



Dr. Nirlep Kaur, W/o Dr. Harsimran Singh,
H No-92, Nanak Sadan, Near Minerva Academy,
VPO Daon, Mohali.

... Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Department of Health and Family Welfare, Punjab,
Health 4 Branch, Mini Secretariat, Sector-9,
Chandigarh.

First Appellate Authority,
O/o Principal Secretary,
Department of Health and Family Welfare,
Mini Secretariat, Sector-9,
Chandigarh

...Respondent

Appeal Case No. 476 of 2021

PRESENT: None for the Appellant
Sh.Harvarinder Singh, Sr.Assistant (Health-IV) for the Respondent

ORDER:

The appellant through an RTI application dated 26.10.2020 has sought information regarding the copy of DPC proceedings for the post of Addl. Director for the years 2018, 2019 & 2020 – the copy of action taken on agenda sent by DHS in 2018 – the copy of correspondence and file noting concerning the agendas – name of Dy Directors/DDHO transferred or given new postings during last 3 months of their tenure before retirement as enumerated in the RTI application concerning the office of Principal Secretary, Department of Health & Family Welfare, Pb Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 27.11.2020 which took no decision on the appeal.

The case first came up for hearing on 23.06.2021. The respondent present from the office of Principal Secretary, Department of Health & Family Welfare informed that the information regarding point-1 has been provided to the appellant, the information regarding points-2 & 3 cannot be provided since a court case is pending and for the information regarding point-4, the RTI application has been transferred to Director, Department of Health & Family Welfare, Pb on 04.11.2020 and the reply has been sent to the appellant. The Commission also received a reply from the PIO on 07.05.2021 which was taken on the file of the Commission.

As per the appellant, the PIO had supplied the DPC proceedings for only the year 2019 and not supplied the DPC proceedings for the years 2018 & 2020. As per the respondent, no DPC meeting was held in the year 2018 & 2020 and hence no proceedings were available. The PIO was directed to give this in writing on an affidavit.

Having gone through the RTI application, reply of the PIO and hearing both the parties, the Commission observed that the PIO in its reply has not been able to justify the bench (regarding points 2 & 3) that how the ongoing court case will hamper the proceedings of the case? Hence, the PIO was directed to provide information on points 2 & 3.

As per the respondent, the RTI application regarding the information on point-4 had been transferred to Director, Health & Family Welfare. The PIO O/o Director-Health & Family Welfare was directed to provide information on point-4.

Hearing dated 26.10.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The respondent is present at Chandigarh and informed that the information has been supplied to the appellant. The respondent further informed that they have spoken to the appellant and the appellant has confirmed that she has received the information and is satisfied.

The appellant is absent nor is represented. It is presumed that the appellant has received the information and is satisfied with the information.

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

Chandigarh
Dated :26.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :PIO O/o Director-Health & Family Welfare
Pb, Chandigarh.

Sh. Madan Khullar, S/o Sh Parshotam Lal Khullar,
R/o H No-3870/1, Sector-47-D,
Chandigarh.

... Appellant

Versus

Public Information Officer,
O/o Department of Food Civil Supplies,
And Consumer Affairs, Pb Mini Secretariat,
Sector-9, Chandigarh.

First Appellate Authority,
O/o under Secretary,
Deptt of Food Civil Supplies,
And Consumer Affairs, Pb Mini Secretariat,
Sector-9, Chandigarh.

...Respondent

Appeal Case No. 738 of 2021

PRESENT: None for the Appellant
Sh.Manjit Singh, Suptd.-cum-PIO for the Respondent

ORDER:

The appellant through the RTI application dated 06.10.2020 has sought information regarding the posting of ACFA/DCFA in the Food & Supply department who deals with financial matters of consumer commission, Punjab from 05.03.2020 to 05.10.2020 as enumerated in the RTI application concerning the office of the Department of Food Civil Supplies, And Consumer Affairs, Pb Mini Secretariat, Pb, Chandigarh. The appellant was denied the information by the PIO vide letter dated 05.11.2020 stating that as per point-9 of the letter dated 25.04.2008 issued by Govt. of India the information cannot be provided, after which the appellant filed the first appeal before the First Appellate Authority on 19.11.2020 which took no decision on the appeal.

