

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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E-mail-Psicsic30@punjabmail.gov.in

Sh Vijay Kumar,
321, B-III, Near Gaushala,
Sodian Street, Fazilka.

... Complainant

Versus

Public Information Officer,
O/o Addl, SE, D/S,
PSPCL, Fazilka.

First Appellate Authority,
O/o Addl, SE, D/S, PSPCL,
Fazilka.

...Respondent

Complaint Case No. 1016 of 2018

Present: None for the Complainant
Ms.Anita Rani & Vikram Kamboj O/o Addl. SE, D/S PSPCL Fazilka for the
Respondent

Order:

The complainant through RTI application dated 03.11.2017 has sought information regarding details of technical employees working on the clerical posts copy of their attendance register and other information concerning the office of Addl. SE,D/S, PSPCL Fazilka. The complainant was not satisfied with the reply of the PIO dated 03.01.2018 after which the complainant filed first appeal with the First Appellate Authority on 08.01.2018 which disposed off the appeal on 28.02.2018

The respondent present pleaded that the information has been provided to the complainant vide letter dated 17.01.2018.

I have gone through the file and observed that the appellant filed first appeal 08.01.2018 and has come to the Commission on 24.09.2018 which is time barred. The 2nd Appeal can be filed within the time limit prescribed under Section 19(3) of the RTI Act i.e. 90 days from FAA's decision. The appeal needs to be filed within a reasonable period of time.

In view of the RTI being time barred, no further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated: 28.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Sarabjit Singh, Circle Asst (Retd),
1725, Sector-39-B, Chandigarh.

... Complainant

Versus

Public Information Officer,
O/o Chief Engineer,
Commercial, PSPCL, Patiala.

...Respondent

Complaint Case No. 1021 of 2018

Present: Sh.Sarabjit Singh as Complainant
Sh.Inder Pal Singh O/o Chief Engineer, Commercial, PSPCL Patiala for the
Respondent

Order:

The complainant through RTI application dated 07.08.2018 has sought information regarding instructions/rules for issue of charge sheet No.125 dated 06.09.2017 alongwith other information concerning the office Chief Engineer, Commercial, PSPCL Patiala. The complainant was not provided the information after which the complainant filed appeal before the Commission on 25.09.2018.

The respondent present pleaded that they received the RTI application on 17.08.2018 and the reply was sent on 21.08.2018 & again on 09.10.2018 at the given address, asking the complainant to deposit requisite fee of Rs.66/- for getting information. However, both the letters were received back undelivered from the postal department.

The Commission finds no malafide on the part of the PIO in attending to the RTI application and directs the complainant to deposit requisite fee of Rs.66/- and get the information.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 28.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. R.K Verma,
431-C, Street No-4, Gurbax Colony,
Patiala.

Complainant.

Versus

Public Information Officer

O/o EO, Patiala Urban Planning and Development Authority,
Patiala.

First Appellate Authority,

O/o Addl, Chief Administrator,
Patiala Urban Planning and Development Authority,
Patiala.

...Respondent

Complaint Case No. 1056 of 2018

Present: Sh.R.K.Verma as Complainant
Sh.Jeevan Singh, Clerk, O/o PDA Patiala for the Respondent

Order:

The complainant through RTI application dated 06.06.2018 has sought information regarding CWP filed by allottees of PUDA Enclave & Rajpura Colony and copy of written statement of PDA Patiala alongwith other information concerning the office of EO, PUDA Patiala. The complainant was not satisfied with the reply of the PIO dated 11.07.2018 whereby the PIO denied the information stating that since the allottees of PUDA Enclave-2 & Rajpura Colony have filed writ petition in the Hon'ble High Court and the case is sub-judice, the information cannot be provided. On having denied the information the complainant filed first appeal with the First Appellate Authority on 13.07.2018 which disposed off the appeal on 05.07.2018 upholding the decision of the PIO.

The respondent present informed that the information regarding point-1 has been provided to the appellant vide letter dated 23.07.2018.

