



Smt.Balwinder Kaur,  
H No- HM-130, Phase-4, Mohali.

... Complainant

Versus

**Public Information Officer,**  
O/o Addl, SE, PSPCL,  
Morinda Division, Kharar.

...Respondent

**Complaint Case No. 79 of 2019**

**RESENT: Sh.Sukhdeep Singh husband of Smt.BalwinderKaur for the Complainant  
None for the Respondent**

**ORDER:** The case was first heard on **07.05.2019**. The complainant pleaded that the PIO has not provided the information and informed that the ledger stands destroyed by the termites. The respondent was absent. The PIO was directed to file full reply whether any enquiry has been conducted in the matter which establishes that the record is missing or destroyed. Alternatively, the PIO was directed to ascertain, if this information is available through any other source, it be provided. The PIO was further directed to submit complete enquiry report and be present on the next date of hearing.

The case was again heard on **03.07.2019**. The appellant claimed that the PIO has not provided the information. The respondent was absent on 2<sup>nd</sup> consecutive hearing nor had sent any communication regarding the enquiry if any conducted for missing record. The PIO was issued a show **cause notice and directed to** file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission alongwith the written replies. The PIO was again directed to provide the information to the appellant within 15 days as per earlier order which still stands.

The case was last heard on **13.08.2019**. The respondent present pleaded that since the record stands destroyed by the termites, the information cannot be provided.

However, the respondent pleaded that even though the record is not available with them, they will procure the said record from LIC in whose custody a copy of the record might lie, and provide to the complainant. The respondent sought more time. The respondent further pleaded that there was no malafide on their part to hold back the information, the show cause be dropped. The plea was accepted. The respondent was directed to procure the information from the LIC and provide to the appellant before the next date of hearing. The decision on the show cause to be taken at the next date of hearing.

**Hearing dated 29.11.2019:**

Sh.Sukhdeep Singh husband of Smt.BalwinderKaur is present who informed that they have received the information and do not want to pursue the case further.

Since the information stands provided and the appellant does not want to pursue the case further, the show cause is dropped.

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

**Chandigarh**  
**Dated 29.11.2019**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

**Note:** Sh.Bachitter Singh, AE-Operation Sub-Division, PSPCL Kharar appeared late and he was informed that the case has been closed.



Sh.NareshGoel, S/o Sh Hans Raj,  
# 501/62/1, Shastri Nagar, Street No-3,  
Jagraon, Distt Ludhiana.

... Compliant

Versus

**Public Information Officer,**  
Tehsildar, Village Gill,  
Ludhiana(South)

...Respondent

**Complaint Case No. 986 of 2018**

**Present: Sh.Naresh Goel as Complainant**  
**Sh.Gurdev Singh, Tehsildar (South) Ludhiana for the Respondent**

**Order:**

The case was first heard on **27.11.2018**. The complainant informed that he has not received any communication from the PIO. The respondent was absent. The PIO was directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act and be present on the next date of hearing personally or through a representative.

The case was again heard on **16.01.2019**. The PIO was again absent nor sent any communication. The complainant was present and informed that no information was received. The respondent was given one more opportunity to provide the information to the appellant and be present on the next date of hearing failing which the Commission will be constrained to take action as per RTI Act.

The case again came up for hearing on **13.03.2019**. The complainant claimed that the PIO has not provided the information. The respondent was absent on 3<sup>rd</sup> consecutive hearing and nor sent any communication. The PIO –Tehsildar, Village Gill(Ludhiana) was issued a show **cause notice under section 20 of the RTI Act for not supplying the information within the statutorily prescribed period of time, and** directed to file an affidavit in this regard.

On the next date of hearing which was held on 14.05.2019, the complainant informed that no information has been provided. The respondent was again absent nor had sent any reply to the show cause notice. The PIO was given one last opportunity to comply with the earlier order of the Commission and be present on the next date of hearing alongwith the reply to the show cause notice on an affidavit.

The case was again heard on 03.07.2019. The PIO however in spite of the orders of the Commission to be personally present did not turned up nor had sent any reply to the show cause notice. Invoking section 20 of the RTI Act, a penalty of **Rs.15,000/-** was imposed upon the PIO, Tehsildar, under whose jurisdiction the Village Gill (Ludhiana) falls, which was be deposited in the Govt. Treasury.

