchayats Officer to supply the copy of measurement book, utilization certificate and in case the same have not been written then specific affidavit must be filed before the next date of hearing. The respondent made the submission that the appellant has sought a to z information which is vague and unspecific. However, this argument is not tenable at this stage, since, the RTI application was filed by the appellant on 20.8.2019. He is also directed to pay the compensation amounting to Rs.10,000/- by the office of Block Development and Panchayats Officer from the state exchequer as has been awarded along with the copy of HDFC Bank statement from 1.1.2017 to 19.8.2019. It is also clarified that in case of defiance of the order of the Commission then the stringent disciplinary action against Sh. Sukhjinder Singh, Public Information Officer-cum-Block Development and Panchayats Officer and Sh. Om Parkash, Panchayat Secretary will also be recommended to the authorities concerned.

5. To come up on 23.9.2021 at 12.30 PM at Chandigarh.

sd

Dated: 26.8.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.

CC

Financial Commissioner (by name) Registered
Government of Punjab,
Rural Development & Panchayat Deptt.,
Vikas Bhawan, Sec-62, Mohali

To look into the matter personally and
ensure compliance of this order.

The Director (By name)
Rural Development & Panchayat Deptt.,
Vikas Bhawan, Sector 62, Mohali

Registered

-do-