



Sh Roshan Lal,
H No-27/1723, Atam Nagar,
Street nO-1, Chakewali,
Ludhiana.

... Complainant

Versus

Public Information Officer,
O/o Civil surgeon,
Ludhiana.

...Respondent

Complaint Case No. 694 of 2021

PRESENT: Sh.Bhim Sain for the Complainant
Dr.Vivek for the Respondent

ORDER:

The complainant, through RTI application dated 05.03.2021 has sought information regarding the list of medical reimbursement cases of employees received for verification and sanction since 2019/2020 and 2020/2021 alongwith date of receipt, patient name, amount-cases verified and sanctioned – reasons for pendency for one or two years, the solution proposed with a copy of the letter of standing instructions – powers of District Medical Board/surgeon of financial sanction – a copy of proceedings of the medical board and other information as enumerated in the RTI application from the office of Civil Surgeon, Ludhiana. The complainant was not provided with the information, after which the complainant filed a complaint in the Commission on 08.06.2021.

The case last came up for hearing on 16.12.2021 through video conferencing at DAC Ludhiana. As per the representative of the complainant, the PIO had not supplied the information.

Having gone through the record, the Commission observed that there has been an enormous delay of more than nine months in attending to the RTI application. The Commission having taken a serious view of this, issued a **show cause notice to the PIO under section 20 of the RTI Act 2005 for not transferring the RTI application in a proper way and secondly for not supplying the information within the statutorily prescribed period of time. The PIO was directed to file reply on an affidavit.**

Hearing dated 27.09.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana. As per the representative of the complainant, the PIO has not supplied the information.

As per the respondent, the information has already been supplied to the complainant vide letter dated 03.05.2021.

Hearing both parties, the PIO is directed to send a copy of the dispatch register as proof of having sent the information to the complainant on 03.05.2021 for the commission to assess the respondent's claim.

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However, regarding the information, this is a complainant case, and the complainant has come to the Commission under the provision of Section 18 of the RTI Act, 2005, in which the Commission can give no directions for providing further information.

The Hon'ble Supreme Court of India in its Order dated 12.12.2011 in Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP No.32768-32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information.

Since there is an alternative and efficacious remedy of first appeal available to the complainant under section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he/she will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act., 2005.

In view of the observations noted above, the instant case is remanded back to the concerned First Appellate Authority o/c Civil Surgeon, Ludhiana, with a copy of the RTI application for their ready reference and is also directed to call the complainant within 30 days of the receipt of the order, and dispose of the case accordingly. A compliance report of the same be sent to the Commission.

The case is adjourned. To come up for further hearing on **18.01.2023** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 27.09.2022

Sd/-
(Khushwant Singh)
State Information Commission

CCto :First Appellate Authority,
O/o Civil Surgeon, Ludhiana.



Sh Kamalpreet Singh,
134, Basant City, Threekay,
P.O Pakhowal Road, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Public Analyst,
Food and Drug Testing Laboratory,
Kharar.

First Appellate Authority,
O/o Public Analyst,
Food and Drug Testing Laboratory,
Kharar.

...Respondent

Appeal Case No. 2843 of 2021

PRESENT: Sh.Kamalpreet Singh as the Appellant
Sh.Avnish Kumar, MLT Gr-2 for the Respondent

ORDER:

The appellant through RTI application dated 19.03.2021 has sought information regarding copies of stock book register pages from 2014-15 till 18.03.2021 of Laboratory Chemicals of LR, AR and HPLC grade in all packings/specifications for Silver Nitrate, acetonitrile, N-Hexane, Potassium Iodide, Glycerol and others that have been received in the office of Public Analyst, Food & Drug Testing Lab Kharar from the office of Civil Surgeons of Moga, Muktsar, Bathinda, Kapurthala, Bathinda – a copy of standard guidelines received from NABL Gurgaon and other information as enumerated in the RTI application from the office of Principal Secretary, Food and Civil Supplies and Consumer Affairs, Pb, Chandigarh. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 05.05.2021, which took no decision on the appeal.

The case last came up for hearing on 16.12.2021 through video conferencing at DAC Ludhiana. As per the appellant, the PIO had not supplied the information.

As per the respondent, the information was sent to the appellant vide letter dated 06.12.2021 with a copy of the letter to the Commission.

Having gone through the record, the Commission observed that there has been an enormous delay of more than eight months in attending to the RTI application. The Commission having taken a serious view of this, issued a **show cause notice to the PIO under section 20 of the RTI Act 2005 for not transferring the RTI application in a proper way and secondly for not supplying the information within the statutorily prescribed period of time. The PIO was directed to file reply on an affidavit.**

A copy of the reply was sent to the appellant with the direction to point out the discrepancies to the PIO and the PIO was directed to remove the same.