Further, PIO, Tehsildar, Village Gill (Ludhiana) was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury. The PIO was again directed to provide the information within 10 days and send a compliance report to the Commission.

**Complaint Case No. 986 of 2018**

A copy of the order was sent to the Deputy Commissioner, Ludhiana to ascertain the PIO – Tehsildar, under whose jurisdiction Village Gill(Ludhiana) falls. To get the order served to the concerned PIO and to ensure compliance of this order, as well as ensure that the concerned PIO appears personally at the next date of hearing.

The case was last heard on **13.08.2019**. The respondent present pleaded that neither the RTI application nor any order of the Commission was received by them and they only received the order dated 03.07.2019 through the office of DC Ludhiana. The respondent also submitted a letter dated 09.08.2019 signed by the PIO-cum-Tehsildar, Ludhiana(West) whereby the Tehsildar Ludhiana(South) informed that he has just joined on 05.07.2019 and as per their record, no RTI application pertaining to this appeal case was pending nor any order of the Commission was received. A copy of the RTI application was provided to the respondent with a direction to look at the RTI application and provide the information to the appellant.

The respondent was also directed to inform the name of the PIO when the RTI application was filed and his period of stay. The concerned PIO is directed to be present personally at the next date of hearing.

**Hearing dated 29.11.2019:**

The PIO is present and informed that the available information has been provided to the appellant. The appellant has received the information and is satisfied.

Regarding deposit of penalty amount in the Govt treasury, the respondent pleaded that he has taken the charge as PIO-Tehsildar(South) recently in Oct. 2019 and delay has happened on the part of earlier Tehsildar Sh.Kanwar Narinder Singh who was the PIO-cum-Tehsildar (South) when the RTI application was filed. The respondent has also submitted a list of PIOs posted from the date of filing of RTI application till date. As per the list submitted, Sh.Kanwar Narinder Singh was the PIO from June,217 to 14.03.2019. The respondent has informed that Sh.Kanwal Narinder Singh is now posted as Sub-Registrar Ludhiana(West).

Sh.Kanwal Narinder Singh, Tehsildar Ludhiana(West) is hereby directed to appear before the Commission on the next date of hearing and plead his case. The present PIO is also directed to appear on the next date of hearing.

To come up for further hearing on **04.03.2020 at 11.00 AM.**

**Chandigarh**  
**Dated: 29.11.2019**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

**CC to : 1. Sh.Kanwal Narinder Singh,**  
**Tehsildar Ludhiana(West).**

**2. PIO-Deputy Commissioner, Ludhiana**



Sh.NareshGoel, S/o Sh Hans Raj,  
# 501/62/1, Shastri Nagar, Street No-3,  
Jagraon, Distt Ludhiana

... Compliant

Versus

**Public Information Officer,**  
**O/o Taluka Inspector of Land Records,**  
**Village Gill-2, Ludhiana.**

...Respondent

**Complaint Case No. 988 of 2018**

**Present:        Sh.Naresh Goel as Complainant**  
**Sh.Gurdev Singh, Tehsildar Ludhiana(South) for the Respondent**

**Order:**

The case was first heard on **27.11.2018**. The respondent was absent. As per complainant, he had not received any information from the PIO. The PIO was directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act and be present personally or through his representative on the next date of hearing.

The case was again heard on **16.01.2019**. The appellant informed that no information has been provided. The respondent was absent. The respondent was given one more opportunity to provide the information to the appellant and be present on the next date of hearing failing which the Commission will be constrained to take action as per RTI Act.

The case was again heard on **13.03.2019**. The appellant claimed that he has not received the information. The respondent was absent on 3<sup>rd</sup> consecutive hearing. The PIO- Taluka Inspector of Land Records, Village Gill-2, Ludhiana 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.

The case was again heard on **14.05.2019**. The complainant informed that no information has been provided to him. The respondent was absent nor had sent any reply to the show cause notice. The PIO was granted one last opportunity to comply with the earlier order of the Commission which still stands and be present on the next date of hearing alongwith the reply to the show cause notice on an affidavit.

