

Sh. Tahaf Bains, S/o Sh. Dipender Singh,
1562, Sector-18-D,
Chandigarh.

.....Appellant

Versus

Public Information Officer,
O/o Sub Registrar, Jalalabad,
Distt. Fazilka..

First Appellate Authority,
O/o SDM, Jalalabad,
Distt.
Fazilka.

..Respondent

Appeal Case No. 3838 of 2018

Present: **Sh. Tahaf Bains as the Appellant**
 Sh. Manoj Kumar Jr. Assistant O/o Tehsildar Jalalabad for the Respondent

Order:

This order be read in continuation to the earlier order.

The appellant through RTI application dated 28.12.2017 has sought information on 5 points regarding details of revenue record comprising agreement to sell, sale deed, deed of transfer, conveyance deed, mortgage deed, gift deed or any lien towards the property, mutation of land bearing khata/khatauni/khasra numbers as per RTI application situated in village Aamir Khas, Tehsil Jalalabad, District Fazilka concerning the office of Sub Registrar, Jalalabad. The appellant was not satisfied with the reply of the PIO dated 20.06.2018 vide which the PIO denied the information stating that the information is question form and it cannot be provided. On being denied the information, the appellant filed first appeal before the First Appellate Authority on 28.07.2018 which disposed off the appeal on 20.08.2018 with the order that the information is third party information.

The case has already been heard on 05.03.2019, 26.03.2019, 24.04.2019, 12.06.2019, 31.07.2019, 19.12.2019, 25.02.2020, 07.07.2020, 22.09.2020 & 10.11.2020.

On the date of hearing on **07.07.2020**, the respondent present pleaded that the information available in the record has been provided to the appellant. The appellant was not satisfied. The Commission received observations of the appellant which were taken on the file of the Commission.

Hearing both the parties, the PIO was directed to bring entire record to the Commission at the next date of hearing. A copy of the observations was attached with the order for the PIO. The appellant was directed to appear personally on the next date of hearing to plead his case.

On the date of last hearing on **10.11.2020**, the appellant informed that he has received the remaining information which is however, not certified. The appellant had brought a copy of uncertified copy of information that had been provided by the PIO.

Appeal Case No. 3838 of 2018

The respondent was absent. A copy of the information produced by the appellant was sent to the PIO, and the PIO was directed to certify the same and send it back to the Commission. The appellant was asked to collect the same from the office of the Commission once it is received back from the PIO.

Sh. Baldev Singh, Naib Tehsildar appeared late and he was asked to certify the copy of information and send it back to the Commission.

Hearing dated 25.01.2021

The Commission has received the certified copy of information from the PIO. Sh. Ravinder Kumar is present on behalf of the appellant and the certified copies of the information has been handed over to the representative of the appellant.

Complete information stands provided. No further course of action is required.

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

Chandigarh
Dated: 29.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Narinder Kumar Jain,
S/o Sh Ram Kumar Jain,
Near Jain HighSchool,
Distt.Fazilka.

.....Appellant

Versus

Public Information Officer,
O/o DEO (EE),
Fazilka.

First Appellate Authority,
DEO (EE),
Fazilka

.....Respondent

Appeal Case No. 2003 of 2020

PRESENT: None for the Appellant
Ms.Subita O/o Block Primary Education Officer Fazilka2 for the respondent

ORDER:

The appellant through RTI application dated 10.12.2019 has sought information regarding details of funds released for mid day meal to Sri Jain Elementary Primary School Fazilka – fund utilized and funds pending from 01.04.2019 to 10.12.2019 and other information concerning the office of DEO(EE) Fazilka. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 03.02.2020 which took no decision on the appeal.

The case first came up for hearing on 02.12.2020 through video conferencing at DAC Fazilka. The appellant claimed that the PIO has not provided the information.

The respondent present from the office of DEO(EE) informed that since the information relates to Block Primary Education Officer, Block Fazilka-2, the RTI application was transferred to the vide letter dated 12.12.2019 under section 6(3)(1)(2). The respondent present from the Block Primary Education Officer informed that the information is available with the Head teacher of the concerned school.

Sh.Ajay Thukral, Head Teacher was present who pleaded that the information sought by the appellant is in question form, it cannot be provided.

The Commission made it clear that if the sought information exists, even though it appears to be in question form, it should be provided. The PIO was directed to provide the information and send a compliance report to the Commission.

Hearing dated 29.01.2021:

The case has come up for hearing today through video conferencing at DAC Fazilka. The respondent present pleaded that in compliance with the order of the Commission, the information has been provided to the appellant vide letter dated 18.12.2020 & 23.12.2020 with a copy to the Commission.

The appellant is absent nor has communicated any discrepancies. It is presumed that the appellant has received the information and is satisfied. However, if there is any discrepancy, the appellant is directed to point out to the PIO and the PIO is directed to remove the same.

With the above order, the case is **disposed off and closed**.

Chandigarh
Dated: 29.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh. Deepak Dawra, S/o Sh.Satish
Kumar, R/o Gali EyeDaanWali,
NearShaniMandir,
Distt.Fazilka

...Appellant

Versus

Public Information Officer,
O/o DEO (EE),
Fazilka.

First Appellate Authority,
DEO (EE),
Fazilka.

...Respondent

Appeal Case No. 2004 of 2020

PRESENT: **None for the** Appellant
 Sh.Rajesh Kumar, PIO-cum-DEO Fazilka for the Respondent

ORDER:

The appellant through RTI application dated 03.02.2020 has sought information regarding leave record of Sh.Ajay Thukral, Head Master Sri Jain Elementary Primary School from Jan 2015 to December 2019 – leave availed – medical fitness certificate and other information as enumerated in the RTI application from the office of DEO(EE) Fazilka. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 17.03.2020 which took no decision on the appeal.

The case first came up for hearing on 02.12.2020 through video conferencing at DAC Fazilka. The appellant claimed that the PIO has not provided the information.

The respondent present from the office of DEO informed that since the information sought was in the custody of the head teacher, Sri Jain Elementary Primary School, the RTI application was transferred to them vide letter dated 04.02.2020 under section 6(3)(1)(ii).

The respondent present from Sri Jain Elementary Primary School informed that he is the only teacher in the school since 2017, handling five classes (having 53 students) and other administrative work, due to which the information could not be provided within time.

Having gone through the RTI application and hearing both the parties, the Head Teacher to whom the RTI was transferred was directed to provide a record of casual, earned and medical leave availed by Sh. Ajay Thukral(Jan 2015-December 2019) to the appellant . However, medical certificate/fitness certificate, which being personal information, was not to be provided.

Furthermore, it came to my notice that Sh.Ajay Thukral being a single teacher in this school since 2017, was single handedly teaching all five classes (53 students) and since this being an appalling state of affairs, the matter was brought to the notice of Secretary Education to look into the matter & probe into it.

Appeal Case No. 2004 of 2020

Hearing dated 29.01.2021:

The case has come up for hearing today through video conferencing at DAC Fazilka. The respondent present pleaded that the information has been sent to the appellant vide letter dated 18.12.2020 with a copy to the Commission.

The appellant is absent nor has communicated any discrepancies. Hence it is presumed that the appellant has received the information and is satisfied.

However, if there are any discrepancies, the appellant is directed to point out to the PIO and the PIO is directed to remove the same.

With the above order, the case is **disposed off and closed**.

Chandigarh
Dated: 29.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh. Raman Chaudhary S/o Sh.KrishanLal,
R/o village Saiyadwala, Tehsil Abohar,
Distt.Fazilka.

...Appellant

Versus

Public Information Officer,
O/o XEN, Water Supply and Sanitation,
Division, Abohar, Distt. Fazilka.

First Appellate Authority,
O/o SE, Water Supply and Sanitation,
Circle Sri Mukatsar Sahib

...Respondent

Appeal Case No. 1338 of 2020

PRESENT: None for theAppellant
Mr.Ankush Khera, Clerk O/o Water Supply & Sanitation for the Respondent

ORDER:

The appellant through RTI application dated 12.02.2019 has sought information regarding list of water connection parks in village Sayadwalaalongwith list of consumers – rules/instruction to issue bills to consumers – rate of water bill per month being charged – copies of bills issued to consumers from 01.01.2019 to 12.12.2019 – bills recovered – receipts issued for the payment - and other information from the office of Xen -Water Supply and Sanitation Division Abohar. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 21.01.2020 which took no decision on the appeal. After filing an appeal, the PIO sent a reply to the appellant on 20.02.2020 stating that the information be obtained directly from the concerned Gram Panchayat Water Supply Committee . On being not satisfied with the reply, the appellant filed 2nd appeal in the Commission on27.05.2020.

The case first came up for hearing on 08.12.2020 through video conferencing at DAC Fazilka. The respondent present pleaded that the information has been supplied to the appellant.

The appellant was absent. After having gone through the reply, the Commission directed the PIO-Xen Water Supply & Sanitation Division to procure the information from the GPWSC and provide to the appellant within 15days.

Hearing dated 29.01.2021:

The case has come up for hearing today through video conferencing at DAC Fazilka. The respondent present pleaded that the information has been sent to the appellant vide letter dated 29.12.2020.

Appeal Case No. 1338 of 2020

The appellant is absent nor has communicated any discrepancies. Hence it is presumed that the appellant has received the information and is satisfied.

However, if there are any discrepancies, the appellant is directed to point out to the PIO and the PIO is directed to remove the same.

With the above order, the case is **disposed off and closed**.

Chandigarh
Dated: 29.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Rajinder Singh, S/o Sh Jaspal
Singh, VPO Amarpura, Tehsil Abohar,
Distt Fazilka.

Versus

...
Appellan
t

Public Information Officer,
O/o SSP,
Fazilka.

First Appellate Authority,
O/o IGP, Ferozepur Range,
Ferozepur

.....Respondent

Appeal Case No. 4208 of 2019

PRESEN

T: None for the Appellant
Sh.Ashok Kumar, DSP (HQ) Fazilka for the Respondent

ORDER:

The appellant through RTI application dated 29.07.2019 has sought information regarding backup of recording of CCTV cameras of police station Wahabwala Tehsil Abhoar of dated 22.07.2019 and other information concerning the office of SSP Fazilka. The appellant was denied the information by the PIO vide letter dated 12.08.2019 after which the appellant filed first appeal before the First Appellate Authority on 08.09.2019 which took no decision on the appeal.

The case was first heard on 26.02.2020. The respondent present pleaded that since the recording of the cameras in the police department is a secret document, the information cannot be provided and it is exempted under section 8(1)(G) of the RTI Act.

The appellant was absent. Having gone through the file, the Commission observed that there was nothing on record to establish that there is a larger public interest involved in disclosure of information. The appellant was directed to establish that there is sufficient public interest in disclosure of information since the PIO has denied the information under section 8(1)(G).

On the date of hearing on 22.09.2020, the appellant claimed that the PIO has not provided the information. The respondent stated that since the record being a secret document of the department, cannot be provided.

Hearing out both the parties, the commission was of the view that footage the appellant asked for the webcam placed at the entry of the police station for monitoring entry and exit of people at the police station is not a secret and this can be shared since webcam footage is defined as information in Section-2 (f) of the RTI Act. However, the commission also felt that there is not a point in providing the entire footage into the hands of an individual, and since the appellant was seeking a particular footage on a particular date and approximate time, the Commission directed the PIO of the Police Station Wahabwala to allow inspection to the appellant for dated 22.07.2019 on 23.09.2020 at 12.00 Noon. The PIO was directed to provide only that particular footage, if it exists, that the appellant is seeking.

On the date of last hearing on **10.11.2020**, the respondent pleaded that the footage has not been backed up. According to the respondent there is no provision to backup footage after a month of its existence.

The appellant however claimed that he had a communication from the police department which had assured him that the police would keep the back up as desired by him.

The appellant was directed to produce the particular email of the officer to the PIO, and the PIO was directed to investigate and provide the information as per earlier order of the Commission.

Hearing dated 25.01.2021:

The case has come up for hearing today through video conferencing at DAC Fazilka. The respondent present pleaded that the information has been provided to the appellant and the appellant has acknowledged having received the information.

The Commission has also received a letter of the PIO in this regard on 14.12.2020 along with acknowledgement from the appellant.

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

Chandigarh
Dated: 29.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

Sh.Aman Kumar s/o Sh.Bhagwan Dass
R/o H.No.2164, Lakar Mandi,
Abohar, District Fazilka

Appellant

Versus

Public Information Officer,
O/o Tehsildar, Abohar,
Distt.Fazilka.

First Appellate Authority,
O/o SDM, Abohar,
DisttFazilka

...Responde
nt

Appeal Case No. 4425 of 2019

PRESENT: Sh.Aman Kumar as the Appellant
Sh.Ram Kishan, Naib Tehsildar for the Respondent

ORDER:

The appellant through RTI application dated 30.08.2019 has sought information regarding Rapat No.371 dated 23.10.2019, Rapat No.1051 dated 03.07.2019 and mutation No.30752 dated 06.06.2019 and other information concerning the office of Tehsildar Abohar. The appellant was not satisfied with the reply of the PIO dated 24.09.2019 after which the appellant filed first appeal before the First Appellate Authority on 09.10.2019 which took no decision on the appeal.

The case was first heard on 12.03.2020. The respondent was absent. The Commission received a letter diary No.4004 on 28.02.2020 from the PIO stating that the information has been provided to the appellant vide letter dated 24.09.2019. The appellant was not satisfied and stated that he had received information only on points-1 & 2. Regarding point-3, the PIO had not provided the vasika number of the transfer deed. The PIO had also not provided the website of the department.