The case first came up for hearing on 23.06.2021. The appellant was absent. As per the respondent, the information was in the custody of the Finance Department.

Having gone through the record, the Commission observed that the PIO has blanketly denied the information without any justification. The PIO has also not transferred the application to the concerned authority under whose custody the information lies, as stated by the respondent at the hearing.

Taking a serious view of this, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time as well as for willful denial of information and directed to file a reply on an affidavit.**

The PIO-Department of Finance, Pb was impleaded in the case and directed to look at the RTI application, a copy of which was enclosed along with the order, and provide the information to the appellant as per the RTI Act.

Hearing dated 26.10.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The respondent is present at Chandigarh. The Commission has received a reply from the PIO on an affidavit which has been taken on the file of the Commission. The PIO in the reply has stated that since the information relates to Finance Department, however, the concerned Assistant-cum-APIO put up the case to the PIO giving the reference of clause 9 of Central Govt. letter dated 25.04.2008 that the department is not bound to reply to the RTI application which is in question form, hence the information was not provided whereas it should have been transferred u/s 6(3) of the RTI Act to the Finance Department. Now the complete information has been supplied to the appellant and the appellant is satisfied with the information.

During the course of this hearing, the Commission has received a letter from the appellant that he has received the information and does not want to pursue the case further.

Since the information has been provided and the appellant does not want to pursue the case further, no interference of the commission is required in the matter.

The show cause is dropped and the case is **disposed of and closed**.

Chandigarh
Dated :26.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :PIO –Department of Finance, Pb
Civil Secretariat, Chandigarh.



Sh. Prem Singh S/o Sh Jaspal Singh,
VPO Amarpura, Tehsil Abohar,
Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o District Social Security Officer,
Mohali.

First Appellate Authority,
O/o Director, Deptt. of Social Security and
Women & Child Development, Pb
102-103, Sector 34-A, Chandigarh.

...Respondent

Appeal Case No. 479 of 2021

PRESENT: Sh.Prem Singh as the Appellant
Sh.Gurcharan Singh, Suptd. for the Respondent

ORDER:

The appellant through the RTI application dated 29.09.2020 has sought information regarding Govt policy to recover the un-disbursed amount of old-age pension, handicap and widow pension from Sarpanch/panchayat secretary through CDPO from 2008 onwards – a copy of procedure adopted by the department of social security to recover un-disbursed amount – guidelines issued to all DSSOs by Director for recovery of un-disbursed amount – name & designation of officer deputed at the block level and district level liable for recovery as enumerated in the RTI application concerning the office of District Social Security Officer, Mohali. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 24.11.2020 which took no decision on the appeal.

The case first come up for hearing on 23.06.2021. As per the appellant, the PIO had not provided the information.

The respondent was absent without any legitimate reasons for the absence. The PIO was directed to provide the information to the appellant if it existed in the record, within 15 days and send a compliance report to the commission. Failure to comply with the order would attract penal action under section 20 of the RTI Act.

Hearing dated 26.10.2021:

The case has come up for hearing today through video conferencing at DAC Fazilka/Mohali. As per the appellant, the PIO has not supplied the information.

The respondent pleaded that the appellant had asked for information of all districts of Punjab, however, they have the information relating to District Mohali only. According to the respondent, the appellant was communicated the same via letters dated 21.10.2021, 28.04.2021 & 18.06.2021, but the appellant did not respond.

Appeal Case No. 479 of 2021

During the hearing, the appellant has now asked for information about Mohali District only.

The PIO is directed to provide information to the appellant relating to District Mohali within 15 days and send a compliance report to the commission.

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

Chandigarh
Dated :26.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Raman Kumar, S/o Sh Sumer Chand,
R/o village Ram Singh Wala,
Tehsil Jalalabad (W),
Distt. Fazilka.

... Complainant

Versus

Public Information Officer,
O/o District Programmer Office (Angarwari),
O/o Social Security & Women & Child Department,
Fazilka.