Regarding point-2, the respondent pleaded that the case is sub-judice in the Hon'ble High Court and since appellant is not a petitioner in the writ petition and the PDA having fiduciary relationship with the allottees as per section 8(1)(e) of the RTI Act, the information cannot be provided. The information regarding point-3 is available on the website of the Hon'ble High Court.

The Commission observes that the exemption sought by the PIO is not in order and hereby directs the PIO to explain in detail the rationale behind taking this exemption since the claim made under section 8(1)(e) is against the plaintiffs(allottees) who have filed a writ petition against the department (PUDA) which is the defendant.

The case is adjourned. To come up for further hearing on **19.03.2018 at 11.00 AM.**

Sd/-

Chandigarh
Dated: 28.01.2019

(Khushwant Singh)
State Information Commissioner

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Sh Sarabjit Singh,
1725, Sector-39-B,
Chandigarh.

Complainant

Public Information Officer,
Chief Engineer, Operation,
North Zone, PSPCL,
Jalandhar.

...Respondent

Complaint Case No. 1063 of 2018

Present: Sh.Sarabjit Singh as Appellant
Sh.Karamjeet Singh, Addl.SE, O/o Chief Engineer, Operation, PSPCL
Jalandhar for the Respondent

Order:

The complainant through RTI application dated 07.08.2018 has sought information regarding charge sheet No.125 dated 6.9.2017 issued to the complainant by SE Op. Circle, Sub Urban, Ludhiana on 30.11.2017 alongwith rules/regulations for transfer of charge sheet and other information concerning the office of Chief Engineer, Operation, North Zone, PSPCL Jalandhar. The complainant was denied the information by the PIO vide letter dated 18.09.2018 after which the complainant filed complaint in the Commission on 03.10.2018.

The respondent present has brought the information and handed over to the complainant.

The Commission observed that the RTI application was attended by the PIO within the time and finds no malafide on the part of the PIO in attending to the RTI application. If there is any anomaly in the information provided, the appellant is directed to go to the First Appellate Authority.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 28.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Naresh Kumar,
H No-2795, Street No-3,
Jammu colony, Ludhiana.

Appellant.

Versus

Public Information Officer
O/o Deputy Chief engineer,
Operational Urban (West) Division,
PSPCL, Ludhiana.

First Appellate Authority,
O/o Chief Engineer, Central Zone,
PSPCL, Ludhiana.

...Respondent

Appeal Case No. 3249 of 2018

Present: Sh.Naresh Kumar as Appellant
Sh.Pardeep Kumar, AEE O/o Sr Executive Engineer, City Central
Div/Op.(Spl) PSPCL Ludhiana for the Respondent

The appellant through RTI application dated 18.04.2018 has sought information regarding copy of letter vide which the original record regarding charge sheet No.386 dated 22.12.1992/FIR No.87 of 19.09.1991, was taken over by the department from the police station Div.No.4 Ludhiana and other information concerning the office of Deputy Chief engineer, Operational Urban (West) Division, PSPCL, Ludhiana. . The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 21.05.2018 which disposed off the appeal on 21.06.2018 stating that the handover/takeover report is not available in their record and the concerned police division has been requested to provide the list of handover/takeover report.

The respondent present pleaded that the handover/takeover report is not available in their record. The respondent claims that the concerned Police Division No.4 Ludhiana was asked vide letter dated 21.06.2018 to provide the handover/takeover list. The respondent further pleaded that as per report of the Police Division No.4, the Police Division No.4 has been changed to Police Station Daresi and they have requested the concerned SHO Police Station Daresi vide letter dated 30.07.2018 and again on 30.11.2018 to provide the information but their response is awaited.

The Commission directs the PIO to respond to the RTI application as per facts on an affidavit. The PIO, Police Station, Daresi Ludhiana is also directed to send response.

