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Sanjeev Thakur,

VPO Madhopur Cantt, Distt. Pathankot. Versus

... Appellant

Public Information Officer

O/o. G.M Punjab Roadways,

Pathankot.

First Appellate Authority

Administrative Officer- cum-Executive Director(Admin), PUNBUS, Chandigarh.

...Respondent

Appeal Case No. 2765 of 2019

Present: (i)

- i) Sanjeev Thakur (Appellant.) Mob: 8968084100.
- (ii) Jasbir Singh, Sr. Assistant. Mob: 9417432635.

ORDER

- The RTI application is dated 30.4.19 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 31.7.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).
- 2. Notice was issued to the parties for first hearing in the Commission on 28.08.2019.
- 3. The respondent PIO's representative Jasbir Singh, Sr. Assistant, Punjab Roadways, Pathankot is present.
- 4. The Appellant is not present but he has sent he has sent e-mail seeking adjournment of hearing.
- 5. Respondent says the requested information has already been sent to the appellant via registered post
- 6. Therespondent is directed to furnish proof of having sent the requisite information by Registered post.
- 7. The next / second hearing is fixed for 27.9.2019 at 11.00 A.M.

(ASIT JOLLY)

State Information Commissioner

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Yogesh Mahajan

S/oKuldeep Raj Mahajan, Opp. Water Tank, Municipal Market, Mission Road, Pathankot. Versus

... Appellant

...Respondent

Public Information Officer

XEN Water Supply & SanitationDivision, Kapurthala.

First Appellate Authority

SE, Water Supply & Sanitation Circle,

Jalandhar.

Appeal Case No. 2766 of 2019

Appear Case No. 2700 Or 2019

Present: (i) Mukesh Kumar, Junior Engineer(Respondent)Mob: 9876600603.

FINAL ORDER

- 1. The RTI application is dated 01.5.19 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 31.7.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).
- 2. Notice was issued to the parties for first hearing in the Commission on 28.8.19.
- 3. The respondent PIO's representative Mukesh Kumar, JE, is present.
- 4. The Appellant Yogesh Mahajan is **ABSENT**, He has sent ane-mail to the commission to say that he has received "incomplete" information. However, in a letter (dated 27.7.19) to the FAA, rather than indicating the specific short-comings in the information provided to him, the appellant has asked the FAA to ensure that no information is pending.
- 5. Meanwhile, the respondent submitted that complete requested information(200 pages) has already been sent to the appellant by Registered post He has alsoappended receipt of the Registered post with his reply.
- 6. Under the circumstances, the Commission is of the view that the appellant Yogesh Mahajan's request has been adequately addressed
- 7. Seeing no further cause for action, this case is herewith **CLOSED**.

(ASIT JOLLY)
State Information Commissioner

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Yogesh Mahajan

S/oKuldeep Raj Mahajan, Opp. Water Tank, Municipal Market, Mission Road, Pathankot. Versus

... Appellant

Public Information Officer

XEN Water Supply & Sanitation Division, Nabansehar.

First Appellate Authority

SE, Water Supply & Sanitation Circle,

Jalandhar.

Appeal Case No. 2767 of 2019

...Respondent

FINAL ORDER

Present:

 The RTI application is dated 01.5.19 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 31.7.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).

Jaswant Singh, SDO (Respondent) Mob: 9878801600.

- 2. Notice was issued to the parties for first hearing in the Commission on 28.8.19.
- 3. The respondent PIO is represented by Jaswant Singh Grewal, SDOis present.
- 4. The appellant is ABSENT.

(i)

- 5. Respondent has stated that the requisite information has been sent to appellant on 18.6.2019 by ordinary post. He has furnished copy of dispatch register but has not submitted any copy of the information sent to the appellant, Yogesh Mahajan.
- 6. The Respondent is directed to e-mail copies of the information sent to the Appellant, to the Commission within 3 days.
- 7. Seeing no further cause for action, this case is herewith **CLOSED**.

(ASIT JOLLY)

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Yogesh Mahajan

S/oKuldeep Raj Mahajan, Opp. Water Tank, Municipal Market, Mission Road, Pathankot. Versus

... Appellant

Public Information Officer

XEN, Water Supply & Sanitation Division, Sangrur.

First Appellate Authority

SE, Water Supply & Sanitation Circle, Sangrur.

...Respondent

Appeal Case No. 2768 of 2019

Present: (i) Gurvinder Dhindsa, XEN(Respondent PIO)Mob: 8437577177.

FINAL ORDER

- 1. The RTI application is dated 01.04.19 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 31.7.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).
- 2. Notice was issued to the parties for first hearing in the Commission on 28.08.2019.
- 3. The Appellant Yogesh Mahajan is **ABSENT**. He has sent an e-mail contending that he has not received any information requested from point 1 to 3. He has sought adjournment of the hearing on the premise that it is too expensive for him to travel all the way to Chandigarh.
- 4. The PIO, present in person, submitted detailed information (around 200 pages). He also contended that the same information has already been furnished to the appellant by various sub divisions of the Water Supply & Sanitation division, Sangrur.
- 5. The requested information is now in the custody of the commission and the appellant is free to collect at his convenience. The same can also be sent to the appellant by registered post on his written request to the Commission.
- 6. There is no further cause for action and this case is herewith CLOSED.

(ASIT JOLLY)
State Information Commissioner

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Surinder Singh

S/oChandan Singh, 286, St.No.6, Backside TV Center, Avtar Nagar, Jalandhar. Versus

... Appellant

Public Information Officer

PSPCL. Patiala.

First Appellate Authority

O/o.Chief Engineer, HRD, PSPCL,

Patiala. ...Respondent

Appeal Case No. 2769 of 2019

Present: (i) Surinder Singh(Appellant)Mob:

> (ii) Harjinder Singh, Senior Assistant, PSPCL, (Respondent) Mob: 98034318.

ORDER

- 1. The RTI application is dated 3.4.19 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 31.7.19 under section 19 of the Right to Information Act, 2005 (hereinafter
- 2. Notice was issued to the parties for first hearing in the Commission on 28.8.2019.
- 3. Both the appellant and respondent are present.
- 4. The appellant says that he is not satisfied with the information given to him by the respondent.
- 5. Respondent, Harindnder Singh, submitted a copy of the information supplied to the appellant contending that it is all the information available on record.
- 6. The Respondent is directed to submit a point-wise response to the appellant's RTI request and send copies of the same to both the appellant and the Commission before the next date of hearing. The appellant is requested to carefully peruse the response and duly inform the Commission, via email or post, if he is satisfied with the information so furnished.
- 7. The case is adjourned for its next / second hearingon 27.9.2019.

(ASIT JOLLY) State Information Commissioner

Chandigarh:

Dated: 28.08.2019

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Gurmeet Singh

S/oSurmukh Singh, 2072,BhaiMastan Singh Nagar, Sri Muktsar Sahib. Versus

... Appellant

Public Information Officer

XEN Construction Division, PWD (B&R), Gidderbaha, Distt. Sri Muktsar Sahib.

First Appellate Authority
SE, Construction Division, PWD (B&R),
Faridkot.

...Respondent

Appeal Case No. 2770 of 2019

Present:

- (i) Gurmeet Singh(Appellant)Mob:9501421959.
- (ii) Puneet Kumar, Clerk,(Respondent)Mob:8568032545.

ORDER

- The RTI application is dated 3.9.18 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 26.7.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).
- 2. Notice was issued to the parties for first hearing in the Commission on 28.08.2019.
- 3. The Appellant Gurmeet Singh is present.
- 4. The respondent, Puneet Kumar, Clerk has come with some 500 pages of information. This has been handed over to the appellant to examine.
- 5. The case is <u>adjourned for its next / second hearing on27.9.19</u>. Meanwhile, the PIO is directed to personally appear in the Commission or depute a representative with a detailed response to the reasons for the inordinate delay in providing the information requested by the appellant. Failing this, the Commission will be constrained to initiate penal action under the RTI Act.

(ASIT JOLLY)
State Information Commissioner

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Sunil Kumar Joshi,

Flat No.404,GH 43, Sector 20 Panchkula. Versus

... Appellant

Public Information Officer IGP Security, Punjab,

Chandigarh.

First Appellate Authority ADGP Security, Punjab, Chandigarh.

...Respondent

Appeal Case No. 2771 of 2019

Present: Sunil Kumar Joshi (Appellant)Mob:9416900129. (i)

> Bhajan Singh, Sub Inspector (Respondent)Mob:98558-53935. (ii)

ORDER

- 1. The RTI application is dated 14.5.19 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 26.7.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).
- 2. Notice was issued to the parties for first hearing in the Commission on 28.08.2019.
- 3. Both the appellant as well as respondent are present.
- 4. The respondent PIO, represented by SI Bhajan Singh, has submitted the plea that the information cannot be given since the Security Wing of the Punjab Police has been kept out of the purview of the RTI Act vide "Punjab Government Notification No. 2/27/05 IAR/191, dated 23.01.2006." However, since the information requested by the appellant pertains to a Proclaimed Offender's purported visits to a senior officer at the Punjab Police Headquarters in Chandigarh, the Commission, exercising its authority under Section 22 of the RTI Act 2005, which reads as under:

"The Provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any other law other than this Act."

And Section 24(4) of the RTI Act 2005:

"Nothing contained in this Act shall apply to such intelligence and security organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in case the information sought for is in respect to allegations of violation of human rights, the information shall only be provided after approval of the State Information Commission and, notwithstanding anything contained in Section 7, such information shall be provided within forty-five days from the date of the receipt of the request."

5. The respondent PIO is directed to positively bring the requested information (visitor book etc.) for the Commission's perusal on the <u>next / second date of hearing on 27.9.19</u>. It is only after such perusal that the Commission can take an informed decision on whether such information can be released to the appellant or not.

(ASIT JOLLY)
State Information Commissioner

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Ajitpal Singh Multani,

408/409, Shakti Sadan, Communication T & C Cell, PSTCL, Jalandhar. Versus

Public Information Officer
Dy.CE/DS,PSPCL,DS Circle,
Kapurthala.
First Appellate Authority
Chief Engineer,North Zone,
PSPCL,Jalandhar.

... Appellant

...Respondent

Appeal Case No. 2772 of 2019

Present: (ii) Ram Lal, AEE(Respondent.)Mob:9606116085.

FINAL ORDER

- 1. The RTI application is dated 22.5.18 vide which the appellant sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 31.7.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.)
- 2. Notice was issued to the parties for first hearing at the Commission on 28.8.19.
- 3. The appellant is absent, ostensibly because the Commission's notice was returned (addressee not known) from the postal address mentioned on his RTI application and Second Appeal to the Commission.
- 4. The respondent PIO, represented by Ram Lal, Assistant XEN, is present alongwith Vikramjit Singh, UDC. They have handed over the missing part of the information pertaining to point 7 of the RTI application. The respondent is directed that the copy of this information be sent to appellant at his address.
- 5. There is no further cause for action and this case is herewith **CLOSED**.

(ASIT JOLLY)

State Information Commissioner

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Satwant Singh,

S/o. Bidhi Singh. VPO Kurala Kalan Via TandaUrmar, District Hoshiarpur.

... Appellant

Versus

Public Information Officer O/o, SDM Dasuya, District Hoshiarpur. First Appellate Authority Deputy Commissioner, Hoshiarpur.

...Respondent

Appeal Case No. 2773 of 2019

Present: Rashmi Bedi (Respondent) Mob: 81466-13428.

FINAL ORDER

[Hearing on 28.8.19]

- 1. This RTI application, dated 26.3.18, was filed by the Applicant (a senior citizen) to seek information regarding the action taken by SDM's office at Dasuya on his (Appellant's) earlier request for a long overdue rectification of land records, which were wrongly updated in 1980.
- 2. The Commission notes with a deep sense of distress, that a senior citizen was literally made to run from pillar to post for a rather simple and easy-to-search-out-and-furnish piece of information. But it is now plainly evident that the respondents were reluctant to provide the requested information because right down the line from the SDM Dasuya, the Naib Tehsildar at TandaUrmar, the KanugoHalga at Khudda and the Patwari at Kurala Kalan, had failed to perform their duty as revenue officers of the state.
- Unfortunately, the reply submitted by the Respondent PIO, through Naib Tehsildar Tanda does not so much as acknowledge the inordinate delay in providing the requested information to the aged appellant. Instead, the reply fervently emphasizes the point:

"the appeal of the appellant is liable to be dismissed as the grievance of the appellant is already resolved...."

The Commission views such attitudes amid the respondent PIO and other responsible officers working under the SDM Dasuya, as both callous and against the spirit of the RTI Act, 2005.

- The Commission views as shocking, that while the respondent PIO, SDM Dasuya, and his subordinate officers continued to spurn the appellant's requests and repeatedly called him in for inspection of records when the concerned officer was not in his seat, even his (the Appellant's) appeal to the First Appellate Authority (FAA), dated 3/5/19, failed to bring him any relief. Rather than addressing the appellant's concerns, the FAA, in this instance the Deputy Commissioner at Hoshiarpur, summarily rejected the Appellant's request for information by citing a state government notification (14/67/2011-RC01/3761)! (note: no attempt was made to furnish a copy of the said notification, neither to the appellant and nor to this Commission). This, when there could conceivably be no notification / order or legislation that overrides the RTI, Act 2005.
- 5. It has distressingly taken five uncertain months for the appellant to finally get, what in the ordinary and legally guaranteed course, ought to have been done in under 30 days from the moment his information request landed on the respondent PIO's desk. It took a notice from this Commission for the subordinate revenue officialdom in Dasuya to spring up and finally act.

- **6.** This should not have been the case and the matter (request for information) ought to have been resolved at the very first stage, within 30 days of when the appellant made his request on 26.3.19.
- 7. Having made its mind amply clear on the shocking attitude and conduct of the respondents, this Commission, here, must also acknowledge and hail the aged appellant's very apparent delight that his request has finally been acceded to. The Commission also acknowledges that Satwant Singh has taken the trouble to articulate this in an email (diary number 16256) received at the Commission in Chandigarh on 26.8.19:
 - "... the issue which is pending from the year 1980 has been resolved in year 2019. From past one year this old man is visiting one and another office to get the records corrected which were wrongly updated by government official. It is your help which actual supported me and forced officer to work and correct their records."
- 8. While the issue (request for information) has been resolved to the satisfaction of the aged appellant, this Commission would ordinarily have been inclined to impose the fullest penalties available under the RTI Act 2005, on the erring officers.
- 9. However, the Commission views this case as an opportunity. The Commission advises the Deputy Commissioner Hoshiarpur to invoke corrective measures that will serve to make his administration more alert and responsive to the concerns of ordinary people like the Appellant Satwant Singh. The erring officers need to 'pull up their socks', 'tighten their belts' and do whatever else it takes.
- 10. In an immediate measure, the Deputy Commissioner is directed to make copies of this FINAL ORDER (including translations in Punjabi) and circulate these widely amid his subordinate officers in Hoshiarpur. A detailed report containing the number of copies with the names, designations, mobile numbers and email addresses of the officers these were sent to, must be communicated to this Commission within 15 days of the receipt of a copy of this notice.
- 11. The Deputy Commissioner Hoshiarpur is also advised to conduct an internal audit of all the public authorities under her / him for compliance under Section 4 of the RTI Act 2005. The findings of such an audit must be communicated to this Commission within a reasonable timeframe, like, three months from the date of receiving this notice.
- **12.** Having stated all the above, this Commission sees no further cause of action and deems this appeal case as **CLOSED**.

(ASIT JOLLY)

State Information Commissioner

Chandigarh:

Dated: September 2, 2019

Copy to: Appellant Satwant Singh Respondent PIO

Respondent FAA

Deputy Commissioner Hoshiarpur

Deputy Registrar, Punjab State Information Commission for wide publicity of this FINAL ORDER with a view to encourage future appellants / complainants to invoke the RTI Act 2005 to enforce and ensure Good and People-friendly Governance in the state of Punjab.

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Sukhchain Singh,

Sonam Mohalla, FatehgarhChurian,TehsilBatala, Distt. Gurdaspur. Versus

... Appellant

Public Information Officer

EO, Nagar Counsil, FatehgarhChurian, TGehsilBatala, Dsitt. Gurdaspur. First Appellate Authority

Dy.Director, Local Govt.Department,

Amritsar.

...Respondent

Appeal Case No. 277 4of 2019

Present:

- (i) Sukhchain Singh (Appellant) Mob: 94635-18565.
- (ii) Ramesh Kumar (Respondent.) Mob: 98141-95196, 96461-16085.

ORDER

- The RTI application is dated 2.4.18 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 31.7.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).
- 2. Notice was issued to the parties for first hearing in the Commission on 28.8.19.
- 3. Both the appellant as well as respondent are present. The requisite information has been given to appellant Sukhchain Singh.
- 4. There is no further cause for action and this case is herewith **CLOSED**.

(ASIT JOLLY)

State Information Commissioner

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Sukhchain Singh,

Sonam Mohalla, FatehgarhChurian,TehsilBatala, Distt. Gurdaspur. Versus

... Appellant

Public Information Officer

EO, Nagar Council, FatehgarhChurian, Tehsil Batala, Gurdaspur.

First Appellate Authority

Dy.Director, Local Govt.Department, Amritsar.

...Respondent

Appeal Case No. 2775 of 2019

Present:

- Sukhchain Singh (Appellant) Mob: 9463518565. (i)
- Ramesh Kumar (Respondent.) Mob: 9646116085. (ii)

ORDER

- 1. The RTI application is dated 6.4.18 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 31.7.19 under section 19 of the Right to Information Act, 2005 (hereinafter
- 2. Notice was issued to the parties for firsthearing in the Commission on 28.8.19.
- 3. Both the appellant and respondent are present. The respondent has handed over the requisite information. But on examining the same, the appellant says he is not satisfied.
- 4. The respondent is directed to arrange for the appellant to make physical inspection of the available record on 5.9.2019.He is also directed to provide up to 50 pages (photocopy) selected by the appellant after inspection

(ASIT JOLLY)

State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.

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Sukhchain Singh,

Sonam Mohalla, FatehgarhChurian,TehsilBatala, Distt. Gurdaspur. Versus

... Appellant

Public Information Officer

EO, Nagar Counsil, FatehgarhChurian, Tehsil Batala, Gurdaspur.

First Appellate Authority

Dy.Director, Local Govt.Department, Amritsar.

...Respondent

Appeal Case No. 2776 of 2019

Present:

- (i) Sukhchain Singh (Appellant) Mob: 9463518565.
- (ii) Ramesh Kumar (Respondent.)Mob: 9646116085.

ORDER

- The RTI application is dated 6.4.18 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 31.7.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).
- 2. Notice was issued to the parties for first hearing in the Commission on 28.08.2019.
- 3. Both the appellant andrespondent are present. The respondent has handed over the requestedinformation but the appellant says he is not satisfied with the information.
- 4. The respondent is directed to arrange for the appellant to make physical inspection of the available record on 5.9.2019. He is also directed to provide up to 50 pages (photocopy) selected by the appellant after inspection

(ASIT JOLLY)

State Information Commissioner

Chandigarh:

Dated: 28.08.2019

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Sukhchain Singh,

Sonam Mohalla, FatehgarhChurian, TehsilBatala, Distt. Gurdaspur. Versus

... Appellant

Public Information Officer

EO, Nagar Counsil, FatehgarhChurian, Tehsil Batala, Gurdaspur. **First Appellate Authority**

Dy.Director, Local Govt.Department, Amritsar.

...Respondent

Appeal Case No. 2780 of 2019

Present:

- (i) Sukhchain Singh (Appellant) Mob: 9463518565.
- (ii) Ramesh Kumar (Respondent.) Mob: 9646116085.

ORDER

- 1. The RTI application is dated 21.5.19 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 31.7.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).
- 2. Notice was issued to the parties for first hearing in the Commission on 28.08.2019.
- 3. Both the appellant andrespondent are present. The respondent PIO, represented by Ramesh Kumar, has handed over a reply given by the PIO stating that the information sought is not "specific."
- 4. The information sought by the appellant pertains to the period (1.4.12 to 1.4.13).
- 5. The respondent PIO is directed to arrange the inspection of the available record pertaining to the aforesaid period in the presence of Ramesh Kumar on 5.9.2019.
- 6. The case is adjourned for its next / second hearing on 26.9.19.

(ASIT JOLLY) State Information Commissioner