The case was last heard on **03.07.2019**. The complainant claimed that he has not received the information. The respondent was absent nor has sent any reply to the show cause notice issued on 13.03.2019. The PIO was given one more opportunity to comply with the earlier order of the Commission which still stands.

A copy of the order was also sent to the Deputy Commissioner, Ludhiana to ascertain that who is the PIO of Taluka Inspector of Land Records, Village Gill-2 Ludhiana and get the order served to the concerned PIO and further ensure compliance of this order as well as ensure that the concerned PIO to appear at the next date of hearing.

**Complaint Case No. 988 of 2018**

The case was last heard on **13.08.2019**. Sh.Harvinder Singh, reader of Tehsildar(South) who appeared in appeal case No.986/2018 informed that the information relates to them. He however, further informed that no RTI application or any order of the Commission was received by them. A copy of the RTI application was handed over to him with a direction to look at the RTI application and provide the information to the appellant.

**Hearing dated 29.11.2019:**

The respondent present pleaded that the information has been provided to the appellant. The appellant has received the information and is satisfied.

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

Chandigarh  
Dated: 29.11.2019

Sd/-  
(Khushwant Singh)  
State Information Commissioner

**CC to 1. PIO-Deputy Commissioner, Patiala**

**2. PIO-Tehsildar Village Gill-2, Ludhiana(South).**



Smt.Sukhvinder Kaur, W/o Lt.Sh.Baldev Singh,  
VPO HardoJhande, Tehsil Batala.  
Distt.Gurdaspur.

... Appellant

Versus

**Public Information Officer,**  
SDO-Grid Construction Sub-Division,  
PSPCL Batala.

...Respondent

**Complaint Case No. 1143 of 2018**

**Present:       None for the Complainant**  
**Sh.Navjot Singh, SDO-Grid Construction Sub-Division, PSPCL Batala for**  
**the Respondent**

**Order:**

The case was first heard on 04.02.2019. The Complainant claimed that the PIO has not provided the information. The Commission observed that there has been an enormous delay in providing the information, the PIO was issued a **show cause notice** and directed to file reply on an affidavit. Further If there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission alongwith the written replies. The PIO was again directed to provide the information within 10 days.

The case was again heard on 19.03.2019. The complainant informed that no information has been provided. The respondent was again absent nor had sent any reply to the show cause notice. The PIO was given one last opportunity to comply with the earlier order of the Commission which still stands and be present on the next date of hearing alongwith the reply to the show cause notice on an affidavit.

The case came up for hearing again on 15.05.2019. Both the parties were absent. The case was adjourned. The PIO was directed to comply with the earlier order of the Commission and be present on the next date of hearing alongwith reply to the show cause notice . A copy of the order was sent to the Xen-PSPCL, Batala to determine the PIO under whose custody the information exists and to direct the concerned PIO to provide the information and appear before the Commission on the next date of hearing.

The case was again heard on 17.07.2019. The PIO however in spite of the orders of the Commission to be personally present had not turned up nor had sent any reply to the show cause notice. A penalty of **Rs.25,000/-** was imposed upon the PIO-SDO PSPCL, Batala and the PIO was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury. The PIO was again directed to provide the information within 10 days and send a compliance report to the Commission.

The PIO-SDO PSPCL, Batala was also 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 complainant.

A copy of the order was sent to the Xen, PSPCL Batala to get the order served to the concerned PIO and to ensure compliance of this order, as well as ensure that the concerned PIO to provide the information and appears personally at the next date of hearing.

The case was last heard on **28.08.2019**. The respondent present from the office of Xen-City PSPCL Batala informed that there are six SDOs of PSPCL in Batala and no RTI application has been received by them. According to the complainant, Sh.Baldev Singh was working as work charge employee in the office of SDO-Grid, PSPCL- Gurdaspur Road, Batala. A copy of the RTI application was handed over to the respondent.

The Chief Engineer, Border Zone, PSPCL Amritsar was impleaded in the case and directed to get the order served to the concerned PIO-SDO Batala under whose custody the information lies. The concerned PIO was directed to provide the information and to appear personally on the next date of hearing. The matter of penalty and compensation to be taken at the next date of hearing.