The case is adjourned. To come up for further hearing on **19.03.2019 at 11.00 AM.**

Chandigarh
Dated: 28.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :PIO, Police Station, Daresi, Ludhiana

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Sh. Surjeet Singh, S/o Lt Sh Bishan Singh,
R/o Kothi No-2, Phase-2, Urban Estate,
Patiala

... Appellant

Versus

Public Information Officer,
Chief Administrator, PUDA,
Sector-62, Mohali

First Appellate Authority,
Chief Administrator, PUDA,
Sector-62, Mohali

...Respondent

Appeal Case No. 3263 of 2018

Present: None for the as Appellant
Ms. Rani Sr.Asstt. and Sh.Harsimran, Clerk O/o Chief Administrator,
PUDA, Mohali for the Respondent

The appellant through RTI application dated 23.05.2018 has sought information regarding action taken report on letter No.2638 dated 28.03.2018 and action taken on his request whereby he had asked the department not to retire Sh.Amarjit Singh pending an enquiry, concerning the office of PUDA Mohali. The appellant was not provided the information after which he filed first appeal with the First Appellate Authority on 20.07.2018 which took no decision on the appeal.

Regarding point No.1, the respondent present pleaded that since the departmental enquiry is pending, the information cannot be provided under section 8(1)(h) and the reply has been sent to the appellant vide letter dated 25.06.2018. As per respondent, the appellant had filed complaint with the Vigilance department which remanded the case to the department on 25.04.2018 for internal enquiry into the complaint. The respondent pleaded that since the enquiry is not complete, the information cannot be provided. The PIO is directed to send status report of the enquiry to the appellant.

Regarding point-2, the information sought is vague as the appellant has sought action taken report on the letter that the appellant had sent to the department asking the department to stop the retirement of another employee Sh.Amarjeet Singh. As per respondent, there is no provision to stop the retirement of any employee.

No further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated: 28.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh S.P Goyal, 2-C,
Sarabha Nagar, Gurudwara Road,
Ludhiana.

Appellant.

Versus

Public Information Officer
O/o District & Session Judge,
District Court, Ludhiana.

First Appellate Authority,
O/o District & Session Judge,
District Court, Ludhiana.

...Respondent

Appeal Case No. 3271 of 2018

Present: None for the Appellant

Sh. Om Parkash, Superintendent, O/o District & Session Judge, District Court, Ludhiana.

The appellant through RTI application dated 16.05.2018 has sought information on 3 points regarding dealing of letter No.1461 dated 16.09.2017 of Sh.Jaapinder Singh, CJM Ludhiana, reply of Sh.Jaapinder Singh, CJM letter No.634 dated 19.03.2018 and other information concerning the office of o District & Session Judge, Ludhiana.. The PIO sent reply to the appellant vide letter dated 07.06.2018 as under:

Point No.1 The information being related to judicial functions and duties of the Court is not to be disclosed as per Rule 4(1) of Punjab Subordinate Courts (Right To Information) Rules 2007 and is exempt u/s 8(1)(b) of the RTI Act.

Point No.2&3 - The information already supplied vide letters dated 12.04.2018 & 07.05.2018

The appellant was not satisfied with the reply of the PIO after which the appellant filed first appeal before the First Appellate Authority on 09.06.2018 which disposed off the appeal 16.08.2018 upholding the order of the PIO. The First Appellate Authority further ordered that the appellant may obtain copy of judicial record by applying through copying agency as per rules and orders framed by the Hon'ble High Court of Punjab & Haryana.

The respondent present reiterated the decision of the PIO and the First Appellate Authority.

The appellant is absent and vide email has asked for hearing through Video Conferencing at DC Office, Ludhiana. The case is adjourned.

To come up for further hearing **on 27.02.2019 at 11.00 AM** through video conference facility available in the office of the Deputy Commissioner, Ludhiana. Copies of the order be sent to the parties ***through registered post.***

Chandigarh
Dated: 28.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh S.P Goyal, 2-C,
Sarabha Nagar, Gurudwara Road,
Ludhiana.

Appellant.

Versus

Public Information Officer
O/o District & Session Judge,
District Court, Ludhiana.

First Appellate Authority,
O/o District & Session Judge,
District Court, Ludhiana.

...Respondent

Appeal Case No. 3272 of 2018

Present: None for the Appellant

Sh. Om Parkash, Superintendent, O/o District & Session Judge, District Court, Ludhiana for the Respondent

Order:

The appellant through RTI application dated 19.04.2018 has sought information on 6 points regarding presence mark of Presiding Officer in the absence of counsel with rule & procedures to mark the presence of counsel in zimni order alongwith action taken against the presiding officer in case of being late and other information concerning the office of District & Session Judge, Ludhiana. The appellant was not satisfied with the reply of the PIO sent vide letter dated 14.05.2018 whereby the PIO denied the information stating that the information sought is in the form of queries/opinions after which he filed first appeal with the First Appellate Authority on 31.05.2018 which disposed off the appeal on 07.07.2018 upholding the PIO's decision.

The respondent present has reiterated the decision of the PIO and the order of the First Appellate Authority citing the decision of the Hon'ble Supreme Court of India in Central Board of Secondary Education & Another V/s Aditya Bandhopadhyay & others (2011).

I have gone through the RTI application and the reply of the PIO and found that the RTI application was replied adequately as per the RTI Act. The Commission upholds the view of the PIO as well as the order of the First Appellate Authority.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 28.01.2019

Sd/-
(Khushwant Singh)
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Sh S.P Goyal, 2-C,
Sarabha Nagar, Gurudwara Road,
Ludhiana.

Appellant.

Versus

Public Information Officer
O/o District & Session Judge,
District Court, Ludhiana.

First Appellate Authority,
O/o District & Session Judge,
District Court, Ludhiana

...Respondent

Appeal Case No. 3273 of 2018

Present: None for the Appellant
Sh. Shekhar Bansal, APIO O/o District & Session Judge, District Court, Ludhiana for the Respondent

Order:

The appellant through RTI application dated 29.03.2018 has sought information on 4 points regarding Ahlmads working under the charge of Mr.Jaapinder Singh CJM Ludhiana alongwith their names & addresses and other information concerning the office of District & Session Judge, Ludhiana. The appellant was not satisfied with the information provided by the PIO vide letter dated 30.04.2018 after which the appellant filed first appeal before the First Appellate Authority on 18.05.2018 which disposed off the appeal on 10.07.2018 upholding the PIO's decision.

The respondent present informed that the information has already been provided to the appellant vide letter dated 30.04.2018.

I have gone through the RTI application and the reply of the PIO and found that the RTI application was replied adequately as per the RTI Act. The Commission upholds the view of the PIO as well as the order of the First Appellate Authority.

No further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated: 28.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Tejinder Singh,
Village Bholapur, P.O Ramgarh,
Chandigarh Road, Ludhiana.

Appellant.

Versus

Public Information Officer
O/o GLADA,
Ludhiana.

First Appellate Authority,
O/o Addl Chief Administrator,
GLADA, Ludhiana.

...Respondent

Appeal Case No. 3284 of 2018

Present: None for the Appellant
Sh. Santosh Kumar Bains, PIO GLADA Ludhiana for the Respondent

Order:

The appellant through RTI application dated 27.06.2018 has sought information regarding action taken on the complaint dated 31.05.2018 against Pinky Bakery Jamalpur Ludhiana for illegal encroachment and other information concerning the office of GLADA Amritsar. The appellant was not provided the information after which the appellant filed first appeal with the First Appellate Authority on 28.07.2018 which took no decision on the appeal.

The respondent present informed that the information has been provided to the appellant vide letter dated 13.12.2018.

The appellant is absent and vide email has pointed out discrepancies. The PIO is directed to relook at the RTI application and sort out the discrepancies. The PIO is also directed to explain the reasons for delay in attending to the RTI application. The explanation be given on an affidavit.

The case is adjourned. Both the parties to be present **on 19.03.2019 at 11.00AM.** for further hearing.

Chandigarh
Dated: 28.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner