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Sh. Sukhdev Singh Pandher S/o Sh. Gurbachan Singh, R/o Village –Chahal, (98157-62270) Block –Nabha, District – Patiala.

.....Appellant

Public Information Officer, O/o Block Development & Panchayat Officer, Block –Nabha, District – Patiala.

First Appellate Authority, O/o District Development & Panchayat Officer, Mini Secretariat, Patiala.

# Appeal Case No. 2 of 2020

(Video Conference Proceeding)

Vs

Present:- Shri Sukhdev Singh, appellant. None on behalf of the respondents.

### ORDER

This order may be read with reference to the previous order dated 06.02.2020 vide which the absence of Shri Ajaib Singh, BDPO, Nabha was viewed seriously and he was directed to supply the information before the next date of hearing otherwise punitive action will be initiated under the provisions of RTI Act, 2005.

2. The respondent-PIO is absent without intimation.

3. The respondent-PIO was absent on the previous date of hearing and he is again absent without intimation. Serious view has been taken for the absence of the respondent-PIO. A show cause notice is hereby issued to Shri Ajaib Singh, Block Development and Panchayats Officer, Nabha, District Patiala-cum-PIO to explain his conduct as to why compensation should not be awarded to the appellant under Section 19(8)(b) of the Right to Information Act, 2005. He may send his explanation to the Commission for its perusal and may make use of next date of hearing for personal hearing before award of compensation.

4. To come up on 17.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Patiala.

Dated: 28.02.2020.

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Vs

Public Information Officer, O/o Pr. Secretary, Technical Education, Govt. of Punjab, Punjab Mini Secretariat -2, Sector -9, Chandigarh.

First Appellate Authority, O/o Chief Secretary, Govt. of Punjab, Punjab Civil Secretariat -1, Sector -1, Chandigarh.

.....Respondent

Appeal Case No. 3 of 2020

(Video Conference Proceeding)

Present:- Shri J.M. Singh, Advocate, on on behalf of the appellant.

Shri Rajinder Singh, Senior Assistant-cum-APIO, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 06.02.2020 vide which last opportunity was afforded to the respondents to supply the information before the next date of hearing failing which punitive action would be initiated against the PIO on the next date of hearing.

2. The representative of the appellant states that no information has been provided to the appellant.

3. The representative of the respondents states that application dated 18.09.2017 transferred by o/o Chief Secretary to Government of Punjab, Chandigarh has not been received in their office. PIO/Chief Secretary to Government of Punjab, Chandigarh is directed to intimate on which date the complaint has been transferred to which office before the next date of hearing.

4. To come up on 17.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Patiala.

Dated: 28.02.2020.

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Sh. Baldev Singh S/o Sh. Partap Singh, R/o Ujjagar Nagar, Opp. Sultanwind, New Amritsar, (78886-16242) District –Amritsar.

.....Appellant Vs

Public Information Officer, O/o Tehsildar, Amritsar -1, Amritsar.

First Appellate Authority, O/o Sub Divisonal Magistrate, Administrative Complex, Amritsar.

Appeal Case No. 6 of 2020

(Video Conference Proceeding)

Present:- Shri Baldev Singh appellant.

None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 06.02.2020 vide which Shri Arvinder Singh, Reader to Tehsildar, Amritsar-1 was directed to supply the information regarding point at Sr. No.1 before the next date of hearing.

2. The appellant states that no information has been provided to him after the previous date of hearing.

2. The respondents are directed to supply the information regarding point at Sr. No.1 before the next date of hearing failing which punitive action will be initiated on the next date of hearing.

3. To come up on 17.3.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Amritsar.

Dated: 28.02.2020.

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Sh. Sharma Singh S/o Sh. Sukha Singh, R/o Village- Karimpura, (70876-83561) P.O – Jagdev Khurd, Tehsil – Ajnala, District –Amritsar.

.....Complainant

Vs

Public Information Officer, O/o Deputy Commissioner, Administrative Complex, Amritsar.

# Complaint Case .No. 10 of 2020

(Video Conference Proceeding)

Present:- Shri N.S. Bhatti, Advocate, on behalf of the appellant. Shri Mukesh Kumar, District Revenue Officer-cum-PIO on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 06.02.2020, in which it is mentioned that information concerning points at Sr. No. 1 and 2 has been provided to the satisfaction of the complainant and the respondent-PIO was directed to supply remaining information following the procedure under Section 11 of the RTI Act, 2005.

2. The respondent-PIO states that complete information which was available in the office of the Deputy Commissioner, Amritsar had been provided to the complainant and remaining information relates personal information of third party, who has denied to supply the same regarding points at Sr. No. 1 2, 10, 11, 12 and 13 to the complainant. The PIO states that the remaining information sought by the information-seeker relates to third party which is between the employee and employer and could not be supplied as per judgment dated 31.08.2017 delivered by the Hon'ble Apex Court in Civil Appeal No.22 of 2009 titled Canara Bank vs. C.S. Shyam and Anr. The Commission is satisfied with the decision taken by the respondent-PIO in not supplying the information being third party. Accordingly, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated: 28.02.2020.

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Sh. Dalip Singh S/o Sh. Laxman Singh, R/o Village- Nava Dala Rajputan, P.O – Jagdev Khurd, Tehsil – Ajnala, District Amritsar.

.....Complainant

Vs

Public Information Officer, O/o Deputy Commissioner, Administrative Complex, Amritsar.

Complaint Case .No. 5 of 2020

(Video Conference Proceeding)

Present:- Shri N.S. Bhatti, Advocate, on behalf of the appellant. Shri Mukesh Kumar, District Revenue Officer-cum-PIO on behalf of the respondents.

### ORDER

This order may be read with reference to the previous order dated 06.02.2020, in which it is mentioned that information concerning points at Sr. No. 1 and 2 has been provided to the satisfaction of the complainant and the respondent-PIO was directed to supply remaining information following the procedure under Section 11 of the RTI Act, 2005.

2. The respondent-PIO states that complete information available in the office of the Deputy Commissioner, Amritsar regarding points at Sr. No. 1,, 2 and 9 has been provided to the information-seeker and the remaining information relates to personal information of third party who has refused to share the same with any person. The PIO states that remaining information is personal information of third party, which is exempted under Section 8(1)(j) of the RTI Act, 2005 and no larger public interest has been established by the information-seeker. Hence, it cannot be supplied as per judgment dated 31.08.2017 delivered by the Hon'ble Apex Court in Civil Appeal No.22 of 2009 titled Canara Bank vs. C.S. Shyam and Anr.

3. In view of the judgment of the Apex Court and decision taken by the respondent-PIO in not supplying the information being third party's personal information and it is between the employee and employer. Accordingly, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated: 28.02.2020.

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Shri Sarabjit Singh Brar (M.No.70090-19161, PIO/Block Development and Panchayats Officer, Guru Har Sahai, District Ferozepur.

Public Information Officer, O/o Director, Rural Development & Panchayat Department, Punjab, Vikas Bhawan, Sector- 62, SAS Nagar.

Appeal Case No. 9 of 2020

(Video Conference Proceeding)

Present:- Shri Jasveer Singh, appellant.

Shri Chanda Singh, Panchayats Secretary on behalf of the respondents.

#### ORDER

This order may be read with reference to the previous order dated 06.02.2020 vide which PIO/BDPO, Guru Har Sahai was made necessary party in this case with the direction to supply the information as early as possible and appear on the next date of hearing.

2. The appellant states that no information has been provided to him till date.

3. Shri Chanda Singh, Panchayats Secretary states that he has received a phone call from BDPO, Guru Har Sahai to appear before the Commission and request for an adjournment.

4. In view of the request of BDPO, Guru Har Sahai through Shri Chanda Singh, Panchayats Secretary, the present case is adjourned to 17.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ferozepur with the direction to Shri Sarabjit Singh Barar, BDPO (M.No. 7009099161) to supply the information as sought by the appellant before the next date of hearing failing which punitive action will be initiated against him on the next date of hearing.

Dated: 28.02.2020.

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Sh. Ram Karishan S/o Sh. Das Mal, R/o House No. 68, Ward No. 3, Marwaha Wali Gali, (98150-92472) Majitha, District Amritsar.

.....Appellant

Public Information Officer, O/o Deputy Commissioner, Administrative Complex, Amritsar.

First Appellate Authority, O/o Deputy Commissioner, Administrative Complex, Amritsar.

.....Respondents

### Appeal Case No. 14 of 2020

(Video Conference Proceeding)

Vs

Present:- Shri N.S. Bhatti, Advocate, on behalf of the appellant.

Shri Mukesh Kumar, District Revenue Officer-cum-PIO alongwith Shri Sarabjit Singh, Superintendent o/o Sub Divisional Magistrate, Ajnala on behalf of the respondents.

#### ORDER

This order may be read with reference to the previous order dated 06.02.2020 vide which the respondents stated that the inquiry is under progress and information concerning remaining three points relates with the inquiry, which is pending. Hence, the information could not be supplied until the inquiry is complete.

2. The representative of the appellant states that no information has been provided to the appellant till date.

3. The respondents state that the inquiry is in progress and next date is 09.03.2020. Hence, the information cannot be provided till the completion of the inquiry.

4. In view of the statement of the respondents, the present case is adjourned to 17.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the Deputy Commissioner, Amritsar with the direction to respondent-PIO to supply the information on completion of inquiry.

Dated: 28.02.2020.

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Sh. Ram Karishan S/o Sh. Das Mal, R/o House No. 68, Ward No. 3, Marwaha Wali Gali, (98150-92472) Majitha, District Amritsar.

.....Appellant

Vs

Public Information Officer, O/o Chief Minister, Punjab, Punjab Civil Secretariat -1, Sector -1, Chandigarh.

First Appellate Authority, O/o Chief Minister, Punjab, Punjab Civil Secretariat -1, Sector -1, Chandigarh.

Respondent

Appeal Case No. 15 of 2020

(Video Conference Proceeding)

Present:- Shri N.S. Bhatti, Advocate, on behalf of the appellant. Shri Mukesh Kumar, District Revenue Officer-cum-PIO alongwith Shri Sarabjit Singh, Superintendent o/o Sub Divisional Magistrate, Ajnala on behalf of the respondents.

#### ORDER

This order may be read with reference to the previous order dated 06.02.2020 vide which the respondents stated that the inquiry is under progress and information concerning remaining three points relates with the inquiry, which is pending. Hence, the information could not be supplied until the inquiry is complete.

2. The representative of the appellant states that no information has been provided to the appellant till date.

3. The respondents state that the inquiry is in progress and next date is 09.03.2020. Hence, the information cannot be provided till the completion of the inquiry.

4. In view of the statement of the respondents, the present case is adjourned to 17.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the Deputy Commissioner, Amritsar with the direction to respondent-PIO to supply the information on completion of inquiry.

Dated: 28.02.2020.

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Sh. Ram Karishan S/o Sh. Das Mal, R/o House No. 68, Ward No. 3, Marwaha Wali Gali, (98150-92472) Majitha, District Amritsar.

.....Appellant Vs

Public Information Officer, O/o Financial Commissioner (Revenue), Punjab Civil Secretariat -1, Sector -1, Chandigarh.

First Appellate Authority, O/o Financial Commissioner (Revenue), Punjab Civil Secretariat -1, Sector -1, Chandigarh.

.....Respondents

#### Appeal Case No. 16 of 2020

(Video Conference Proceeding)

Present:- Shri N.S. Bhatti, Advocate, on behalf of the appellant.

Shri Mukesh Kumar, District Revenue Officer-cum-PIO alongwith Shri Sarabjit Singh, Superintendent o/o Sub Divisional Magistrate, Ajnala on behalf of the respondents.

#### ORDER

This order may be read with reference to the previous order dated 06.02.2020 vide which the respondents stated that the inquiry is under progress and information concerning remaining three points relates with the inquiry, which is pending. Hence, the information could not be supplied until the inquiry is complete.

2. The representative of the appellant states that no information has been provided to the appellant till date.

3. The respondents state that the inquiry is in progress and next date is 09.03.2020. Hence, the information cannot be provided till the completion of the inquiry.

4. In view of the statement of the respondents, the present case is adjourned to 17.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the Deputy Commissioner, Amritsar with the direction to respondent-PIO to supply the information on completion of inquiry.

Dated: 28.02.2020.

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Sh. Ram Karishan S/o Sh. Das Mal, R/o House No. 68, Ward No. 3, Marwaha Wali Gali, (98150-92472) Majitha, Amritsar.

.....Appellant

Vs

Public Information Officer, O/o District Revenue Officer, Administrative Complex, Amritsar.

First Appellate Authority, O/o Addl. Deputy Commissioner (G), Administrative Complex, Amritsar.

.....Respondents

Appeal Case No. 17 of 2020 (Video Conference Proceeding)

Present:- Shri N.S. Bhatti, Advocate, on behalf of the appellant.

Shri Mukesh Kumar, District Revenue Officer-cum-PIO alongwith Shri Sarabjit Singh, Superintendent o/o Sub Divisional Magistrate, Ajnala on behalf of the respondents.

#### ORDER

This order may be read with reference to the previous order dated 06.02.2020 vide which the respondents stated that the inquiry is under progress and information concerning remaining three points relates with the inquiry, which is pending. Hence, the information could not be supplied until the inquiry is complete.

2. The representative of the appellant states that no information has been provided to the appellant till date.

3. The respondents state that the inquiry is in progress and next date is 09.03.2020. Hence, the information cannot be provided till the completion of the inquiry.

4. In view of the statement of the respondents, the present case is adjourned to 17.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the Deputy Commissioner, Amritsar with the direction to respondent-PIO to supply the information on completion of inquiry.

Dated: 28.02.2020.

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Sh. Rakesh Kumar Singla, Voice Organization (Retd.) Opp. Tehsil Office, Lehragaga, District Sangrur 148031

...Appellant

Vs

Public Information Officer-cum-V.D.O., Gram Panchayat Bhutal kalan, c/o Block Development and Panchayats Officer, Lehragaga, District Sangrur

First Appellate Authority, o/o District Development and Panchayats Officer, Sangrur

....Respondents.

Present:- Shri Rakesh Kumar Singla, appellant.

Shri Gurneet Singh, Block Development and Panchayats Officer, Lehragaga alongwith Shri Rajinder Singh, Gram Sewak, on behalf of the respondents.

#### ORDER

This order may be read with reference to the previous order dated 10.02.2020 in which it is mentioned that due to disagreement in supply/receipt of the information both the parties were directed to appear before the Commission with original record.

Appeal Case No. 3948 of 2019

2. In compliance to the previous order dated 10.02.2020 both the parties appear before the Commission and point-wise information is discussed regarding supply/receipt of the information. After discussing with both the parties, it is found that information comprising of 132 pages has been supplied to the appellant. The appellant states that bills have not been supplied to him. The respondents are directed to supply copies of bills to the appellant. They assure that they shall supply the information on or before Monday the 2.3.2020. The respondents are directed to supply the information within seven days from today and the appellant is advised to revert back to the authorities in case the respondents do not supply photocopies of bills free of cost within 10 days from today.

3. To come up on 11.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Sangrur.

Dated: 28.02.2020.



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Sh. Jasveer Singh, S/o Sh. Joginder Singh, Village- Megha Panj Garai, Hithar, Block Guruharsahi, District- Ferozepur.

.....Appellant

Vs

Public Information Officer, Block Development and Panchayats Officer, Ferozepur.

......Respondent

### <u>Complaint Case No. 671 of 2019</u> (Video Conference ProceedingsP

Present:-

Shri Jasveer Singh complainant. Shri Chanda Singh, Panchayat Secretary on behalf of the respondent-PIO.

ORDER

This order may be read with reference to the previous order dated 06.02.2020, in which it is mentioned that information had already been supplied to the complainant. The appellant was advised to go through the information supplied to him and revert back to the authorities within ten days from that day, in case of deficiencies in the information, so supplied to him, with a copy to the Commission and the respondents were directed to remove the same on its receipt from the appellant before the next date of hearing.

2. In compliance to the previous order, the complainant failed to send deficiencies to the authorities with a copy to the Commission.

3. In compliance to the previous order, the representative of the respondents hands over an affidavit stating that nothing has been left as per their record, which could be supplied to him according to his application for seeking information.

4. After hearing both the parties and going through the record available on the case file, it is revealed that complete information had already been provided to him and nothing has been left which could be supplied to him. The respondent-PIO hands over an affidavit stating that complete information has been supplied as per its availability in their record and nothing has been left, which could be supplied to him. Accordingly, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated : 28.02.2020

Sd/-( Suresh Arora)

Chief Information Commissioner Punjab

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Sh. Gurdeep Singh Kahlon, R/o # 947, HIG, (9779508115) Jamalpur Colony, Ludhiana.

.....Complainant Vs

Public Information Officer, O/o Joint Sub Registrar, Sahnewal, District- Ludhiana.

PIO/Sub Registrar (East), Ludhiana.

PIO/Sub Registrar (Central), Ludhiana.

.....Respondents

Complaint Cases No. 1028, 1029 and 1030 of 2019

(Video Conference Proceeding)

Present:- Shri G.S. Kahlon, complainant.

Shri Krishan Gopal, Reader to Sub Registrar, Ludhiana on behalf of the respondents.

#### ORDER

The complainant sought information from three different PIOs in the above said cases regarding execution of conveyance deeds from January, 2019 to date with copies of appointment mentioning on which date appointments were taken and on which date the execution of conveyance deed was actually done.

2. The representative of the respondent-PIO states that information sought by the complainant in CC-1029/2019 from their Tehsil, Ludhiana (Central). There are 12991 Conveyance Deeds were executed from January, 2019 to date. He further states that minimum eight pages/documents are annexed with every conveyance deed. Accordingly, more than 1,00,000 pages have to be supplied in this case only. He further states that there is no public interest involved in seeking the information and no fee for seeking information has been deposited. On this the appellant states that he is ready to deposit the fee, if the respondent-PIO informs him about the exact fee after calculation. The respondent further states that the complainant fails to establish any public interest involved in seeking the voluminous information. The representative of the respondent-PIO argues against the disclosure of

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<u>-2-</u>

information on the grounds that the information is voluminous and procedure will have to be followed under Section 11 of the Act by issuing notice to each and every party involved in these conveyance deeds whether information relating to them should be disclosed or not to the information-seeker. It is averred that the information is to be supplied after perusing each and every file of conveyance deed. It is not the duty of PIO to supply the information after perusing each and every file. It is further pleaded that the information sought by the appellant is voluminous and it would disproportionately divert the resources of the public authority as provided under Section 7(9) of RTI Act, 2005. The respondent relied on the judgment dated 9.8.2011 of Hon'ble Supreme Court of India in Civil Appeal No.6454 of 2011 titled as Central Board of Secondary Education Vs. Adityabandhupdaya and others wherein it was held that "The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritizing 'information furnishing', at the cost of their normal and regular duties". (Para 37 of judgment)

After hearing both the parties and going through the record available on the case 3. file, it is revealed that no information has been provided to the appellant till date. As per the judgment delivered under the provisions of RTI Act, 2005 by Hon'ble Supreme Court of India in Civil Appeal No.5665 of 2014 titled Institute of Companies Secretary of India vs. Paras Jain and by Hon'ble Punjab and Harvana High Court in CWP No. 15907 of 2011 titled Avtar Singh Azad vs. State Information Commission, Punjab and others, the fees is to be charged under the provisions of RTI Act, 2005 and not as per the Revenue Act. If the information is to be supplied to the complainant under the RTI Act, 2005 then Section 11 of the Act is to be invoked being third party information and notices have to be issued to concerned parties who are concerned in any way with the execution of Conveyance Deeds, for taking their views whether the information is to be supplied or not as it relates to personal information concerning them, which is tedious and voluminous job. After receipt of their reply, the respondent-PIO has to decide whether the information is to be supplied or not. Furthermore, the complainant fails to establish public interest involved in seeking the information. In view of the judgment delivered by Hon'ble Apex Court in Hon'ble Supreme Court of India in Civil Appeal No.6454 of 2011 titled as Central Board of Secondary Education Vs. Adityabandhupdaya and others. The present case is disposed of and closed. Copies of the order be sent to the parties.

sd/-

(Suresh Arora) Chief Information Commissioner, Punjab.

Dated 28.02.2020

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Sh. Gurdeep Singh Kalhon, R/o # 947, HIG, (9779508115) Jamalpur Colony, Ludhiana.

.....Complainant

Vs

Public Information Officer, O/o Sub Registrar(West), Ludhiana.

.....Respondent

#### Complaint Case .No. 1031 of 2019

(Video Conference Proceeding)

Present:- Shri Gurdeep Singh Kahlon, complainant. None on behalf of the respondent-PIO.

ORDER

On the previous dates of hearing 09.01.2020 and 21.01.2020, both the parties remained absent without intimation vide which the appellant was admitted to submit a copy of certificate as per check list of the Commission which he has not submitted earlier while filing the case failing which the case would be disposed of for want of above certificate.

2. The respondent is absent but he has sent a copy of letter dated 27.02.2020 enclosing a receipt given by the appellant in token of receipt of the information. In which, it is mentioned that the appellant has received the information t if he requires more information; he will seek the same from the respondents afresh.

3. In view of the receipt given by the complainant, the present case is disposed of and closed. Copies of the order be sent to the parties.

Sd/-(Suresh Arora) Chief Information Commissioner, Punjab.

Dated 28.02.2020