The PIO was directed to provide the following information to the appellant:

- Point-3 To provide vasika number and date of the transfer deed
- Point-4&5 To provide website of department and appropriately answer point-5

On the date of hearing on **22.09.2020**, the appellant claimed that the PIO has not provided the information. Sh.J.S.Brar, Tehsildar-cum-PIO appeared and assured to provide the information on that day itself. The respondent was directed to provide the informant as assured and send a compliance report to the Commission.

On the date of last hearing on **10.11.2020**, the appellant claimed that the PIO has not provided the information on points 4 & 5 whereas as per respondent, the information on point-4 is available on the website of the department.

Hearing both the parties, the respondent was directed to give appropriate reply on point-4 and provide a copy of the rules. The PIO was also directed to clarify point-5 and give reply on an affidavit.

Appeal Case No.4425 of 2019

Hearing dated 29.01.2021:

The case has come up for hearing today through video conferencing at DAC Fazilka. The respondent present pleaded that in compliance with the order of the Commission, the information on points 4 &5 has been provided to the appellant vide letter dated 08.01.2021 with a copy to the Commission. The appellant has received the information.

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

Chandigarh
Dated: 29.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

Sh Ajay Kumar, S/o Lt Sh Ram Rakha,
H No-A-1346, Street No-1,
Radha Swami Colony,
Fazilka.

...Appellant

Versus

Public Information Officer,
O/o DC,
Fazilka.

First Appellate Authority,
O/o DC,
Fazilka.

...Respondent

Appeal Case No. 3560 of 2019

PRESENT

: **None for the Appellant**
 Sh.Rajesh Kumar, PIO-cum-DEO (Primary)Fazilka for the
 Respondent

ORDER:

The appellant through RTI application dated 03.06.2019 sought information regarding approval of Shri Jain Elementary Primary Schook Fazilka by the Managing Committee – list of members – advertisement for election – list of work done and list of employees of the Managing Committee from the office of Deputy Commissioner, Fazilka. Since the information related to District Education Officer(Primary) Fazilka, the RTI was transferred by the office of DC Fazilka to DEO on 10.06.2019. The appellant was not provided the information after which the appellant filed first appeal on 09.07.2019 which took no decision on the appeal.

The case first came up for hearing on 22.01.2020. The respondent present from the office of DC Fazilka pleaded that since the information relates to the District Education Officer, they have already transferred the RTI application to them under section 6(3) vide letter dated 10.06.2019. The respondent from Education department was absent and vide email has sought exemption on the plea that the dealing assistant is on leave due to illness.

Having gone through the file, the Commission observed that there has been an enormous delay of 7 months in sending the reply. The Commission directed the PIO-District Education Officer(Primary) Fazilka to appear personally on the next date of hearing and explain the reasons for delay in attending to the RTI application. The appellant was absent and vide email has sought exemption.

On the date of hearing on **10.06.2020**, the respondent present pleaded that the information has been provided to the appellant by hand on 10.01.2020. The appellant was absent nor had pointed out any discrepancies.

Since there had been an enormous delay of 7 months in attending to the RTI application, and the PIO-District Education Officer(Primary) as per earlier direction did not appear personally nor filed any reasons for delay in attending to the RTI application, the PIO-District Education Officer(Primary) Fazilka was issued a **show cause under Section 20 of**

the RTI Act 2005 and directed to file reply on an affidavit as well as appear before the Commission along with the written replies.

Appeal Case No. 3560 of 2019

On the date of hearing on **22.09.2020**, the respondent informed that the information has been provided. The appellant was not satisfied. Having gone through the RTI application and hearing both the parties, the following was concluded:

- | | | |
|-----------|---|--|
| - Point-1 | - | As per respondent, the approval was granted to the Committee once only and the reply has been provided to the appellant. |
| - Point-2 | - | Information provided |
| - Point-3 | - | As per respondent, no advertisement was published and information has been provided. |
| - Point-4 | - | As per respondent, no govt employee is working and the information has been provided |

The PIO was directed to provide all the points on an affidavit. The respondent submitted reply to the show cause notice which was taken on the file of the Commission.

On the date of last hearing on **10.11.2020**, as per respondent, the information had been provided to the appellant. The appellant had received the information and was satisfied.

The PIO was absent. Since there had been an enormous delay of more than seven months in providing the information, a penalty of **Rs.5,000/-** was hereby imposed upon the PIO-DEO (Primary) Fazilka with the direction to produce a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

Hearing dated 29.01.2021:

The case has come up for hearing today **through video** conferencing at DAC Fazilka. The respondent present pleaded that in compliance with the order of the Commission, the amount of penalty of Rs.5000/- has been deposited in the Govt Treasury and a copy of challan has been sent to the Commission through email. The Commission has received the copy of challan which has been taken on the file of the Commission.

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

Chandigarh
Dated: 29.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC: to DEO (Primary),
Fazilka.