**Hearing dated 29.11.2019:**

The respondent present pleaded that they have received the RTI application only on 14.10.2019 from the office of Additional SE Grid Construction Division PSPCL Amritsar and the information has been provided to the appellant vide letter dated 23.10.2019.

The appellant is absent. The case is adjourned.

To come up for further hearing on **04.03.2020 at 11.00 AM**.

Chandigarh  
Dated: 29.11.2019

Sd/-  
(Khushwant Singh)  
State Information Commissioner

CC to 1. Chief Engineer, Border Zone,  
PSPCL Amritsar.

2. The Xen, PSPCL, Batala.

3. Sr. Xen, PSPCL Batala



ShJagshir Singh, S/oShGian Singh,  
# 9/20, MandiMullanpur,Ludhiana.

... Appellant

Versus

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

**First Appellate Authority,**  
Deputy Inspector General of Police,  
Ludhiana Range, Ludhiana.

...Respondent

**Appeal case No. 135 of 2019**

**PRESENT:   None for the Appellant**  
**Sh.Surjit Singh O/o DSP Dakha for the Respondent**

**ORDER:**

The appellant through RTI application dated 29.08.2018 sought information regarding action taken on the application No.144-5CF.DSP Dhaka dated 16.11.2017.

The case was first heard by Sh.S.S.Channay, Chief Information Commissioner on 26.02.2019. Sh.Balbir Chand, ASI appeared on behalf of the respondent who informed that the record is not traceable. Having gone through the file, it was observed that as per letter dated 04.10.2018, received in the Commission, the first appeal of the appellant was transferred to SSP-cum-PIO Ludhiana(Rural) for supplying the information. The appellant informed that the application is still pending with DSP Dakha. Due to non-serious attitude of the PIO, a show cause was issued to Sh.Gurbans Singh Bains, DSP Dakha and an opportunity of personal hearing on the next date of hearing was given to him.

The case was again heard on 02.04.2019. A representative of the respondent present explained the position and submitted letter dated 01.04.2019 from SHO-cum-PIO Police Station Dakha stating that the requisite information has been sent to the appellant vide email in a speaking order dated 01.04.2019. The respondent submitted a copy of the FIR to the Commission and handed over a copy of the same to the appellant. The appellant stated that he wants action taken report on his complaint. After hearing both the parties, the PIO was directed to send detailed reply to the appellant with a copy to the Commission narrating as to what action has been taken on the said complaint of the appellant from 16.11.2017 to 01.04.2019..

The case was last heard on 21.08.2019 by this bench. The respondent present submitted a letter dated 20.08.2019 from the PIO-cum-Inspector, Police Station Dakha vide which the PIO sought more time to prepare the reply/information on the plea that the staff is deputed for maintaining law and order locally as well as high water level in the Sutlej River.

The case was adjourned. The PIO was directed to comply with the earlier order of the Commission and send a compliance report to the Commission.



**Appeal case No. 135 of 2019**

**Hearing dated 29.11.2019:**

The respondent present informed that in compliance with the order of the Commission, the information has been provided to the appellant on 26.11.2019 via his email and a copy of the same is submitted to the Commission. The appellant is absent nor has sent any discrepancy in the information. It is presumed that the appellant has received the information and is satisfied.

Since the information stands provided, no further course of action is required. The show cause is dropped and the case is **disposed off and closed**.

**Chandigarh**  
**Dated:29.11.2019**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**



Sh.Manjeet Singh,  
H No-1435, Street No-6, Block-A,  
Guru Nanak Colony, Gill Road,  
Ludhiana.

.....Appellant.

Versus

**Public Information Officer,**  
O/o XEN, PSPCL,  
Unit-1, Ludhiana-3, Ludhiana.

**First Appellate Authority,**  
O/o XEN, PSPCL, Unit-1-2443,  
Sub Division-1, Ludhiana-3,  
Ludhiana.

...Respondent

**Appeal Case No. 407 of 2019**

**PRESENT: Sh.Manjit Singh as the Appellant**  
**None for the Respondent**

**ORDER:** The case was first heard on **07.05.2019**. The appellant informed that the PIO has not provided the information. The respondent was absent. The PIO was directed to provide the information as per RTI application and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act. The PIO was also directed to be present personally or through a representative on the next date of hearing.

