

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
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Sh N. S Bhatti Advocate,
Chamber NO-33, New Judicial Court Complex,
Ajnala, Distt Amritsar.

... Appellant

Versus

Public Information Officer,
O/o Director,
Women & Child Deptt,
Pb, Sector-34-A, Chandigarh.

First Appellate Authority,
O/o Director,
Women & Child Deptt,
Pb, Sector-34-A, Chandigarh.

...Respondent

Appeal Case No. 166 of 2022

PRESENT: None for the Appellant
Sh.Karanbir Singh, Sr.Assistant O/o CDPO Ajnala for the Respondent

ORDER:

The appellant through an RTI application dated 25.08.2021 has a copy of the reply of the legal notice sent on 25.05.2021 alongwith action taken thereon relating to Smt.Sukhdarshan Kaur of village Gurala, Tehsil Ajnala from the office of Director Women & Child Department, Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 27.10.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that they received the RTI application from the office of Director Social Security Women & Child Development, Pb Chandigarh on 13.12.2021. And since the matter relates to the release of CPF of Smt.Sukhdarshan Kaur, who was an employee in the office of Child Development Project Officer, Harshachhina, District Amritsar and retired in the year 2012, after preparing her CPF case, the same has been sent to the Child Development Project Officer, Harshachhina on 23.06.2022 for release with a copy to the appellant.

The appellant is absent nor represented.

Having gone through the record, the Commission observes that the RTI application was filed on 25.08.2021 whereas the PIO-Director Social Security Women & Child Development, Pb Chandigarh transferred to the office of CDPO Ajnala on 13.12.2021 with a delay of more than three months. Further, the PIO-CDPO sent a reply on 23.06.2022 with a delay of more than six months.

Since there has been a delay of more than three months in transferring the RTI application by the PIO-Director Social Security Women & Child Development, Pb Chandigarh to CDPO-Ajnala and CDPO Ajnala, the PIO-Director Social Security Women & Child Development, Pb Chandigarh directed to **show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not transferring the RTI application within the statutorily prescribed period of time. He/she should file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies.

Further, there has been a delay of more than six months in providing the information by the PIO- CDPO-Ajnala, the PIO-CDPO Ajnala is hereby **show caused why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time. He/she should file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies.

To come up for further hearing on **14.09.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO-Director, Social Security Women & Child Development to appear at Chandigarh.

Chandigarh
Dated: 27.06.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :Child Development & Project Officer,
Ajnala, District Amritsar.



Sh Prabhjot Singh, S/o Sh Satpal Singh,
R/o C/o Anand Agriculture,
Opp J.C Motors, 100 Feet Road,
Amritsar.

... Appellant

Versus

Public Information Officer,
O/o DCP,
Amritsar.

First Appellate Authority,
O/o Commissioner of Police,
Amritsar.

...Respondent

Appeal Case No. 178 of 2022

PRESENT: Sh.Prabhjot Singh as the Appellant
Sh.Bahadur Singh, SI for the Respondent

ORDER:

The appellant through an RTI application dated 13.09.2021 has sought information regarding the enquiry report of police and post mortem report of the person who died due to electric current from the PSPCL transformer near Factory Baring Corporation in Anand as enumerated in the RTI application concerning the office of DCP Amritsar. The appellant was not satisfied with the reply of the PIO dated 04.10.2021, after which the appellant filed a first appeal before the First Appellate Authority on 27.10.2021 which disposed of the appeal on 08.11.2021 stating that since the information is 3rd party, it cannot be provided under section 11 of the RTI Act.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that since the information is 3rd party, it cannot be provided under section 11 of the RTI Act. The Commission has also received a reply from the PIO on 24.06.2022 which has been taken on record.

Having gone through the RTI application and the reply of the PIO, the Commission rejects the PIO's reply since section 11 of the RTI Act cannot be applied to deceased persons. How can third-party notices be issued to deceased persons? Moreover, the report of an unidentified deceased person does not remain personal or a third party.

The PIO has brazenly applied section 11 without application of mind. The PIO is directed to provide information to the appellant as per the RTI application within ten days of the receipt of the order with a copy to the Commission.

The case is adjourned. To come up for compliance on **14.09.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated: 27.06.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Amarjit Singh,
Whistle Blower, NCAG Office,
Street NO-5, # 1331-5,
Vishavkarma Bahwan, Down Canal Road,
Shimlapuri, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o CMO,
Ludhiana.

First Appellate Authority,
O/o CMO,
Ludhiana.

...Respondent

Appeal Case No. 219 of 2022

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 18.09.2021 has sought information regarding the action taken report on a complaint dated 10.09.2021 alongwith name of the enquiry officer and statement of both parties as enumerated in the RTI application concerning the office of CMO Ludhiana. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 18.10.2021 which took no decision on the appeal.

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

Having gone through the RTI application, the PIO is directed to provide information to the appellant as per the RTI application with a copy to the Commission.

The case is adjourned. To come up for compliance on **21.11.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 27.06.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION

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Sector 16, Chandigarh.

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Sh Jai Krishan S/o Late Sh Mangat Ram,
R/o # 3175/1 Street NO-10,
Labour Colony, Jawahar Nagar,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Distt Social Security Officer,
Shimlapuri, Ludhiana.

First Appellate Authority,
O/o Distt Social Security Officer,
Shimlapuri, Ludhiana.

...Respondent

Appeal Case No. 535 of 2022

**PRESENT: Sh.Jai Krishan as the Appellant
Ms.Inderpreet Kaur-DSSO for the Respondent**

ORDER:

The appellant through an RTI application dated 17.07.2021 has sought information regarding the widow pension of Mrs Rama Rani w/o late Sh.Mangat Ram bearing office No.1547 dated 17.11.2011 and Memo No.CDPO-636 dated 20.12.2011 and PLA No.75176 – reasons for discontinuation and to restore the pension as enumerated in the RTI application concerning the office of District Social Security Officer, Ludhiana. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 20.08.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Ludhiana. The appellant claims that the PIO has not supplied the information.

Having gone through the record, the Commission observes that the RTI application was filed on 17.07.2021 whereas the reply has been sent on 20.06.2022 with a delay of more than eleven months. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time. He/she should file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies.

The case is adjourned. To come up for further hearing on **21.11.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

**Chandigarh
Dated: 27.06.2022**

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



Sh Tejinder Singh,
Advocate, Civil Court,
Tehsil Complex, Backside Sanjh Kender,
Phillaur, Distt Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o Civil Surgeon,
Tarn Taran.

First Appellate Authority,
O/o Civil Surgeon,
Tarn Taran.

...Respondent

Appeal Case No. 4129 of 2021

PRESENT: Sh.Tejinder Singh as the Appellant
Sh.Navtej Singh, Sr.Assistant for the Respondent

ORDER:

The appellant through an RTI application dated 23.05.2021 has sought a copy of the action taken, alongwith the enquiry report, relating to a dope test conducted on the Punjab Police employees, Tarn Taran. As per the RTI application, in the test conducted in the year the test report was negative but when conducted in Civil Hospital Amritsar it was positive after which an enquiry was marked.

The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 24.06.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Ludhiana/Tarn Taran. The appellant claims that the PIO has not supplied the information.

The respondent present pleaded that since the record was not traceable, the information could not be provided and they are tracing the record and assured to provide the information within a week.

The PIO is directed to provide the information to the appellant within a week and send a compliance report to the Commission. It may also be mentioned, that if the record, is found untraceable the commission will initiate an enquiry to fix the responsibility as well take steps to create a duplicate record of the untraceable enquiry report.

The case is adjourned. To come up for compliance on **20.07.2022** at 11.00 AM at Chandigarh.

Chandigarh
Dated: 27.06.2022

Sd/-
(Khushwant Singh)
State Information Commissioner