

PUNJAB STATE INFORMATION COMMISSION
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Sh.Satinder Pal Singh,
Office Address # 890,
2nd Floor, Sector-70,
Mohali

...Appellant

Versus

Public Information Officer,
O/o Under Secretary, Estt-1, PSPCL,
Focal Point, Ludhiana.

First Appellate Authority,
O/o Secretary, PSPCL,
Patiala

.....Respondent

Appeal Case No. 3800 of 2019

RESENT: None for the Appellant
Sh.Sukhmander Singh, Dy Chief Engineer/P&M Circle PSPCL Shakti
sadan Jalandhar for the Respondent

ORDER:

The appellant through RTI application dated 18.05.2019 has sought information regarding appointment of Kiranjeet Kaur d/o late Sh.Sukhdev Singh (Assistant Lineman) on compassionate ground vide letter memo No.7799 dated 15.09.2010 –documents submitted for appointment and other information concerning the office of Under Secretary, Estt-1, PSPCL, Focal Point, Ludhiana. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 26.06.2019 which took no decision on the appeal.

On the first date of hearing on 18.02.2020, none was present. The case was adjourned.

On the next date of hearing on **24.06.2020**, the appellant claimed that the PIO has not provided the information. The respondent was absent. Having gone through the file, the Commission observed that appellant had sought information on behalf of Ms.Kiranjit Kaur. However, there was nothing on record to establish that Ms.Kiranjit Kaur had authorized the appellant to pursue its case. The appellant was directed to produce an authorization from Ms.Kiranjit Kaur for pursuing the case on her behalf

On the date of hearing on **17.08.2020**, both the parties were absent. The Commission received an authority letter of Ms.Kiranjit Kaur via email authorizing Sh.Satinder Pal Singh to pursue her case which was taken on the file of the Commission. The appellant also informed that the PIO has not provided the information.

Since there had been an enormous delay of more than one year in attending to the RTI application, and PIO did not provide the information nor had appeared before the Commission, the PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit**. The PIO was also directed to appear personally before the Commission on the next date of hearing along with the written replies.

On the date of the last hearing on **29.09.2020**, the appellant informed that the PIO has not provided the information. The respondent was absent.

The Commission observed that the appellant to collect the information had to suffer undue inconvenience, the PIO-Under Secretary, Estt.-1, PSPCL Focal Point, Ludhiana was directed to pay an amount of **Rs.3500/-** via demand draft drawn through Govt. Treasury as compensation to the appellant and submit proof of having compensated the appellant. The PIO was also directed to provide the information to the complainant within 10 days and appear personally on the next date of hearing.

Further since the PIO –PSPCL, Focal Point, Ludhiana was Superintending Engineer, PSPCL, Sarabha Nagar Ludhiana who was absent on 4th consecutive hearing nor had complied with the order of the Commission, a bailable warrant through SSP-Ludhiana was issued under section 18(3) of the RTI Act, to secure his presence before the Commission on 26.10.2020 which date was postponed to 06.01.2021.

On the date of last hearing on **06.01.2021**, the appellant claimed that the PIO has not provided the complete information on point-1 & 2 as well as not paid the compensation amount. The PIO was absent.

Sh.Jagdish Singh, Sr. Xen-Focal Point Ludhiana appeared and informed that the information regarding point-1 relates to Sr.Xen/Op. PSPCL Division Raikot and point -2 relates to under Secretary (Est-1) PSPCL Ludhiana.

As per the respondent, when the show cause was issued, Sh.Sukhminder Singh was the PIO who had been transferred and posted as Dy. Chief Engineer(Production & maintenance), Circle Jalandhar and now Sh.Som Nath Mali, Dy. Chief Engineer(HQ)(Central Zone), PSPCL Ludhiana is the present PIO.

From the hearing, it was concluded that the earlier PIO had been transferred and a new PIO had joined. The current PIO was directed to ensure compliance of earlier orders of the Commission and provide the remaining information (mentioned above) as well as compensation amount to the appellant.

Since the reply to the show cause was not filed yet, Sh.Sukhminder Singh, Dy. Chief Engineer(Protection & maintenance), Circle Jalandhar (earlier PIO-PSPCL Focal Point Ludhiana) was directed to file reply to the show cause notice otherwise it will be presumed that he has nothing to say in the matter and the Commission will act against the PIO in terms of provisions of section 20 of the RTI Act.

Hearing dated 28.03.2021:

Part -1 The case has come up for hearing today through video conferencing at DAC Jalandhar. Sh.Sukhminder Singh, Dy. Chief Engineer(Protection & maintenance), Circle Jalandhar (earlier PIO-PSPCL Focal Point Ludhiana) is present and has sent his reply which has been taken on the file of the Commission.

In the reply, Sh.Sukhminder Singh has mentioned that he has worked as SE/Hq-Central Zone, PSPCL Ludhiana from 04.05.2020 to 04.01.2021 and could not attend the proceedings of the cited appeal since he did not receive any notice from the commission as the address of the respondent given by the appellant was incorrect. According to Sukhminder Singh, he only came to know about the case from the PIO-cum-Dy.CE/Hq O/o Chief Engineer/operation, Central Zone Ludhiana vide letter dated 27.01.2021.

The respondent has further stated that as per the record relating to the RTI application dated 18.05.2019, the available information was supplied to the appellant vide letter dated 12.06.2019 by the PIO-cum-CE/HQ O/o CE/Op. The case was also considered by First Appellate Authority on 27.08.2019 but since the appellant did not attend proceedings, the appeal was disposed off.

The decision on show cause will be taken on the next date of hearing.

Part -2 The appellant vide email has informed that the PIO has neither provided the compensation , which was ordered on 29.09.2020 nor has supplied the complete information.

The current PIO Som Nath Mali, is absent. Since Sh.Som Nath Mali, Dy. Chief Engineer(HQ)(Central Zone), PSPCL Ludhiana is the current PIO, he is directed to provide the compensation as well as the complete information to the appellant otherwise the Commission will be constrained to initiate proceedings as per the provisions of section 20 of the RTI Act.

The case is adjourned. To come up for further hearing on **22.06.2021 at 11.00 PM through** video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated:28.04.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

- CC to 1. Superintending Engineer,**
PSPCL, Opp.PAU,
Sarabha Nagar, Ludhiana.
- 2. Sh.Sukhmander Singh, Dy. Chief Engineer**
(Protection & maintenance),
Circle Jalandhar
(earlier PIO-PSPCL Focal Point Ludhiana)
- 3. Sh.Som Nath Mali, Dy. Chief Engineer(HQ)**
(Central Zone), PSPCL Ludhiana



Sh.Milandeep Singh,
H No-48, Street No-1,
Gurbaksh Colony,
Patiala.

... Complainant

Versus

Public Information Officer,
O/o MC,
Patiala.

...Respondent

Complaint case No.216 of 2020

Present: None for the complainant
Sh.Joginder Singh, Xen-MC Patiala for the Respondent

ORDER:

The complainant through RTI application dated 22.11.2019 has sought information regarding incomplete construction of road from old Bishan Nagar bridge to Gurbaksh Colony Bridge - map of road, allotment letter, details of payment and other information concerning the office of MC Patiala. The appellant was not provided the information after which the complainant filed complaint in the Commission on 03.03.2020.

The case was first heard on 26.08.2020 through video conferencing at DAC Patiala. The respondent present pleaded that the information has been provided to the appellant and the appellant has received the same. The appellant was not satisfied with the information regarding point-5.

Having gone through the RTI application and hearing both the parties, the Commission found that point-5 holds no merits. Rest of the information stands provided.

The Commission further observed that there has been an enormous delay in attending to the RTI application. Taking a serious view, the PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

On the date of last hearing on **06.01.2021**, the Commission has received reply of the PIO on 23.10.2020 which was taken on the file of the Commission.

Having gone through the reply, the Commission observed that the PIO had tried to put the responsibility for delay in providing the information on the junior staff, whereas the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, unless transferred under section 5 (4) to seek assistance. The reply of the PIO was not satisfactory.

However, the PIO was given one more opportunity to file an appropriate reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say in the matter.

Hearing dated 28.04.2021:

The case has come up for hearing today through video conferencing at DAC Patiala. The Commission has received a reply from the PIO on 23.04.2021 which has been taken on the file of the Commission. In the reply, the PIO has maintained his earlier claim that the delay has occurred on the part of the junior staff, Sh.Mohan Lal, Municipal Engineer and Sh.Harbhajan Singh, Junior Engineer.

Complaint case No.216 of 2020

In the interest of justice, the Commission impleads Sh.Mohan Lal, Municipal Engineer and Sh.Harbhajan Singh, Junior Engineer to file a reply on the charges made by the PIO, Joginder Singh.

The case is adjourned. Sh.Joginder Singh, Sh. Mohan Lal and Harbhajan Singh to appear before the commission.

To come up for further hearing on **06.07.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated 28.04.2021

Sd/-
Khushwant Singh
State Information Commissioner

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Smt Parmjit Kaur, W/o Sh. Onkar Prasad,
Village Chachrari, Tehsil Phillaur,
Distt Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o Child Development and Project Officer,
Rurka Kalan, Distt Jalandhar.

First Appellate Authority,
O/o District Social Security Officer,
Jalandhar.

...Respondent

Appeal Case No. 3945 of 2020

Present: Smt.Paramjit Kaur as the Appellant
Smt.Amarjit Kaur, CDPO, Rurka Kalan and Ms.Sushma from the
office of DSCO Jalandhar for the Respondent

Order:

The appellant through RTI application dated 16.12.2019 has sought information regarding copy of APRs of pension distributed in village Chachradi Tehsil Phillaur from 01.01.2014 to 31.10.2016 – monthly amount provided by the Govt. – unreleased pension amount alongwith its draft – account statement and other information concerning the office of Child Development and Project Officer, Rurka Kalan, District Jalandhar. The appellant was not provided the information, after which the appellant filed first appeal before the First Appellate Authority on 10.02.2020 which took no decision on the appeal.

The case came up for hearing first on 17.03.2021 through video conferencing at DAC Jalandhar. The appellant claimed that the PIO has not supplied the information but informed that the information does not relate to them and the same be got from the concerned department.

The respondent present from the office of CDPO informed that since the information relates to the office of District Social Security Officer, the RTI application was marked to them on 23.12.2019.

The Commission received a copy of letter from the PIO-CDPO dated 22.02.2021 vide which the PIO had informed the appellant that the information does not relate to them and the same be got from the concerned department.

The respondent present from the office of DSSO Jalandhar had brought no information.

At the hearing, it was concluded that the information is in the custody of District Social Security Officer, Jalandhar. The PIO-DSSO Jalandhar was directed to provide information to the appellant within 15 days and send a compliance report to the Commission.

Since there has been an enormous delay in attending to the RTI application as per the provisions of the RTI Act, the PIO O/o Child Development and Project Officer (at the time of filing RTI application) Rurka Kalan was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

Hearing dated 28.04.2021:

The case has come up for hearing today through video conferencing at DAC Jalandhar. The Commission has received a reply from PIO-CDPO which has been taken on the file of the Commission.

In the reply, the PIO has stated that the earlier PIO has been transferred and she has just joined on 08.01.2021. The PIO has further mentioned that the information relates to the office of District Social Security Officer and the RTI application was sent to them and the appellant was informed of the same. The DSSO called the information from the office of BDPO vide letter dated 31.03.2021 and again on 06.04.2021 but the information was not supplied by BDPO Rurkakalan and the reply was sent to the appellant by DSSO.

I feel this case is not being represented appropriately by the concerned public authorities, leading to confusion as to under which department/departments lies the custody of the sought information.

Given the above observation, I am marking this case to the Deputy Commissioner Jalandhar with the direction to look into the matter and ensure that the sought information is collected from the concerned department and provided as per the provisions of the RTI Act, to the appellant.

The case is adjourned. To come up for further hearing on **06.07.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Jalandhar.

Chandigarh
Dated:28.04.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. George Subh, S/o Sh. Rustam Masih,
R/o Begowal, Ward No-12,
Tehsil Bholath, Distt Kapurthala.

... Complainant

Versus

Public Information Officer,
O/o Senior Medical Officer,
P.H.C, Jandiala, Distt Jalandhar.

...Respondent

Complaint Case No. 858 of 2020

PRESENT: None for the Appellant
Ms.Sweety Balu Jr Assistant for the Respondent

ORDER:

The appellant through RTI application dated 23.03.2020 has sought information regarding copy of SC certificate of Samual Masih or his service book as per seniority list dated 30.06.2016 and other information as enumerated in the RTI application from the office of Sr Medical Officer, PHC Jandiala, Distt. Jalandhar. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 13.11.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Jalandhar. The respondent present pleaded that since the information is 3rd party information, it cannot be provided.

The PIO is absent. Having gone through the record, the Commission observes that there has been an enormous delay in attending to the RTI application. 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 persons of the show cause and direct them to appear before the Commission along with the written replies.

To come up for further hearing on **06.07.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Jalandhar.

Chandigarh
Dated: 28.04.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. George Subh, S/o Sh. Rustam Masih,
R/o Begowal, Ward No-12,
Tehsil Bholath, Distt Kapurthala.

... Complainant

Versus

Public Information Officer,
O/o SSP (Rural),
Amritsar.

First Appellate Authority,
O/o IGP, Border Range,
Amritsar.

...Respondent

Appeal Case No. 3520 of 2020

PRESENT: None for the Appellant
Sh.Harpal Singh ASI for the Respondent

ORDER: The appellant through RTI application dated 06.05.2020 has sought information regarding copy of SC certificate of Denis Masih or his service book as per tentative seniority list of constable S.No.7567 and other information as enumerated in the RTI application from the office of SSP(Rural) Amritsar. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 23.06.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Jalandhar. The Commission has received a reply of the PIO on 22.02.2021 which has been taken on the file of the Commission. In the reply, the PIO has mentioned that since the information is 3rd party information and the 3rd party has not given its consent to part with his personal information and the reply has been sent to the appellant

The respondent further informed that the appellant had earlier filed a similar appeal case No.2306 of 2020 for seeking exactly the same information which was disposed off by State Information Commissioner, A.S.Kaler on 22.10.2020. The respondent has sent a copy of RTI application and order of SIC dated 22.10.2020 which has been taken on the file of the Commission.

Having gone through RTI application in present appeal case and appeal case No.2306 of 2020, the Commission observes that the appellant in appeal case No.2306 had sought information regarding details/SC certificates of all employees in the education department who suffix 'Masih' with their names or with their father's name and belongs to SC category and since the information sought was not found specific by the SIC rather it was vague as the appellant had not mentioned the name of any person for whom he was seeking information, the appeal case was rejected.

Since the present appeal case is different to the earlier appeal case No.2306, the PIO is directed to file an appropriate reply for denial of information.

The case is adjourned. To come up for further hearing on **06.07.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Jalandhar.

Chandigarh
Dated: 28.04.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Ashwani Kumar,
Nievt Complex, Rahon Road,
Nawanshehar.

... Complainant

Versus

Public Information Officer,
O/o Secretary, Nari Niketan,
Jalandhar.

...Respondent

Complaint Case No. 930 of 2020

PRESENT: Sh.Ashwani Kumar as the Appellant
None for the Respondent

ORDER:

The complainant through RTI application dated 19.03.2020 has sought information regarding detail working/employment of Mrs.Navita Joshi in the Trust – designation held with duties – copy of appointment letter –salaries and other information as enumerated in the RTI application from the office of Secretary Nari Niketan, Jalandhar. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 08.12.2020.

The case has come up for hearing today through video conferencing at DAC Jalandhar. The respondent is absent.

The Commission has received a reply from Gurjot Kaur, General Secretary & Trustee, Nari Niketan Trust Jalandhar which has been taken on the file of the Commission.

It has been mentioned in the reply that Nari Niketan Trust is a public charitable trust which does not receive substantial funding from any Government, directly or indirectly, as such it does not constitute a public authority under section 2(h) of the RTI Act and is under no obligation to share information under the RTI Act.

The appellant claims that Nari Niketan Trust is availing sufficient grants from the Govt for its day to day functioning , thus it should come under the preview of the RTI Act .

The appellant is directed to submit sufficient evidence which might suggest that the Nari Niketan is a non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate government.

To come up for further hearing on **06.07.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Jalandhar.

Chandigarh
Dated:28.04.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