...Respondent

Complaint Case No. 135 of 2021

PRESENT: Sh.Raman Kumar as the Complainant
Ms.Sheenam Kamboj, Supervisor for the Respondent

ORDER:

The complainant through RTI application dated 19.11.2020 has sought information regarding the date of joining of Anganwari staff in village Hazara Ram Singh Wala – category of appointment of staff - documents attached with the application for getting appointment/promotion along with their educational qualifications as enumerated in the RTI application concerning the office of District Programme Office(Anganwari), Social Security & Women/Child Department, Fazilka. The complainant was not satisfied with the reply of the PIO dated 10.12.2020 after which the complainant filed a complaint in the commission on 25.01.2021.

The case last came up for hearing on 23.06.2021 through video conferencing at DAC Fazilka. Both the parties were absent.

Having gone through the record, the Commission observed that the appellant in his RTI application had clearly asked for details of Anganwari staff of village Hazara Ram Singh Wala whereas the PIO vide letter dated 10.12.2020 instead of providing the information asked the appellant to specify the centre for which the information was sought.

Since there has been an enormous delay of more than seven months in providing the information, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time as well as for willful denial of information and directed to file reply on an affidavit.**

Hearing dated 26.10.2021:

The case has come up for hearing today through video conferencing at DAC Fazilka. The respondent present pleaded that the complainant was asked vide letter dated 10.12.2020 to specify the information which the complainant specified vide letter dated 19.12.2020 and the information has been supplied to the appellant vide letter dated 15.01.2021. The respondent has also sent a reply to the show cause notice, which was issued since this bench felt that there was prima-facie evidence of denying the information.

Having gone through the reply to the show cause and hearing both the parties the following is concluded-

- That the RTI was filed on 19/11/2020 and the PIO raised a query on 10.12.2020 asking the applicant to specify further the information that the appellant seeks.
- That the complainant on 19.12.2020 responded to the query raised.
- That the information was sent to the RTI appellant on 15.01.2020.
- That the RTI appellant was not satisfied with the information provided and preferred to come to the commission via a complaint case i.e under the provisions of section 18 of the RTI Act.

Decision:

From the above facts there appears to be no violation of section 7 of the RTI Act, nor is there any evidence of a mala fide intention on the part of the PIO to deny the information. From the reply of the show cause and the facts presented at today's hearing, the delay in providing the information has primarily been caused by the to and fro communication between the appellant and the respondent, and hence it cannot be construed as denial of information.

Since section 18 of the RTI Act only mandates the commission to use its powers to receive and inquire into a complaint rather than get into the merits of the information provided (for which the appellant should have used the medium of first appeal as provided under the RTI Act, and if dissatisfied with the decision of the appeal filed a second appeal under 19 of the RTI Act), I see no violation to interfere further in the matter.

The case is disposed of.

However, for the ease and benefit of the complainant, I am remanding this case to the First Appellate Authority with the direction to consider this as an appeal case and dispose of the same within a period of 30 days as per the RTI Act.

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

Chandigarh
Dated :26.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Prem Singh S/o Sh Jaspal Singh,
VPO Amarpura, Tehsil Abohar,
Distt. Fazilka.

... Appellant

Versus

Public Information Officer,
O/o District Social Security Officer,
Fazilka.

First Appellate Authority,
O/o Director, Dep'tt. of Social Security and
Women & Child Development, Pb
102-103, Sector 34-A, Chandigarh.

...Respondent

Appeal Case No. 663 of 2021

PRESENT: Sh.Prem Singh as the Appellant'
None for the Respondent

ORDER:

The appellant through the RTI application dated 24.10.2020 has sought information regarding a copy of the account statement of DSSO vide which pension funds of old age pension, handicap and widow pension sent to Panchayat Secretary village Amarpura through BDPO/CDPO Abohar from 01.01.2008 to 31.12.2014 and 01.01.2016 to 29.04.2019 – statement of un-disbursed amount debit in pension account of DSSO office Fazilka deposited by BDPO/Secretary – list of cheques/DD numbers through which un-disbursed amount deposited – NOC issued by DSSO to Ex-Sarpanch Maya Devi from 2008 to 2013 as enumerated in the RTI application concerning the office of District Social Security Officer, Fazilka. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 08.12.2020 which took no decision on the appeal.

The case last came up for hearing on 23.06.2021 through video conferencing at DAC Fazilka. As per the appellant, the PIO had not provided the information.

The respondent was absent without any legitimate reasons for the absence. The PIO was directed to provide the information to the appellant if exists in the record, within 15 days and send a compliance report to the commission. Failure to comply with the order would attract penal action under section 20 of the RTI Act.

Hearing dated 26.10.2021:

The case has come up for hearing today through video conferencing at DAC Fazilka. As per the appellant, the PIO has not supplied the information.

The respondent is absent nor is represented.

The Commission has received a letter from the office of Director, Department of Social Justice and Empowerment & Minorities, Pb Mohali on 02.08.2021 along with attached notice of the Commission stating that the said case does not relate to their office.

From the above, it appears that the appellant had filed the first appeal to a wrong first appellate authority. The case is case is marked to the First Appellate Authority O/o Director Social Security and Women & Child Development, Pb Chandigarh with the direction to consider it as an appeal case and dispose of the same within a period of 30 days as per the RTI Act.

The case is **disposed off**.

Chandigarh
Dated :26.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Bhola Singh,
H NO-HL-311, Phase-2,
Mohali.

... Appellant

Versus

Public Information Officer,
O/o Controller,
Department of Printing & Stationary,
Pb, Sector-18, Chandigarh.

First Appellate Authority,
O/o Controller,
Department of Printing & Stationary,
Pb, Sector-18, Chandigarh.

...Respondent

Appeal Case No. 795 of 2021

PRESENT: Sh.Bhola Singh as the Appellant
Sh.Lakhbir Singh Suptd. for the Respondent

ORDER:

The appellant through the RTI application dated 27.10.2020 has sought information regarding a copy of the service book – a copy of office order No.367 dated 05.01.1995 along with its notings – a copy of office order No.1948 dated 15.01.1991 along with its noting and other information as enumerated in the RTI application concerning the office of Controller, Department of Printing & Stationery, Pb Chandigarh. The appellant was asked to vide letter dated 02.12.2020 to deposit requisite fee of Rs.140/- which the appellant deposited on 03.12.2020. However, the appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 01.01.2021 which took no decision on the appeal.

The case came up for hearing first on 12.07.2021 through video conferencing at DAC Mohali. Both the parties were present at Chandigarh. The respondent present pleaded that the information has been provided to the appellant vide letter dated 05.03.2021 with a copy of the same to the Commission. The Commission had received the reply of the PIO on 07.07.2021.

As per the appellant, the information was incomplete since the PIO had not supplied the noting portion as sought in point-3 of the RTI application. The respondent informed that the noting is not traceable. The respondent however assured to trace the noting and provide the same to the appellant within 15 days.

The PIO was directed to trace the record and provide complete information to the appellant within 15 days. If the record is not traceable, the PIO was directed to conduct an enquiry into the matter by constituting a committee and submitting a complete enquiry report, which establishes that the record is missing and the responsibility has been fixed for the person under whose custody the record found missing.

On the date of the last hearing on **24.08.2021**, as per the respondent, they had traced the record and had supplied to the appellant on 27.07.2021.

The appellant informed that he had received the information but with a delay of more than ten months and after the order of the Commission.

The respondent pleaded that since the record being pertained to the year 1991, and most of the staff managing the record had retired, the record could not be traced and now after tracing the record with the help of retired employees, the information has been provided to the appellant.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO-Controller, Department of Printing & Stationery, Pb, and the appellant has had to suffer undue inconvenience to get the information, the Commission found it a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act and directed the PIO - Controller, Department of Printing & Stationery, Pb Chandigarh to pay an amount of **Rs.2500/-** via demand draft as compensation to the appellant and submit proof of having compensated the appellant.

Hearing dated 26.10.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. The respondent is present at Chandigarh and informed that in compliance with the order of the commission, a demand draft of Rs.2500/- was sent to the appellant through an official but the appellant had refused to take the demand draft. The Commission has received a letter of the PIO on 08.10.2021 along with an attached demand draft which has been taken on the file of the commission.

The appellant is present and a demand draft No.727795 dated 04.10.2021 for Rs.2500/- has been received from the PIO and handed over to the appellant during the hearing.

Since the information has been supplied and the compensation has been provided to the appellant, no further course of action is required.

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

Chandigarh
Dated : 26.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Arvinder Singh Bedi,
HNo-593, Phas 3B-1, Mohali.

...Appellant

Vs

Public Information Officer,
O/o PUDA,
Mohali.

First Appellate Authority
O/o PUDA,
Mohali.

...Respondent

Appeal Case .No. 4253 of 2019

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

ORDER: This order should be read in continuation to the previous order.

The appellant through RTI application dated 22.07.2019 has sought information on 9 points regarding the revised policy of the PUDA/GMADA for corner plots, road Berms, corner gates having a green belt and other information concerning the office of PUDA/GMADA Mohali. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 30.08.2019 which took no decision on the appeal.

The case has already been heard on 1.03.2020, 30.06.2020, 07.09.2020, 06.10.2020, 09.12.2020, 10.02.2021, 17.05.2021 & 24.08.2021.

On the date of the first hearing on 11.03.2020, the respondent informed that the information relates to the PIO-GMADA. The respondent had brought some information on behalf of the PIO-GMADA. However, the appellant was not satisfied with this information.

Since the GMADA was not being represented for a couple of months, the Commission directed the First Appellate Authority, GMADA to appoint a fresh PIO who can represent the organization at various hearings. A copy of the order was sent to the First Appellate Authority with the direction to ensure that this order is being complied with and the information is provided to the appellant as per the RTI application.

On the date of the next hearing on **30.06.2020**, the respondent present pleaded that the information was ready but the signing authority was on leave. The respondent, however, was assured to provide the information within a week.

On the date of hearing on **07.09.2020**, the respondent pleaded that since the earlier PIO had been transferred and he had joined as PIO recently as well as the information being voluminous, the appellant be asked to inspect the record and get the relevant information. The counsel for the appellant had agreed to the same. The appellant was directed to inspect the record by visiting the office of PIO on 17.09.2020 at 11.00 AM and get the relevant information. The PIO was directed to allow inspection of the record to the appellant and provide the relevant information as per the RTI Act.

On the date of the hearing on 06.10.2020, due to the shut down of the VC, the hearing could not take place. The case was adjourned.

On the date of hearing on **09.12.2020**, the appellant informed that he inspected the record, however, the information supplied was not as per the RTI application. The respondent pleaded that the available information has been provided and no further information is available.

Appeal Case .No. 4253 of 2019

Hearing both the parties, the PIO was directed to provide whatever information is available on record, and if no other information than the provided one is available, to give in writing on an affidavit that the information that has been provided is true, complete and no further information is available on the record. The information be provided within 15 days.

On the last date of hearing on **10.02.2021**, the advocate representing the appellant informed that no correspondence after the previous order had been made by the PIO.

The Commission received a copy of the letter from the PIO on 19.01.2021 stating that the information has been provided to the appellant on 10.11.2020 and 03.12.2020. However, as per the previous order, the PIO did not file an affidavit that the information that has been provided is true, complete and no further information is available. The respondent was absent nor had complied the order of the Commission.

The PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

On the date of hearing on **17.05.2021**, both the parties were absent. The PIO was given one last opportunity to submit a reply to the show-cause notice and appear before the commission on the next date of hearing.

On the date of the last hearing on **24.08.2021**, the appellant was absent on 2nd consecutive hearing to pursue his case.

There would be no further hearing about the information supplied.

However, the PIO failed to file a reply to the show cause notice despite affording another opportunity to explain the reasons for the delay in providing the information, and had chosen not to avail the opportunity and absented himself without any legitimate reasons for the absence as well as not complied with the order of the Commission.

The PIO-PUDA Mohali was held guilty for not providing the information on time as prescribed under section 7, as well as for repeated defiance of the orders of the Punjab State Information, a penalty of **Rs.5,000/-** was imposed on the PIO- PUDA Mohali, and directed to submit a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

Hearing dated 26.10.2021:

The case has come up for hearing today through video conferencing at DAC Mohali. Both the parties are absent.

The Commission has received a copy of challan from the PIO as proof of having deposited the amount of penalty of Rs.5000/- in the Govt. treasury which has been taken on the file of the Commission.

At the last hearing, the appellant was absent on 2nd consecutive hearing and it was decided that there would be no further hearing about the information supplied.

Since the penalty of Rs.5000/- has been deposited in the Govt treasury, no further course of action is required.

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

Chandigarh
Dated:26.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: PIO-GMADA,Mohali