

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGRH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Vishal Singh Chauhan, Advocate,
H.No.127, Sector 10 – A, Chandigarh.

Appellant

Versus

Public Information Officer,
O/o Special Secretary to Govt. of Punjab,
Department of Home Affairs & Justice,
Punjab Civil Sectt.- 1, Chandigarh

Public Information Officer,
O/o Judicial - 1 Branch,
Department of Home Affairs and Justice, Govt. of Punjab,
Punjab Civil Sectt. – 1, Chandigarh.

First Appellate Authority
O/o Secretary to Govt. of Punjab
Department of Home Affairs & Justice,
Punjab Civil Sectt.-1, Chandigarh.

Respondents

APPEAL CASE NOS.938 and 939 of 2018

Date of RTI application : 30.08.2017/17.07.2017
Date of First Appeal : 27.10.2017/31.08.2017
Date of Order of FAA : 12.01.2018Reply27.09.2017/04.08.2017
Date of 2nd Appeal/complaint : 12.03.2018/06.03.2018

Present: **Adv. Sourav Dhir, Counsel for Sh. Vishal Singh Chauhan, Appellant.**
 1. Sh. P. S. Bajwa, Additional Advocate General, Punjab,
 2. Adv. Sehajbir Singh for Respondent No.11, 18, 24 and 35,
 Respondents.

ORDER

Adv. Sourav Dhir, Counsel for the appellant submits that the arguing counsel

Sh. Vishal Singh Chauhan is not available for the argument as he is away. He seeks adjournment.

The request is acceded.

The matter is fixed for hearing on **15.01.2019 at 11.30 AM.**

Sd/-

27.11.2018

(Yashvir Mahajan)
State Information Commissioner

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Sh. Baldev Kumar,
S/o Sh. Surjit Ram,
R/o #1789, Near Shiv Mandir, Sector 11,
College Colony, Dera Bassi, Distt. Mohali.

Complainant

Versus

Public Information Officer,
O/o Executive Officer,
Nagar Council,
Dera Bassi, Distt. Mohali.

Respondent

COMPLAINT CASE NO.691/2018

Date of RTI application: 14.05.2018
Date of First Appeal : Nil
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 25.06.2018

Present: **Sh. Baldev Kumar, Complainant in person.**
 Sh. Sarbjeet Singh, Building Inspector, NC Office, Dera Bassi – for Respondent

ORDER

The complainant is aggrieved with the respondent for having failed to sanction the building plan submitted by him despite having deposited Rs.76,940/- as building approval fee. He has put some posers to the Public Authority.

In their reply the respondent has denied to give him the information branding it a questionnaire. It is not permissible according to them under the RTI Act. The respondent says that the complainant has submitted in writing to them that he is not interested to follow his complaint and as such the issue be closed. The complainant, on the other hand, alleges that it has been obtained under duress.

The Commission directs that the available information on record should be provided to the complainant. The stance of the respondent that questions are being asked is not sustainable. He has sought some relevant replies as the sanctioning of his building plan has been withheld despite the demand and deposition of a handsome amount. The matter shall be reheard on **10.01.2019 at 11.30 AM.**

27.11.2018

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Sh. Sandeep Khattri,
R/o #126/B6,
Gulmohar City, Dera Bassi,
S.A.S Nagar.

Appellant

Versus

Public Information Officer,
O/o Tehsildar,
Tehsil Complex, Dera Bassi,
S.A.S Nagar.

First Appellate Authority,
O/o Sub Divisional Magistrate,
Tehsil Complex,
Dera Bassi, S.A.S Nagar.

Respondents

APPEAL CASE NOS.2155, 2156 and 2169 of 2018

Date of RTI application: 17.04.2018
Date of First Appeal : 28.05.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 22.06.2018

Present: None on behalf of the Appellant.
1. Sh. Ravinder Kumar, PIO – cum – Superintendent, SDM Office, Dera Bassi,
2. Sh. Mahi Pal, Jr. Assistant, Tehsil Office, Dera Bassi – for Respondents.

ORDER

On the request of the Parties the matter is adjourned to be heard on **10.01.2019 at**

11.30 AM.

27.11.2018

Sd/-
(Yashvir Mahajan)
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Sh. Harjinder Singh,
S/o Sh. Mewa Singh,
R/o Gunike, Tehsil Nabha,
Distt. Patiala.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Nabha, Distt. Patiala
First Appellate Authority,
O/o District Development and Panchayat Officer,
Patiala.

Respondents

APPEAL CASE NO.2132/2018

Date of RTI application: 15.03.2018
Date of First Appeal : 08.05.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 22.06.2018

Present: Sh. Harjinder Singh, Appellant in person.
None on behalf of the Respondents.

ORDER

The following order was made by this forum on 14.08.2018:

"The appellant had sought the information about the grants and the income that has accrued to the gram Panchayat of village Gunike and the amount spent on the various development works during the period from the year 2013 to 2018. The respondents have brought the entire record comprised in about 700 pages which has been handed over on spot to the appellant. The appellant points out that the copy of the record pertaining to the water supply is not included in the same.

The Commission has been made to understand that the above record is being maintained by the XEN, Rural Water Supply & Sanitation, Patiala. He is directed to provide him the information asked for before the next date of hearing. The respondents in the appeal shall duly intimate him about the above order of the Commission sufficiently in advance also of the next date of hearing."

The case has come up today. Despite notice the respondents in the Department of Rural Water Supply & Sanitation, Punjab, has neither provided the information nor filed a written reply. The Commission takes a serious view of it. The XEN, Rural Water supply & Sanitation, Patiala is once again directed to provide the information asked for by him else he shall be proceeded against for imposition of penalty as per provision of the RTI Act.

To come up on **10.01.2019 at 11.30 AM.**

27.11.2018

Sd/-
(Yashvir Mahajan)
State Information Commissioner

CC: The Executive Engineer, Rur. Water Supply & Sanitation, Patiala, for n/a.

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Sh. Rulda Ram,
S/o Sh. Toti Ram,
R/o Village Majri, PO Sialbagh,
Tehsil Kharar, S.A.S Nagar.

Appellant

Versus

Public Information Officer,
O/o Tehsildar,
Kharar, Distt. S.A.S Nagar.

First Appellate Authority,
O/o Deputy Commissioner,
S.A.S Nagar.

Respondents

APPEAL CASE NO.2167/2018

Date of RTI application: 26.02.2018
Date of First Appeal : 11.04.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 26.06.2018

Present: Sh. Rulda Ram, Appellant in person.
Sh. Harinder Singh, Patwari, O/o BDPO, Majri – for Respondents.

ORDER

The following order was passed by this forum on 14.08.2018:

“The appellant has sought a copy of ‘Naqsha Haqdaar’ framed on the consolidation of land of Village Majri, Tehsil Kharar at the time of the consolidation of holdings. The PIO to whom the application was originally submitted has erroneously forwarded the RTI application to the Naib Tehsildar, Majri who has submitted a reply which apparently is misleading. The appellant submits that he is only seeking the area defined for the shamlat and private owners and is not seeking the copies of record of rights for which he has been asked to pay a cost of providing information. The respondents are advised to provide him the information as asked for vide his original application before the next date of hearing along with ‘Naqsha Haqdaar’ constructed at the time of consolidation.”

The case has come up today. The respondents have communicated in writing to the appellant that the information sought is not available with them. The Commission understands that

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APPEAL CASE NO.2167/2018

Consolidation Scheme having been decided by the then competent authority should be a permanent record and be available with them until or unless it has been destroyed under a valid order as prescribed in Rules. It shall be deemed to be held by the Public Authority. The respondents are again directed to arrange to provide it to the appellant or else face penal action.

To come up on **10.01.2019 at 11.30 AM.**

Sd/-

27.11.2018

**(Yashvir Mahajan)
State Information Commissioner**

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Sh. Gurvinder Singh,
S/o Sh. Santokh Singh,
R/o Vill. Lehli, PO Dappar,
Tehsil Dera Bassi, Distt. Mohali.

Appellant

Versus

Public Information Officer,
O/o District Development and Panchayat Officer,
Patiala.

First Appellate Authority,
O/o Additional Deputy Commissioner (Development),
Patiala.

Respondents

APPEAL CASE NO.2101/2018

Date of RTI application: 22.05.2016
Date of First Appeal : 08.05.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 20.06.2018

Present: **Sh. Gurvinder Singh, Appellant in person.**
Sh. Charanjot Singh, Secretary, Zila Parishad, Patiala – for Respondents.

ORDER

The following order was passed by the Commission on 14.08.2018:

“The appellant is questioning an allotment made way back in 1974 by the office of the Block Dev. & Panchayat Officer, Dera Bassi under the Rehabilitation of Economically Backward Scheme of the Government of Punjab. Vide communication dated 01.08.2018 the DDPO, Patiala has intimated that the information sought for is 45 years old. It relates to the office of the BDPO, Dera Bassi which currently is under the jurisdiction of district Mohali. He has further submitted that as the information is very old they have not been able to trace it. The Commission desires the BDPO, Dera Bassi to have its record sifted and arrange to provide the information and file a written reply.

As far as the information relating to the utilization of funds under Indira Awas Yojna is concerned, the original application has been transferred under Section 6(3) of the Act to the Deputy Chief Executive Officer, Zila Parishad, Patiala who shall advert on the issue and provide the available information.

Contd....page...2

APPEAL CASE NO.2101/2018

Since the issue does not relate to the office of the DDPO, Patiala any more he is exempted from attendance in future hearings.”

The case has come up today. None is present from the office of the BDPO, Dera Bassi. No written communication has also been received. The Commission takes a serious view of the lackadaisical conduct of the respondents. The B.D.P.O., Dera Bassi is directed to address the issue and inform the Commission failing which the penal consequences shall follow.

Sh. Charanjot Singh, Secretary, Zila Parishad, informs that the Rehabilitation Scheme of the Indira Awas Yojna was commissioned by the Government in the year 1984-85. Obviously, no record as asked for pertaining to the year 1973-74 does exist which can be furnished. The Commission agrees with him. However, it mentions that the policy of the State Government to provide “pacca structures” to the deprived section of the society must have been in place. The BDPO, Dera Bassi should arrange to provide the policy instructions extant then on.

The PIO, Zila Parishad, Patiala is exempted to attend the future proceedings.

The matter shall be reheard on **10.01.2019 at 11.30 AM.**

27.11.2018

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

CC: The Deputy Chief Executive Officer, Zila Parishad, Patiala.

CC: The Block Dev. & Panchayat Officer, Dera Bassi, Distt. Mohali, for n/a.

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Smt. Kulwinder Kaur,
Sarpanch, Gram Panchayat,
Village Vajidpur, Block Aur,
Distt. SBS Nagar.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block Aur,
Distt. SBS Nagar.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Distt. SBS Nagar.

Respondents

APPEAL CASE NO.2120/2018

Date of RTI application: 26.01.2018
Date of First Appeal : 06.04.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 21.06.2018

Present: **None on behalf of the Appellant.**
Sh. Jaswant Singh, Panchayat Secretary, O/o BDPO, Aur – for Respondents.

ORDER

The following order was made by this forum on 14.08.2018:

“The appellant is a former sarpanch of Village Bazidpur, Block Aur. Consequent upon the relinquishing of her charge a complaint had been made against her for causing loss to the gram panchyat to an extent of Rs.250/- per month. The appellant is seeking a copy of the same and connected record. The respondents are directed to provide her the information thus sought for immediately and file a written reply in the shape of an affidavit for having failed to provide the information thus sought for.”

The matter is being heard again today. Sh. Jaswant Singh appearing on behalf of the respondents has submitted a memo wherein it has been mentioned that the appellant was provided with the information vide letter No.1388 dated 17.05.2018. Deficient information as pointed out by her has also been furnished vide their letter dated 15.11.2018. He has also produced an acknowledgement from the appellant expressing her satisfaction over the information received by her.

Disposed.

27.11.2018

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Sh. Sandeep Singh Ahuja,
Chamber No.249, District Courts,
Patiala

Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Patiala

First Appellate Authority
O/o Commissioner,
Municipal Corporation,
Patiala

Respondents

APPEAL CASE NO.2416/2014

Date of RTI application : 08.02.2014
Date of First Appeal : 16.05..2014
Date of Order of FAA : Nil
Date of 2nd Appeal/complaint :22.07.2014

Present: **None on behalf of the Appellant.**
 Sh. Tarun Kumar, Building Inspector, MC Office, Patiala – for Respondents.

ORDER

This should be read in continuation of Commission's order dated 19.07.2018.

It has been informed that the amount of penalty as imposed in the case in hand has been recovered after identifying the officials responsible for the delay. A copy of the challan has been taken on record. The order of the Commission as such has been complied with by the respondents. No further action seems called for. The case is **closed**.

Sd/-

27.11.2018

(Yashvir Mahajan)
State Information Commissioner

Cc: Sh. Gurpreet Singh Khaira, IAS, Commissioner, Municipal Corporation, near NIS, Patiala.

Cc: DR,PSIC