Hearing dated 27.09.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana. As per the respondent, the information has already been provided to the appellant vide letter dated 06.12.2021 and on 27.05.2022 and no further information is available in the record.

The appellant claims that the information is incomplete.

Hearing both the parties, the PIO is directed to provide an affidavit that the information that has been provided is true, and complete and no further information is available in the record relating to this RTI application.

Regarding the reply to the show cause notice, the Commission has received a reply on 10.02.2022, which has been taken on record. However, the reply is not from the PIO. The PIO is also absent.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO O/o Public Analyst, Food and Drug Laboratory, Kharar is hereby 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. The PIO is also held guilty of repeated defiance of the orders of the Punjab State Information Commission to provide the information. Moreover, the PIO has chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

Hence, given the above facts, a penalty of **Rs.10,000/-** is imposed on the concerned PIO O/o Public Analyst, Food and Drug Laboratory, Kharar, which will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

The case is adjourned. To come up for further hearing on **30.11.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear at Chandigarh.

Chandigarh
Dated: 27.09.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh. Ramandeep Singh,
Ward No.-18, Street No-2,
Kartar Nagar, Amloh Road, Khanna,
Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Director, Local Govt,
Sector-35-A, Chandigarh.

First Appellate Authority,
O/o Director, Local Govt,
Sector-35-A, Chandigarh.

...Respondent

Appeal Case No. 2825 of 2020

Present: Sh.Ramandeep Singh as the Appellant
Ms.Sandeep Kaur, Sr.Assistant for the Respondent

ORDER:

The appellant, through RTI application dated 24.04.2020 has sought information regarding the complete file of the complaint along with written statements recorded, copy of complaint, notings and action taken report in regard to complaints filed on 05.01.2017 against EO Sh.Chetan Sharma, Municipal Engineer Rajiv Kumar, AME and the Sanitary Inspector of MC Nangal and other information concerning the office of Secretary Local Govt. Pb Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 01.06.2020 which took no decision on the appeal.

The case last came up for hearing on 02.03.2021 through video conferencing at DAC Ludhiana. The appellant claimed that no information has been provided by the PIO.

The respondent was absent. The PIO was directed to provide whatever action has been taken on the complaint of the appellant along with necessary correspondence/notings and send a compliance report to the Commission.

The PIO was also directed to appear personally before the Commission on the next date of hearing and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.

On the date of the last hearing on **08.06.2021**, both the parties were absent.

The Commission received a copy of a letter dated 16.03.2021 from the PIO vide which the PIO had sent a reply to the appellant stating that they had asked Regional Deputy Director, Local Govt Department, Ludhiana vide letters dated 03.04.2021, 28.08.2020 & 03.02.2021 to complete the enquiry and send enquiry report but the same has yet not been received. The PIO also sent copies of correspondence made with the Regional Dy Director, Local Govt. Ludhiana, which was taken on the file of the Commission.

The PIO- Regional Dy. Director, Department of Local Govt.Pb Ludhiana was impleaded in the case and directed to provide to the appellant whatever information they have on the matter with a copy to the Commission. The appellant was also directed to appear on the next date of hearing to pursue the case.

On the date of last hearing on **07.02.2022**, the appellant was absent and vide email informed that the PIO has not supplied the information.

The respondents from the office of Director Local Govt. Pb Chandigarh and Regional Dy Director, Local Govt. Ludhiana were absent.

The Commission received a letter through email from the PIO-Local Govt.(LG-3) stating that the Regional Dy Director Local Govt. Ludhiana has been dissolved and Additional Dy Commissioner (Urban Development) has been constituted in its place. That as per a report from the office of Addl.Deputy Commissioner, Ludhiana, the enquiry is still pending regarding the information that has been sought. The appellant has been informed of the same vide letter dated 01.10.2021.

Hearing dated 27.09.2022:

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

The respondent present pleaded that they have not received the status of the enquiry which was pending with ADC(UD) Roopnagar, and the information has to be provided by the office of ADC(UD) Roopnagar.

As per the appellant, the enquiry has already been completed.

The Commission has received a copy of a letter dated 20.04.2022 from the office of ADC(UD), Roopnagar, vide which the office of ADC(UD) Roopnagar has sent action taken report on the complaint of the appellant to the PIO-cum-Suptd.(SS-3 Branch), Local Govt. Pb Chandigarh with a copy of the same to the Commission as well as to the appellant.

Hearing both the parties, the PIO-ADC(UD) Roopnagar is impleaded in the case and directed to provide the latest status of the case and provide information as per the RTI application.

The case is adjourned. To come up for further hearing on **18.01.2023** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear at Chandigarh.

Chandigarh
Dated 27.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

**CC to PIO-Additional Deputy Commissioner
(Urban Development), Roopnagar.**



Sh. Ramandeep Singh,
Ward No.-18, Street No-2,
Kartar Nagar, Amloh Road, Khanna,
Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Director, Local Govt, Pb.
Sector-35-A, Chandigarh.

First Appellate Authority,
O/o Director, Local Govt,
Sector-35-A, Chandigarh.

...Respondent

Appeal Case No. 2826 of 2020

Present: Sh.Ramandeep Singh as the Appellant
Ms.Sandeep Kaur, Sr.Assistant for the Respondent

ORDER:

The appellant through RTI application dated 24.04.2020 has sought information regarding the complete file of the complaint along with written statements recorded, copy of complaint, notings and action taken report in regard to the complaint filed on 02.02.2017 against EO Sh.Chetan Sharma, Municipal Engineer Rajiv Kumar, AME and Madan Suman, JE of MC Nangal and other information concerning the office of Secretary Local Govt. Pb Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 01.06.2020 which took no decision on the appeal.

The case first came up for hearing 02.03.2021 through video conferencing at DAC Ludhiana. The appellant claimed that no information has been provided by the PIO.

The respondent was absent. The PIO was directed to provide whatever action has been taken on the complaint of the appellant along with necessary correspondence/notings and send a compliance report to the Commission. The PIO was also directed to appear personally before the Commission on the next date of hearing and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.

On the date of the hearing on **08.06.2021**, the appellant was absent and vide email informed that the PIO has not supplied the information.

The respondent was absent. There has been an enormous delay of more than one year in attending to the RTI application. The Commission has taken a serious view of this directed 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 and directed to file reply on an affidavit.**

On the date of hearing on **07.02.2022** the appellant was absent and vide email informed that the PIO has not supplied the information.

The respondent was absent.

The Commission received a letter through email from the PIO-Local Govt.(LG-3) stating that the Regional Dy Director Local Govt. Ludhiana has been dissolved and in its place, Additional Dy Commissioner (Urban Development) has been constituted and that as per report of the office of Addl.Deputy Commissioner, Ludhiana, the enquiry is still pending. The appellant has been informed of the same vide letter dated 30.09.2021.

The PIO however, did not file a reply to the show-cause notice. The PIO was given one last opportunity to file a reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say in the matter and the Commission will take a decision as per provisions of section 20 of the RTI Act.

Hearing dated 27.09.2022:

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

As per the respondent, the enquiry is pending with ADC(UD) Roopnagar and the status of the enquiry has already been informed to the appellant.

As per the appellant, the enquiry has already been completed.

Hearing both the parties, the PIO-ADC(UD) Roopnagar is impleaded in the case and directed to provide the latest status of the enquiry to the appellant.

The PIO is absent nor has filed reply to the show cause notice.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO and the PIO O/o O/o Director Local Govt. Pb Chandigarh is hereby 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. The PIO is also held guilty of repeated defiance of the orders of the Punjab State Information Commission to provide the information. Significantly, the PIO has chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

Hence, given the above facts, a penalty of **Rs.15,000/-** is imposed on the PIO O/o Director Local Govt. Pb Chandigarh, which will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

The case is adjourned. To come up for further hearing on **18.01.2023** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear at Chandigarh.

Chandigarh
Dated 27.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Surjit Singh, S/o Sh. Gokul Singh,
VPO Jarg, Tehsil Payal,
Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o DPI (EE),
Phase-8, Mohali.

First Appellate Authority,
O/o Secretary, Education Department,
Phase-8, Mohali.

...Respondent

Appeal Case No. 3255 of 2020

PRESENT: Sh.Surjit Singh as the Appellant
Sh.Tejev Singh, Sr.Assistant for the Respondent

ORDER:

The appellant through RTI application dated 15.07.2020 has sought information regarding memo No.18/127-15m/2(5) dated SAS 22/19 – a copy of file relating to posts lying vacant and filled from 13.04.1991 and other information as enumerated in the RTI application concerning the office of DPI(EE) Mohali. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 17.08.2020 which took no decision on the appeal.

The case first came up for hearing on 28.07.2021 through video conferencing at DAC Mohali. The respondent had brought the information.

The appellant was absent and vide email sought exemption. The respondent was directed to send the information to the appellant through registered post with a copy to the commission.

The Commission observed that there has been an enormous delay of one year in attending to the RTI application. 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 and directed to file a reply on an affidavit.**

On the date of last hearing on **07.02.2022**, the respondent was absent and vide letter dated 05.10.2021 received in the Commission on 08.10.2021 sent his reply which was taken on record. In the reply, the PIO mentioned that the appellant has also filed numerous appeal cases for seeking the same information and sent a list of such appeal cases.

The appellant stated that this RTI application does not relate to the other applications that he has filed.

The case was marked to the Secretary of Education with the direction to reconcile the case and ensure that the sought information is provided to the appellant as per record.

Hearing dated 27.09.2022:

The case has come up for hearing today through video conferencing at DAT Ludhiana. The appellant claims that the PIO has not supplied the complete information since the PIO has not provided a copy of enquiry report.

The respondent present pleaded that the available information has already been provided to the appellant on 28.07.2021, and no further information is available in the record.

As per the RTI application, the appellant has not asked for the enquiry report. However, the PIO is directed to provide an affidavit that the information that has been provided is true, and complete and no further information is available in the record relating to this RTI application.

The PIO has not filed a reply to the show cause. The PIO is given one last opportunity to file a reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say on the matter and the Commission will take a decision ex-parte. The details of PIOs (at the time of filing of RTI application- at the time of issue of show cause notice - present PIO) may also be sent.

To come up for further hearing on **18.01.2023 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear at Chandigarh.

Chandigarh
Dated:27.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-DEO, Fatehgarh Sahib.



Sh R.P Singh Through Gurnail Singh,
4th Floor, Near Public Lift, Court Complex,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o District Controller,
Food Civil Supplies & Consumer Affairs,
Ludhiana.

First Appellate Authority,
O/o District Controller,
Food Civil Supplies & Consumer Affairs,
Ludhiana

...Respondent

Appeal Case No. 3611 of 2021

PRESENT: Sh.R.P.Singh for the Appellant
Sh.Manoj Kumar, Inspector for the Respondent

ORDER:

The appellant through an RTI application dated 31.05.2021 has sought information on 08 points regarding details of cardholders (Blue/Red card) issued under Atta Dal scheme from 2017 to 2019 – list of blue and red cards from Jan.2020 to May 2021 – details of ration distributed to blue and red cardholders from Jan 2020 to May 2021 and other information as enumerated in the RTI application from the office of District Controller, Food Civil Supplies & Consumer Affairs, Ludhiana. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 25.06.2021, which took no decision on the appeal.

The case last came up for hearing on 21.02.2022 through video conferencing at DAC Ludhiana. The appellant claimed that the PIO has not supplied the information even after a period of eight months.

The respondent was absent. From the facts on the file, there was prima-facie evidence of a delay of more than eight months in attending to the RTI application. The Commission having taken a serious view of this, directed 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. The PIO was directed to file reply on an affidavit.**

The PIO was again directed to provide information to the appellant within ten days of the receipt of the order and send a compliance report to the Commission.

Hearing dated 27.09.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana. As per the respondent, the information has been supplied to the appellant vide letter dated 31.03.2022.

As per the appellant, the information has been provided with a delay of more than eight months which is still incomplete.

Appeal Case No. 3611 of 2021

The PIO is absent and has sent a reply to the show cause notice through email, which has been taken on record. In the reply, it has been mentioned that the information was received from the Inspector Food Supply Mullanpur on 25.03.2022, and the same was sent to the appellant on 31.03.2022. Further, since the information was voluminous as well as the staff was busy in the procurement of paddy, the information was delayed.

The plea of the PIO in the show cause is rejected as it appears to be a lame excuse for not providing the information on time.

And since the responsibility to ensure the timely transmission of the information to the appellant lies entirely on the PIO, the concerned PIO O/o DFSC Ludhiana is hereby 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. Moreover, the PIO has chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

Hence, given the above facts, a penalty of **Rs.15,000/-** is imposed on the concerned PIO O/o DFSC Ludhiana, which will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

Further, the Commission is of the view that since the complainant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

Hence the PIO O/o DFSC Ludhiana is directed to pay an amount of **Rs.5000/-** via demand draft through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO is directed to duly inform the commission of the compliance of the order and submit proof of having compensated the appellant.

To come up for further hearing on **13.12.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 27.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner