

PUNJAB STATE INFORMATION COMMISSION

**Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.**

**Ph: 0172-2864114, Visit us @ www.infocommpunjab.com,
Email: psicsic30@punjabmail.gov.in**



Sh. Rajwinder Singh, S/o Sh Kldeep Singh,
R/o 2636, Gali NO-1, Azad Nagar,
Near Shimla Market, Putlighar,
Amritsar.

.... Appellant

Vs

Public Information Officer,
O/o Superintendent Engineer,
PSPCL, City Circle,
Hall Gate, Amritsar.

First Appellate Authority,
O/o Chief Engineer,
PSPCL, Amritsar.

....Respondent

Appeal Case .No. 4586 of 2019

**PRESENT: Sh.Rajwinder Singh as the Appellant
Sh.Kamalpreet Singh, for the Respondent**

ORDER:

The appellant through RTI application dated 11.09.2019 has sought information regarding defaulters of payment of electricity bill from 01.04.2018 to 10.04.2019 in Chatiwind Sub Division, Amritsar and other information concerning the office of SE, PSPCL City Circle, Hall Gate, Amritsar. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 15.10.2019 which took no decision on the appeal. After filing first appeal, the PIO asked the appellant sent total number of defaulters to the appellant vide letter dated 18.10.2019 and asked the appellant to deposit requisite fee of Rs.900/- for 450 pages for getting required documents.

The case last came up for hearing through video conference facility available in the office of Deputy Commissioner, Amritsar. The appellant pleaded that the information supplied by the PIO vide letter dated 05.11.2019 is incorrect and not as per the RTI application.

The respondent was absent. The PIO was directed to relook at the RTI application and provide the information as per the RTI application.

Hearing dated 28.07.2020:

The case has come up for hearing through video conferencing at DAC Amritsar. The respondent present pleaded that the information has been provided to the appellant. The appellant claims that the PIO has supplied list of total defaulters but has not specified the consumers who are defaulters in the payment of electricity bill but their electric connections are still operative.

Appeal Case .No. 4586 of 2019

Hearing both the parties, the Commission observes that the appellant is finding it difficult to decipher the information. The PIO is directed to help the appellant to decipher the information. The appellant is directed to visit the office of PIO at Industrial Division, PSPCL Amritsar on 29.07.2020 at 03.00 PM and get the discrepancy resolved. The PIO is directed to cooperate and remove the discrepancy.

To come up for further hearing on **15.09.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated 28.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

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Smt.Narinder Kaur, W/o Lt Sh.Sukhwinder Singh,
R/o VPO Sarhali Kalan, Patti Khasi Ki,
Tehsil and Distt Tarn Taran.

... Complainant

Versus

Public Information Officer,
O/o Executive Engineer,
PSPCL, Division Patti, Patti,
Distt. Tarn Taran.

...Respondent

Complaint Case No. 1257of 2018

Present: **Sh.Vivek Singla, Advocate for the complainant**
 Sh.Gurmukh Singh, Sr.Xen for the Respondent

ORDER: The case was first heard on **12.03.2019**. The respondent brought the information and handed over to the complainant. The complainant had received the information.

The Commission found that there is an enormous delay in providing the information. The PIO was directed to explain the reasons for not attending to the RTI application within the prescribed time under the RTI Act. and be present personally on the next date of hearing alongwith the reply on an affidavit.

The case was again heard on **14.05.2019**. The respondent did not bring any reply regarding delay in providing the information. The PIO was given one more opportunity to file detailed reply on an affidavit for not attending to the RTI application within the time prescribed under the RTI Act and be present personally on the next date of hearing.

The case was further heard on **16.07.2019**. The information had been provided. Regarding delay in providing the information, the respondent submitted an affidavit which was taken on the file of the Commission.

The respondent pleaded that he has just joined as PIO on 26.06.2019 and the delay is on the part of the earlier PIO Sh.Gurmukh Singh, who is now posted as Sr Xen, PSPCL, Industrial Division, Hall Gate, Amritsar. The respondent further pleaded that since their office is not equipped with the dedicated staff having requisite qualifications, the information was delayed. The Superintending Engineer, PSPCL, Amritsar was directed to look into the matter and resolve the matter.

Sh.Gurmukh Singh, Sr.Xen, PSPCL-Industrial Division, Hall Gate, Amritsar was impleaded in the case and issued a show caused **under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to** file an affidavit in this regard.

The case was again heard on **29.10.2019**. The information had been provided. Sh.Gurmukh Singh, Sr.Xen, PSPCL Industrial Division, Amritsar who was impleaded in the case, was absent nor has sent any reply to the show cause notice.

Sh.Gurmukh Singh, Sr.Xen was given one last opportunity to appear before the Commission on the next date of hearing alongwith the reply to the show cause notice on an affidavit, otherwise it will be presumed that he has nothing to say in the matter and the Commission will be constrained to penalize the PIO under section 20 of the RTI Act.

Complaint Case No. 1257 of 2018

The case was again heard on **13.01.2020**. Sh.Gurmukh Singh, Sr.Xen was absent nor had sent any reply to the show cause notice. Sh.Gurmukh Singh, Sr.Xen was given one more opportunity to appear before the Commission on the next date of hearing alongwith the reply to the show cause notice on an affidavit, otherwise it will be presumed that he has nothing to say in the matter and the Commission will be constrained to penalize the PIO under section 20 of the RTI Act.

The case was last heard on **18.02.2020**. Sh.Gurmukh Singh Sr Xen, PSPCL, Industrial Division, Hall Gate, Amritsar(earlier APIO-PSPCL Patti) appeared and submitted his reply on an affidavit which was taken on the file of the Commission. The counsel for the appellant pleaded that since the information has been provided with a delay of more than ten months, the PIO be penalized and the appellant be compensated for undue harassment in getting the information.

Having gone through the reply of Sh.Gurmukh Singh, the plea was accepted. However, since there has been an enormous delay in providing the information and the appellant has had to suffer undue inconvenience to get the information, the PIO was directed to pay an amount of **Rs.5000/-** via demand draft drawn 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 was directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

The case was last heard on **09.06.2020** through video conference facility available in the office of Deputy Commissioner, Amritsar. The counsel for the appellant informed that the PIO has not compensated the appellant as per order of the Commission. Sh.Gurmukh Singh, Sr Xen, PSPCL, Industrial Division, Hall Gate, Amritsar(earlier APIO-PSPCL Patti) was present but has not complied with the order of the Commission.

The PIO was given one last opportunity to comply with the earlier order of the Commission and directed to inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

Hearing dated 28.07.2020:

The case has come up for hearing through video conferencing at DAC Amritsar. Sh.Gurmukh Singh, Sr.Xen PSPCL Industrial Division, Amritsar (Earlier APIO-PSPCL Patti) is present and informed that the compensation amount of Rs.5000/- via demand draft No.708610 dated 27.07.2020 has been paid to the complainant on 27.07.2020 and an acknowledgement of the complainant having received the compensation amount, is being sent to the Commission.

Since the information has been provided and the compensation amount has been paid, no further course of action is required. The case is disposed off and closed.

Sd/-

Chandigarh
Dated 28.07.2020

(Khushwant Singh)
State Information Commissioner

CC to 1. Sh.Gurmukh Singh, Sr.Xen,
PSPCL-Industrial Division, Hall Gate, Amritsar

2. Superintending Engineer, PSPCL, Amritsar



Smt Jasbir Kaur, W/o Sh.Surjeet Singh,
VPO Bhoraehi Rajputa Patii Jhiri Nangal,
Tehsil Baba Bakala ,Distt.Amritsar.

..... Complainant

Versus

Public Information Officer,
O/o Asst, XEN, PSPCL,
Butari (sub Division), Raiya Division,
Distt. Amritsar.

...Respondent

Complaint Case No. 332 of 2019

PRESENT: None for the Complainant
Sh.Phuman Singh, Sr.Xen, PSPCL Raiya Div.Beas for the Respondent

ORDER: This order should be read in continuation to the earlier order.

On the date of hearing on 27.08.2019, the PIO was absent. Sh.Rajesh Kumar, SDO-PSPCL Butari appeared and informed that the information has been provided to the complainant and the complainant has received the same. However, due to delay in providing the information, the PIO was issued a show cause notice and directed to file reply to the show cause notice.

On the date of next hearings on 02.12.2019, 17.02.2020 and 09.06.2020, the PIO did not appear nor filed any reply to the show cause notice. To secure an erring PIO's presence before the Commission, a bailable Warrant of the PIO- Asstt. Xen, PSPCL, Butari(Sub Division), Raiya Division, District Amritsar under section 18(3) of the RTI Act was issued through Senior Superintendent of Police, Amritsar for his presence before the Commission on **28.07.2020**.

Hearing dated 28.07.2020:

The case has come up for hearing today. The appellant is absent. Sh.Phuman Singh, Sr.Xen,PSPCL Raiya Division is present and has pleaded that complete information has been supplied to the complainant. The respondent has also submitted a letter of the complainant vide which the complainant has informed that she has received the information and does not want to pursue her case further.

The respondent has also submitted reply to the show cause notice which is taken on the file of the Commission. In the reply, the respondent has pleaded that the complainant had filed RTI application on 10.12.2018 and the reply was sent to the complainant vide letter dated 26.12.2018 through ordinary post. Since the complainant was not satisfied and filed complaint in the Commission, the discrepancies were sorted out and complete information was provided to the complainant on 26.08.2019.

Since the information has been provided and the complainant does not want to pursue its case further, the plea of the respondent is accepted and the show cause is dropped.

The case is **disposed off and closed**.

Chandigarh
Dated 28.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Gurdip Singh, S/o Sh.Chanan Singh,
215-Ajit Nagar, Sultarnwind Road,
Amritsar.

... Appellant

Public Information Officer,
President, Chief Khalsa Diwan,
GT Road, Amritsar.

First Appellate Authority,
President, Chief Khalsa Diwan,
GT Road, Amritsar.

...Respondent

Appeal Case No.1362/2018

Present: **Sh.Gurdip Singh as the Appellant**
 Sh.Dara Singh for the Respondent

ORDER:

This case should be read in continuation to the earlier order.

On the date of hearing on **26.09.2018**. The counsel representing the Chief Khalsa Diwan Charitable Society did not bring the documents which were asked in the interim orders dated 20.06.2018 & 01.08.2018 but pleaded that the documents could not be submitted since the appellant has not provided the documents which the appellant had submitted before the Commission as evidences to establish his case that CKDCS is a public authority. The documents were provided to the advocate from the file of the Commission. The respondent was directed to submit the documents as per order dated 20.06.2018 and order dated 01.08.2018.

On the date of hearing on **13.11.2018**, the counsel could not produce documents as per previous orders. On 07.01.2020 the counsel representing the CKDCS submitted an affidavit which was not found in order and the respondent was directed to file fresh affidavit clarifying the following:

1. Details of each and every property against which the benefit of exemption in stamp duty has been availed and Govt land, if any, allotted on concessional rates to the Society or any other financial aid from the Government.
2. Whether CKDCS has, for any of its institutions, ever been allotted free land, availed grants, grants-in-aid or concessions from the State Govt since independence (15th, August 1947). If so, to furnish full details of the each and every land/plot allotted, and what stands on them as of August of 2018. If buildings have been constructed, what are they being used for?
3. The names of all the educational institutions, which are beneficiaries of grants along with the amount in rupees each institute has received as well as the total percentage of the grant in the budget of these institutions.
4. Details of any other grants given by various governments from to time for the functioning of CKDCS."

Also submit copy of constitution under which act the society is registered, name and position of nominee of the State Govt or SGPC, if any, to the Commission.

On the date of hearing on **30.04.2019**, the counsel representing the CKDCS submitted a fresh affidavit and other documents related to the donations received which were taken on the file of the Commission. Having gone through the affidavit, it was observed that the affidavit has been submitted in a very casual manner and without any rigour. The respondent was directed to submit a new comprehensive affidavit by taking into account all its records pertaining to allotment of free land if any, concessions by the government and all the other points stated in the earlier interim order of 07.01.2019. The counsel, for the appellant, was directed to submit a written reply with all the arguments put together. A copy of the documents be provided to both the parties vice-versa.

On the date of hearing on **25.07.2019**, the counsel representing the appellant submitted some more documents along with a newspaper cutting which was taken on the file of the Commission. A copy of the same was provided to the counsel representing CKDCS. The counsel however, did not submit comprehensive reply as per previous order. The respondent also did not submit a new comprehensive affidavit as per previous order. Both the parties were directed to comply with the earlier order of the Commission which still stands.

On the date of hearing on **23.10.2019**, the counsel representing the appellant pleaded that the respondent has neither submitted the requisite information nor the affidavit as directed by the adjudicating authority. The counsel however, submitted some more documents which have been taken on the file of the Commission. The counsel for the CKDCS had not submitted fresh affidavit as per earlier order. A copy of the documents submitted by the counsel for the appellant were provided to the counsel for the CKDCS. The case was adjourned.

The case was last heard on **09.06.2020** through video conference facility available in the office of Deputy Commissioner, Amritsar. The Commission received a letter diary No.22800 dated 26.11.2019 from the appellant which was taken on the file of the Commission.

The counsel for the CKDCS vide email sought adjournment due to illness. The case was adjourned.

Hearing dated 28.07.2020:

The case has come up for hearing through video conferencing at DAC Amritsar. The Commission has received affidavit of the president of Chief Khalsa Diwan Charitable Society which is taken on the file of the Commission.

The case is adjourned. To come up for further hearing on **15.09.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated: 28.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

Smt Kamaldeep Kaur, W/o Sh Ajaypal Singh,
VPO Guntala, Opp Govt Dispensary,
Ward No-5, Amritsar. (9872139640).

... Appellant

Versus

Public Information Officer,
O/o Project Director,
Sarv Sikhya Abhiyan-cum-DEO (EE),
Amritsar.

First Appellate Authority,
O/o DEO (EE),
Amritsar.

...Respondent

Appeal Case No. 472 of 2020

PRESENT: Smt.Kamaldeep Kaur as the Appellant
Sh.Mandeep Singh, Sr.Assistant O/o DEO (EE) Amritsar for the Respondent

ORDER:

The case was last heard on 02.07.2020 through video conferencing facility at DAC Amritsar. The appellant claimed that the PIO has not supplied the information. The respondent present pleaded that the information is 3rd party information, it cannot be provided.

During the hearing, the Commission observed that the PIO has not issued any notice to the 3rd party and not followed the procedure as prescribed in section 11 of the RTI Act.

Having gone through the RTI application and hearing both the parties, the Commission observed that the building safety certificate, fire safety certificate and school affiliation/recognition certificate are not the personal information and they rather should be displayed on the notice board of the department. Hence the PIO was directed to provide i) copy of building safety certificate ii) fire safety certificate and iii) school affiliation/recognition certificate to the appellant. Financial statements and maps may not be provided.

It was further observed that if the information is not readily available with the PIO, the PIO to procure it from the concerned department/school and provide it to the appellant.

Hearing dated 28.07.2020:

The case has come up for hearing today through video conferencing facility at DAC Amritsar.

The respondent present pleaded that in compliance with the order of the Commission on 02.07.2020, the available information regarding the school building certificate, fire safety certificate and the affiliation/recognition certificate has been provided to the appellant on 08.07.2020, and a copy to the same has been submitted to the Commission.

The appellant, Kamaldeep Kaur states that she is not satisfied with the information, which has been provided, as it is incomplete. She claims that the PIO has not provided the information from the year 2013-2019 as sought in the RTI application. She claimed that the provided information is in bits and pieces and some certificates regarding building/fire safety were missing. For example, the building safety certificate has only been provided for the year 2016. The fire safety certificate is of the year 2015 and the affiliation certificates are of years 2014, and 2019.

The respondent pleaded that they have asked the concerned school, i.e Holy Step Public School, to deposit the current fire safety certificate and building safety certificate, and after receipt of these certificates from the school, the same will be provided to the appellant. The respondent said that the school had claimed that they could not seek an extension for this year because of the lockdown due to the ongoing pandemic.

After hearing the arguments of both the parties, I am dividing the order in two parts-Part A & B. Part A pertains to the RTI application in question and part B is an order keeping the larger public interest in mind.

Order Part-(A)

It is clear that the respondent, DEO cum Project Director Sarv Sikhya Abhiyan has not been able to provide the complete information, as directed in the earlier order of the commission.

Hence, the PIO is ordered to sort out the discrepancies pointed out by the appellant and provide the appellant with all the documents that have been sought and are available on record.

If any document is not available but should have existed (for example, if the school has not renewed its building/fire safety certificate but should have done), the PIO is directed to state the missing documents in the information sought on an affidavit.

Order – Part (B)

During the course of the hearing, I am of the view that a larger issue has emerged in front of this bench i.e regarding the safety of children and staff in schools all over Punjab. That there lies a humongous public interest in taking a broader view of the issue of safety of children and staff in schools than merely confining it to one school about which information is sought.

It is evident from the ongoing hearings of this case that some schools –whether they are private, government-aided or government-operated may not be meeting and complying with the prescribed standards of building and fire safety norms set by the appropriate authority.

These, the bench feels are the most important requirements for any educational institution, much important than the service that they provide, as human safety is above everything else. Moreover, every parent has the right to know that the school where his or her ward is going or getting admitted to is safe and has a valid affiliation with a school board to run its day-to-day business.

Given the above, it is clear that there is an urgent need to bring about transparency in this matter, as these certificates/ materials should be a matter of suo-motto declaration rather than being confined in record rooms, only to be sought under the RTI Act.

Since certificates such as fire and building safety, as well as board affiliation certificates issued by the appropriate authorities clearly come under Information as defined in section 2 (f) of the ACT, this bench under the powers vested under section 19 (8) of the RTI Act hereby directs that valid certificates of fire and building safety and board affiliations issued by the appropriate authorities be declared suo-moto by all the schools in Punjab on their websites and notice boards. (Refer to section 4 (2) of the RTI Act. The certificates should be latest, legible and valid.

There is no exception, and this order is applicable to all Punjab schools whether government, government-aided or private. They all are required to display fire and building safety certification as well as board affiliation certificates. In case a school has no website it will be mandatory to display this information prominently on the notice board, and in case of schools with websites, this information will be displayed on both the forums. If a school is not compliant with any one of the three, it will still proactively disclose the status quo of all the three points. Schools will not evade sharing the complete status quo on all the three points- fire and building safety certificates and board affiliation certificate.

All District Education Officers are directed to ensure the compliance of this order with immediate effect, failing which they will be held responsible for not implementing this order.

DEOs will also upload this information on their respective departmental websites, including the name of the schools that are not compliant. For example, a school can be complaint in one and non compliant in the other two. Each compliance or non-compliance must be clearly stated on the website.

A copy of this order is being sent to the Secretary, School Education Punjab, and DPs of Elementary and Secondary Education, Punjab for the purpose of effective monitoring, supervision, and dissemination of this order to all the concerned DEOs. Should the appropriate authority need to issue additional guidelines to schools for implementation of this order, it should be done immediately for compliance of this order.

The case is being kept open to ensure that this order is implemented in its true spirits. A representative of the appropriate authority be present at the next date of hearing to show evidence that the order is being complied with.

To come up for further hearing on **25.08.2020 at 01.00 PM** through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated 28.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : 1. The Secretary, Govt of Punjab,
Department of School Education,
Vidya Bhawan, Phase-VIII,
SAS Nagar, Mohali

2. Director, Public Instructions
(Elementary Education) Pb,
Vidya Bhawan, Phase-VIII,
SAS Nagar, Mohali.

3. Director Public Instructions
(Secondary Education), Pb
Vidya Bhawan, Phase-VIII,
SAS Nagar, Mohali



Sh. Sarabjit Singh,
RTI Activist, H No-1375,
Street Chonna Wali, Verka,
Amritsar.

....Appellant

Vs

Public Information Officer,
O/o ADA,
Amritsar.

First Appellate Authority,
O/o Chief Administrator,
ADA, Amritsar.

....Respondent

Appeal Case No. 322 of 2020

PRESENT: None for the Appellant
Sh.Pritpal Singh, SDO-ADA or the Respondent

ORDER:

The case was last heard on 22.06.2020 through video conferencing at DAC Amritsar. Both the parties were absent.

Having gone through the file, it was found that the PIO has transferred the RTI application under section 6(3) to the APIO-cum-Sub Divisional Engineer(R), ADA, Amritsar and PIO-cum-Superintendent O/o Chief Administrator, ADA, Amritsar. The APIO-cum-SDE(R) and PIO-cum-Suptd. O/o Chief Administrator were directed to provide the information to the appellant as per RTI application transferred by APIO-cum-PIO O/o Add. Chief Administrator on 23.10.2019 and send a compliance report to the Commission.

Hearing dated 28.07.2020:

The case has come up for hearing through video conferencing at DAC Amritsar. The respondent present pleaded that the information has been provided to the appellant. The appellant is absent and vide letter received in the Commission on 21.07.2020 has informed that he has received the information and his appeal case be closed.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated 28.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to:1. APIO-cum-Sub Divisional Engineer(R)
Amritsar Development Authority,
Amritsar.

2. PIO-cum-Superintendent O/o
Chief Administrator, ADA, Amritsar



Sh. Sukhchain Singh,
Sonam Mohalla, Fatehgarh Churian,
Teshail Batala, Dist Gurdaspur.

....Appellant

Vs

Public Information Officer,
O/o XEN, PSPCL,
Ajnala, Distt Amritsar.

First Appellate Authority,
O/o Chief Engineer,
Operational Zone, Amritsar.

....Respondent

Appeal Case No. 325 of 2020

PRESENT: None for the Appellant
Sh.Jarnail Singh, SDO-PSPCL Ramdas for the Respondent

ORDER:

The appellant through RTI application dated 21.10.2019 has sought information regarding details of employees, their designation and branch deployed in their office alongwith attendance register and other information concerning the office of XEN, PSPCL, Ajnala, Distt Amritsar. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 01.12.2019 which took no decision on the appeal.

The case came up for hearing on 22.06.2020 through video conferencing at DAC Amritsar. Both the parties were absent. The case was adjourned.

Hearing dated 28.07.2020:

The case has come up for hearing today through videoconferencing at DAC Amritsar. The respondent present pleaded that the information has been supplied to the appellant on 14.02.2020.

The appellant is absent on 2nd consecutive hearing to pursue his case nor has pointed out any discrepancies. It is presumed that the appellant has received the information and is satisfied.

Since the information has been provided, the case is **disposed off and closed but** with a warning to the respondent to attend the RTI applications within the prescribed period of 30 days as per the RTI Act.

Chandigarh
Dated 28.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Harjit Singh, S/o ShTarsem Singh,
R/o Rose Avenue Chamiari Road,
Ajnala, Distt Amritsar.

... Appellant

Versus

Public Information Officer,
O/o Addl, SE, Operational,
PSPCL, Division, Ajnala,
Distt Amritsar.

First Appellate Authority,
O/o Chief Engineer,
Border Zone, Amritsar.

...Respondent

Appeal Case No. 909 of 2019

PRESENT: Sh.Harjit Singh as the Appellant
Sh.Gurmeet Singh, ARA –PSPCL for the Respondent

ORDER:

The case was first heard on 18.06.2019. The respondent present pleaded that the information has been provided to the appellant. The appellant was not satisfied and stated that regarding point-1, he had sought copies of MCO and SCO issued for the said electric connections. The respondent pleaded that the record stands destroyed being more than 20 years old. The PIO was directed to enquire into the matter and submit a complete enquiry report which establishes that the record is missing or destroyed as per the procedure.

The information regarding point-2 & 6 had been provided. The PIO was directed to get information regarding point-3 from the Computer Cell and provide to the appellant. The PIO was also directed to provide information on point-4 and sort out the anomaly regarding point-5.

The case was again heard on **28.11.2019**. The appellant claimed that the PIO has not provided the information. The respondent pleaded that the information has not been received from the computer cell. The PIO was given one more opportunity to comply with the earlier order of the Commission and provide the information to the appellant within 10 days

On the date of hearing on **27.01.2020**, both the parties were absent. The case was adjourned.

The case was last heard on **22.06.2020** through video conferencing at DAC, Amritsar. The appellant claimed that the PIO has not provided the information as per the RTI application. The respondent present pleaded that the available information has been provided and no further information is available in their record. Hearing both the parties, the PIO was directed to give in writing on an affidavit that the information provided to the appellant is true, complete and no further information is available in their record. The affidavit be provided within 10 days with a copy to the Commission.

Appeal Case No. 909 of 2019

Hearing dated 28.07.2020:

The case has come up for hearing through video conferencing at DAC Amritsar. The appellant claims that the PIO has not provided the affidavit as per order of the Commission. The respondent informed that they have sent the affidavit to the Commission.

Having gone through the affidavit, the Commission finds that the affidavit is not in order. The PIO is directed to provide fresh affidavit mentioning therein that whatever the information provided to the appellant (that was sought by the appellant vide RTI application dated 06.11.2018), is true, complete and no other information is available in their record.

The case is adjourned. To come up for compliance on **15.09.2020 at 11.00 AM** through video conference facility available in the office of the Deputy Commissioner, Amritsar.

Chandigarh
Dated 28.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Jagbir Singh. s/o Sh Harjinder Singh,
VPO Fatehpur Rajputan,
Distt Amritsar.

... Appellant

Versus

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

First Appellate Authority,
O/o SDM,
Amritsar-1.

...Respondent

Appeal Case No. 628 of 2019

PRESENT: Sh.Jagbir Singh as the Appeellant
Sh.Manjit Singh, PIO-Tehsildar Amritsar-1 for the Respondent

ORDER: This order should be read in continuation to the earlier order.

On the date of hearing on 27.03.2019, the PIO was absent. Sh.Sukhvinder Singh, clerk appeared submitted a letter dated 26.03.2019 stating that the information has been provided and a copy of letter was handed over to the appellant and the appellant was directed to send his observations with a copy to the Commission.

On the date of next hearing on 22.08.2019, the appellant claimed that the information has not been provided as per the RTI application. Sh.Phoolraj from the office of SDM Amritsar-1 appeared and informed that the information is in the custody of PIO-Tehsildar, Amritsar-1 and they have already transferred the RTI application to them on 27.07.2018. The PIO-Tehsildar, Amritsar-1 was absent. The PIO-Tehsildar Amritsar-1 was directed to provide the information as per the RTI application within 10 days.

Sh.Arinder Singh O/o Tehsildar Amritsar-1 appeared late and submitted a letter from the PIO dated 26.04.2019 stating that the correction in the Fard can only be done with the order of the Civil Court and the appellant has been informed of the same.

On 25.11.2019, the PIO was again absent. Sh.Karan Kapoor O/o Tehsildar, Amritsar-1 appeared and submitted reply dated 20.11.2019 whereby the information was denied stating that the information is in question form. Having gone through the reply and hearing both the parties, the Commission found that the appellant had simply asked for the action taken on his application submitted to the Tehsildar on 15.05.2017 for correction in the fard and report of field staff dated 25.05.2017. The PIO-Tehsildar Amritsar-1 was directed to provide action taken report and report of field staff as well as to provide whatever the document is available on record as per the RTI application.

On the next date of hearing which was held on 21.01.2020, the PIO-Tehsildar Amritsar-1 was absent nor had complied with the order of the Commission. The PIO-Tehsildar Amritsar-1 was issued a **show cause notice under section 20 of the RTI Act** and directed to file reply on an affidavit. The PIO was again directed to provide the information to the appellant within 10 days.

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On the last date of hearing which was held on **09.06.2020**, the PIO was again absent nor had sent any reply to the show cause notice as well as not provided the information.

To secure an erring PIO's presence before the commission, a bailable Warrant of the PIO- Tehsildar Amritsar-1 was issued under section 18(3) of the RTI Act through Senior Superintendent of Police, Amritsar for his presence before the Commission on **28.07.2020**.

The case has come up for hearing today through video conferencing at DAC Amritsar. Sh.Manjit Singh, PIO-cum-Tehsildar Amritsar-1 is present and pleaded that the available information has been supplied to the appellant. The appellant is not satisfied and claims that the PIO has not provided the action taken on the report of field staff dated 25.07.2017. The respondent stated that no further information is available in their record.

Hearing both the parties, the PIO is directed to provide whatever document is available regarding action taken on the report of field staff dated 25.05.2017. If no information is available, the PIO to give in writing on an affidavit that complete information as per record has been provided and no other information is available. The PIO is also directed to provide certified copies of the information.

The respondent has however, not submitted reply to the show cause notice. The PIO is directed to submit detailed reply to the show cause notice on an affidavit.

To come up for compliance on **15.09.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated 28.07.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: PIO-Tehsildar,
Amritsar-I.