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**RED CROSS BUILDING SECTOR 16, MDHYA MARG, CHANDIGARH**

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Sh. Ramandeep Singh Ahluwalia,

Ward No.18, Street No.2, Kartar Nagar,

Near Mann Market, Amloh Road, Khanna,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Assistant Commissioner,

Municipal Corporation, Patiala

First Appellate Authority,

O/o Commissioner,

Municipal Corporation,

Patiala. Respondents

 **APPEAL CASE NO.885/2017**

 **Date of RTI Application : 15.10.2016** **Date of First Appeal : 15.11.2016**

 **Date of order of FAA : Nil**

 **Date of Second Appeal : 13.03.2017**

**Present:** Sh. Ramandeep Singh Ahluwalia, Appellant in person.

 Sh. Parvinder Singh, JE, M.C. office, Patiala – for Respondents.

**ORDER**

 This is a long standing case. The original application was filed way back on 15.10.2016. Despite having been afforded umpteen opportunities complete information has not been provided. The information which concerns the missing M.B. books over a period of last ten years seemingly is being intentionally withheld by the respondents.

 The Commission takes cognizance of the violation under Section 7 (1) & (2) of the RTI Act and issues a show cause notice to Sh. M.M.Syal, PIO – cum – XEN (Hqr.), Municipal Corporation, Patiala to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on himfor causing willful delay/denial of the information to the RTI applicant and why the compensation be not awarded to the appellant under Section 19 (8) (b) of the Act for the detriment suffered by him. Contd…page…2

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**APPEAL CASE NO.885/2017**

 In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.

 To come up on **26.12.2017 at 11.30 AM.**

 **Sd/-**

**28.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Sh. M.M.Syal, PIO – cum – XEN (Hqr.),**

 **Municipal Corporation, Patiala, for information & n/a.**

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Sh. Sohan Lal Sharma

677, MIG, Phase I, Urban Estate,

Patiala. Appellant

Versus

Public Information Officer,

O/o Superintending Engineer,

Panchayati Raj Circle, Mohali

Vikas Bhawan, Sector-62, S.A.S.Nagar.

First Appellate Authority

O/o Director, Rural Development & Panchayats, Punjab,

Vikas Bhawan, Sector-62, S.A.S. Nagar. Respondents

 **APPEAL CASE NO.1383 of 2017**

**Date of RTI application : 07.10.2015**

**Date of First Appeal : Nil**

**Date of Order of FAA: : 29.02.2016**

**Reminder of First Appeal : 11.04.2016**

**Date of 2nd Appeal : 22.05.2017**

**Present:** Sh. Sohan Lal Sharma, Appellant in person.

 Sh. Jagjit Singh, Jr. Assistant, Panchayati Raj office – for Respondents.

**ORDER**

 On 24.10.2017 the Commission had observed as follows:

 *“The appellant says that the complete information has not been provided.*

 *The Commission directs the respondents to allow him the inspection of the record.*

*Sh. Dhiraj Kumar Goyal, PIO – cum – XEN, Panchayati Raj is directed to convey him the specific date and time for the inspection and provide him certified copies of the documents asked for by him. Be it noted that any laxity shall entail serious consequences.”*

Sh. Jagjit Singh, Jr. Assistant appearing on behalf of the respondents submits in writing that the orders have been complied. The documents were got examined and certified copies of the identified documents were supplied to the appellant. He expressed his satisfaction and acknowledged the receipt of information. No further action is called for.

 **Disposed.**

 **Sd/-**

**28.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

 **STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Gulshan Kumar

167-B, Miller Ganj, Industrial Estate,

Ludhiana Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Mata Rani Chowk,

Ludhiana

First Appellate Authority,

O/o Commissioner,

Municipal Corporation,

Mata Rani Chowk,

Ludhiana Respondents

  **APPEAL CASE NO.189 of 2017**

 **Date of RTI Application : 06.09.2016**

 **Date of First Appeal : 07.11.2016**

 **Date of Order of FAA : Nil**

 **Date of Second Appeal : Received on 09.01.2017**

**Present:** None on behalf of the Appellant.

 Sh. Vijay Kumar, PIO – cum – ATP, Zone ‘D’, MC Office, Ludhiana – for Respondents.

**ORDER**

 We had made the following observations on 24.10.2017:

 *“Sh. Vijay Kumar, PIO – cum – ATP (D), MC, Ludhiana is present. He has brought along a reply along with information available with them. As the appellant is absent the respondents are directed to transmit it to him by post.”*

The case has been taken up today. Sh. Vijay Kumar, ATP appearing on behalf of the respondents has shown us a copy of the memo. vide which the available information with them has been transmitted to the appellant. A copy of the same has been retained on record. Nothing has

 Contd…page…2

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**APPEAL CASE NO.189 of 2017**

been heard from the appellant. Seemingly, he is satisfied with the information thus submitted to him. No further intervention of the Commission is required.

 **Disposed.**

 **Sd/-**

**28.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

 **STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Gulshan Kumar

167-B, Miller Ganj, Industrial Estate,

Ludhiana Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Mata Rani Chowk,

Ludhiana

First Appellate Authority,

O/o Commissioner,

Municipal Corporation,

Mata Rani Chowk,

Ludhiana Respondents

  **APPEAL CASE NO.192 of 2017**

 **Date of RTI Application : 26.08.2016**

 **Date of First Appeal : 04.10.2016**

 **Date of Order of FAA : Nil**

 **Date of Second Appeal : Received on 09.01.2017.**

**Present:** None on behalf of the Appellant.

 Sh. Vijay Kumar, PIO – cum – ATP, Zone ‘D’, MC Office, Ludhiana – for Respondents.

**ORDER**

 We had made the following observations on 24.10.2017:

 *“Sh. Vijay Kumar, PIO – cum – ATP (D), MC, Ludhiana is present. He has brought along a reply along with information available with them. As the appellant is absent the respondents are directed to transmit it to him by post.”*

The case has been taken up today. Sh. Vijay Kumar, ATP appearing on behalf of the respondents has shown us a copy of the memo. vide which the available information with them has been transmitted to the appellant. A copy of the same has been retained on record. Nothing has

 Contd…page…2

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**APPEAL CASE NO.192 of 2017**

been heard from the appellant. Seemingly, he is satisfied with the information thus furnished to him. No further intervention of the Commission is required.

 **Disposed.**

 **Sd/-**

**28.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Iqbal Singh Rasulpur,

V&PO: Rasulpur (Mallah), Tehsil Jagraon,

Distt. Jagraon.Distt. Ludhiana Complainant

Versus

Public Information Officer,

O/o Shromani Gurdwara Parbandik Committee,

Sri Amritsar Sahib. Respondent

 **COMPLAINT CASE NO.768/2017**

Date of RTI application : 31.05.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 27.07.2017

**Present: None.**

**ORDER**

 The complainant has conveyed in writing that he is already in receipt of information. He has requested the Commission to file his complaint. As the issue has been resolved to the satisfaction of the complainant no more intervention of the Commission is desirable.

 **Disposed.**

 **Sd/-**

**28.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

 **STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Brish Bhan Bujarak

S/o Sh. Saroop Chand

Ward No. 33, Kahangarh Road,

Patran (Patiala) Complainant

Versus

Public Information Officer,

O/o Superintendent, (Home Br.-4),

Punjab Civil Sectt.-1,

Chandigarh. Respondents

 **COMPLAINT CASE NO.705/2017**

Date of RTI application : 25.03.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 17.07.2017

**Present: None.**

**ORDER**

 On the request of the Parties the matter is adjourned to **26.12.2017 at 11.30 AM.**

 **Sd/-**

**28.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Ashok Kumar,

S/o Sh. Ajmer Gir,

Village Chandpur P.O. Sialba,

Tehsil Kharar, Distt. S.A.S.Nagar. Appellant

Versus

Public Information Officer,

O/o Block Development & Panchayat Officer,

Block Majri P.O. Sialba , Tehsil Kharar,

 Dist. S.A.S.Nagar

First Appellate Authority

O/o Block Development & Panchayat Officer,

Block Majri, P.O. Sialba , Tehsil Kharar,

Distt. S.A.S.Nagar Respondents

 **APPEAL CASE NO.1225/2016**

 **Date of RTI Application : 10.02.2017 Date of First Appeal : 10.03.2017**

 **Date of Order of FAA : Nil**

 **Date of Second Appeal : 04.05.2017**

**Present:** Sh. Ashok Kumar, Appellant in person.

1. Smt. Dilawar Kaur, PIO – cum – BDPO, Block Majri, and

 2. Sh. Surinder Pal Singh, Panchayat Secretary, O/o BDPO, Majri – for Respondents.

**ORDER**

 The following order was passed on 26.10.2017:

 *“Heard.*

 *The following order was made by this forum on 05.09.2017:*

 *“The Commission had observed on 27.07.2017 as under:-*

 *“We had observed on 22.06.2017 as under:-*

 *“The Commission takes a strong exception to the indifferent attitude of the respondents as neither they have filed a written reply on the notice issued by the Commission nor anyone is present.*

 *Another opportunity is afforded to the respondents to provide the information to the appellant under intimation to the Commission.”*

 *Contd…page…2*

 *-2-*

***APPEAL CASE NO.1225/2016***

 *Despite our express order the PIO is neither present nor he has filed reply to the notice issued by the Commission. Logical corollary is that they have refused the information in terms of Section 7(2) of the RTI Act and thus rendered themselves liable for penal action. Smt. Dilawar Kaur, BDPO – cum – PIO, is issued a show cause notice to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of*

*Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on her for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. She may take note that in case she does not file her written reply and does not avail herself of the opportunity of personal hearing on the date fixed, it will be presumed that she has nothing to say and the Commission shall proceed to take further proceedings against her ex parte.”*

 *“Sh. Surinder Pal Singh, Panchayat Secretary is present. He submits that the RTI appeal emanates from a long dispute between the panchayat and other inhabitants of the village over alleged illegal occupation of shamlat land. Numerous writ petitions have been filed in the Punjab & Haryana High Court, Chandigarh concerning the issue. The instant application is intended to harass the Public Authority as huge and voluminous information has been sought.*

 *Be that as it is the respondents are directed to allow the access of the record to the appellant by way of inspection on a pre-fixed date and time and arrange to provide him the certified copies of the documents thus identified by him free of charge forthwith. Outer limit of the extent of documents is fixed as 250.”*

 *“The case has come up today for hearing. Despite the express orders issued on couple of occasions Smt. Dilawar Kaur, BDPO – cum - PIO has shown scant respect to the directions Contd…page…3*

 *-3-*

***APPEAL CASE NO.1225/2016***

*issued earlier. Sh. Surinder Pal Singh, Panchayat Secretary reportedly has refused the inspection of the record. The Commission takes it as willful denial as earlier. The matter cannot be taken lying down by the Commission.*

 *Smt. Dilawar Kaur, PIO – cum – BDPO, Block Majri and Sh. Surinder Pal Singh, Panchayat Secretary, Block Majri are directed to come in person on the next date of hearing along with the entire record failing which their presence shall be ensured by issuing a bailable warrant of arrest and they shall be liable for the penal consequences as envisaged under the RTI Act.”*

The case has been taken up today. Despite numerous orders the respondents are defiant. They have failed to comply with the orders passed by the Commission on the aforesaid hearings. The Commission takes it as a willful and blatant violation of the RTI Act. The perusal of the aforesaid proceedings shall reveal a stubborn stance on the part of the respondents. The Commission had allowed them to part with only 250 pages keeping in view the voluminous demand of the appellant. However, the respondents have not even complied with that.

 The original application was filed on 10.02.2017. The delay is beyond 100 days. In the face of the fact that no response whatsoever to the application and various directions of the Commission has been given the Commission is convinced that the respondents have no intention to comply with the orders of the Commission in terms of the RTI Act.

 The conduct of Sh. Surinder Pal Singh, Panchayat Secretary who is custodian of record and was forwarded the application under Section 6(3) of the Act, is a deemed PIO. He is equally reprehensible. He is not only defiant but also disrespectful to the Court. The delay caused by him is far beyond 100 days. He is liable to be imposed penalty for his willful default. Accordingly he is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on himfor causing willful delay/denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

 *Contd…page…4*

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***APPEAL CASE NO.1225/2016***

 In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.

 The orders passed earlier to provide the information have to be complied with. They are hereby desired to bring along the entire record in the Commission on the next date of hearing so that it could be got inspected by the appellant.

 To come up on **26.12.2017 at 11.30 AM.**

 **Sd/-**

**28.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Director, Rural Dev. & Panchayats, Punjab, Vikas Bhawan, Sector – 62, SAS Nagar, Mohali.**

**CC: The District Dev. & Panchayat Officer, SAS Nagar (Mohali), for information and n/a.**

**CC: Smt. Dilawar Kaur, PIO – cum – Block Dev. & Panchayat Officer, Block Majri, Tehsil Kharar, Distt. SAS Nagar, for n/a.**

**CC: Sh. Surinder Pal Singh, PIO – cum – Panchayat Secretary, O/o Block Dev. & Panchayat Officer, Block Majri, Tehsil Kharar, Distt. SAS Nagar, for n/a.**

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Sh. Gurpeet Singh

S/o Sh. Jasvir Singh,

R/o House No.9, Karol Bagh Colony,

Jassian Road, Ludhiana Complainant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation, Water & Supply Branch (Zone-D),

Sarabha Nagar, Ludhiana Respondent

 **COMPLAINT CASE NOs.859, 860 and 861 of 2017**

Date of RTI application : 04.07.2017/01.07.2017/04.07.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :17.08.2017/13.08.2017/17.08.2017

**Present:** None on behalf of the Complainant.

 Sh. Balwinder Singh, XEN, O & M Cell, MC Office, Ludhiana – for Respondent.

**ORDER**

 Since the complainant and the respondent are the same, and the information is almost identical the single order shall dispose of the above complaints.

 The following order was passed by the Commission on 18.10.2017:

 ***“****The respondent says that the information has been provided. However, the complainant submits that the same is deficient. He is directed to specifically pin-point deficiencies in writing to the respondent under intimation to the Commission. The respondent shall meet the deficiencies thus pointed out well before the next date of hearing.”*

The cases have been taken up today. Vide his letter dated 31.10.2017, the complainant says that he is not satisfied with the information provided and insists on imposing penalty on the respondents.

 Contd…page..2

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 **COMPLAINT CASE NOs.859, 860 and 861 of 2017**

 The complainant has failed to point out any specific infirmity besides making generalized observations of dissatisfaction. He has not been able to prove any malafide on the part of the respondent to withhold the information. In the absence of any definite dereliction or deficiency it shall not be prudent to penalize the respondent. They are admonished and advised to be cautious in future towards timely furnishing of information.

 **Disposed.**

 **Sd/-**

**28.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Rachhpal Singh, Sarpanch,

S/o Sh. Major Singh,

Near Sri Guru Ravidas Gurudwara,

Village Bihla, Barnala. Complainant

Versus

Public Information Officer,

O/o Additional Deputy Commissioner (D),

Barnala. Respondent

 **COMPLAINT CASE NO.536/2017**

Date of RTI application : 12.09.2016

Date of First Appeal : Nil

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint Nil received in Commission on 31.05.2017

**Present:** None on behalf of the Parties.

**ORDER**

 On 19.07.2017 the Commission had observed as under :

 “*The respondent says that the file dealing with the enquiry into a complaint filed by the complainant is misplaced in shifting of the office recently. They plead to afford sometime to them by which they shall endeavour to trace the record and arrange to provide it to him. The Commission accepts their plea. We hope that they shall provide the information to the complainant well before the next date of hearing.”*

The case has come up today. Due to some glitch in the transmission lines the video conferencing fixed on a couple of occasions did not mature. The matter was scheduled to be heard in the office of the Commission itself.

 Contd…page…2

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**COMPLAINT CASE NO.536/2017**

 None is present today. However, the complainant has conveyed through a communication dated 06.09.2017 that he is in receipt of the enquiry report sought by him. He is satisfied with the information thus provided to him. No further action obviously is called for.

 **Disposed.**

 **Sd/-**

**28.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Shankar Dass alias Ravi Shankar,

531/9, Kishan Chand Colony, Narwana,

Distt. Jind (Haryana) Complainant

Versus

Public Information Officer,

O/o Naib Tehsildar,

Khanauri, Distt. Sangrur Respondent

**COMPLAINT CASE NO.294/2017**

 **Date of RTI Application : 21.10.2016** **Date of First Appeal : Nil**

 **Date of order of FAA : Nil**

 **Date of Second Appeal : Complaint: 15.03.2017**

**Present:** Sh. Shankar Dass alias Ravi Shankar, Complainant in person.

 Sh. Harinder Kumar, Naib Tehsildar, Khinauri – for Respondent.

**ORDER**

 This may be read in continuation of our order dated 02.11.2017.

 Sh. Harinder Kumar, Naib Tehsildar is present. Regrettably he has not brought along the information. The halqa Patwari and Naib Tehsildar are directed to bring along the original record in person pertaining to the application on the next date of hearing. The bailable warrant issued against the PIO for appearance does not stand discharged for want of compliance of the order of the Court passed earlier.

 To come up on **26.12.2017 at 11.30 AM.**

 **Sd/-**

**28.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Deputy Commissioner, Sangrur, for information and n/a.**

**CC: Sh. Harinder Kumar, PIO – cum – Naib Tehsildar, Khinauri, Distt. Sangrur for immediate action.**