The case was last heard on **03.07.2019**. The appellant claimed that the PIO has not provided the information. The respondent Sh.Gurcharan Singh, AEE PSPCL Janta Nagar, Ludhiana appeared late and informed that they have already supplied the information to the appellant vide letter dated 13.12.2018 which the appellant had acknowledged having received the information on 17.01.2019. A copy of acknowledgement was submitted to the Commission.

The case was last heard on **13.08.2019**. The respondent present informed that the information has been provided to the appellant. The appellant was not satisfied and stated that he wants the status of his complaint. The PIO was directed to relook at the RTI application and provide status report on the complaint of the appellant.

**Hearing dated 29.11.2019:**

The appellant claims that the PIO has not provided the information. The respondent is absent. The Commission observes that the case is pending for long and there is an enormous delay in providing the actual information. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time**. He/she should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is again directed to provide the information to the appellant within 10 days.

To come up for further hearing on **27.01.2020 at 11.00 AM**.

**Chandigarh**  
**Dated 29.11.2019**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**



Sh. Krishan Gopal Singla,  
Ward NO-16-B/190, Sangrur Road,  
Dhuri, Distt.Sangrur.

... Appellant

Versus

**Public Information Officer,**  
O/o DC,  
Amritsar.

**First Appellate Authority,**  
O/o DC,  
Amritsar.

...Respondent

**Appeal No.723 of 2019**

**PRESENT:**   None on behalf of the Appellant  
                  Sh.Paras Dhawan O/o Sub-Registrar, Amritsar-1 and Sh.Gora Singh O/o  
                  Sub-Registrar, Amritsar-II for the Respondent

**ORDER:**

The case was last heard on 21.08.2019. The representative present on behalf of the appellant informed that the PIO has denied the information stating that the information sought is in question form whereas he has asked for the documents required for registration of vasika for the property falling in redline of the city.

Hearing both the parties, the respondent was directed to relook at the RTI application and provide copies of any circular/notification issued by the Govt.(2010 onwards) stating the basis of identification through which the ownership of property can be transferred in the name of the occupants.

**Hearing dated 29.11.2019:**

The respondent present pleaded that the information has been provided to the appellant vide letter dated 16.09.2019 and a copy of the same is submitted to the Commission. The appellant is absent and vide email Sh.Prem Kumar Rattan, a representative of the appellant has informed that the PIO has not provided the information as sought in the RTI application.

Having gone through the RTI application and the information provided by the PIO, I find that the information has been provided to the best possible extent and no further course of action is required.

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

**Chandigarh**  
**Dated:29.11.2019**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**



Sh. Krishan Gopal Singla,  
Ward NO-16-B/190, Sangrur Road,  
Dhuri, Distt.Sangrur.

... Appellant

Versus

**Public Information Officer,**  
O/o DC,  
Ludhiana.

**First Appellate Authority,**  
O/o DC,  
Ludhiana.

...Respondent

**Appeal No.725 of 2019**

**PRESENT:   None for the Appellant**  
**None for the Respondent**

**ORDER:**

The case was last heard on 21.08.2019. The respondent present pleaded that the information has been provided to the appellant. The appellant stated that the information is not available on the website of the department. The appellant further stated that he has asked for the documents required for registration of vasika for the property falling in redline of the city.

Hearing both the parties, the respondent was directed to relook at the RTI application and provide copies of any circular/notification issued by the Govt.(2010 onwards) stating the basis of identification through which the ownership of property can be transferred in the name of the occupants.

**Hearing dated 29.11.2019:**

Both the parties are absent. The Commission has received an email from the PIO stating that the information has been provided to the appellant vide letter dated 18.09.2019. Sh.Prem Kumar Rattan, a representative of the appellant vide email has informed that the PIO has not provided the information as sought in the RTI application.

The case is adjourned. To come up for further hearing on **27.01.2020 at 11.00 AM.**

**Chandigarh**  
**Dated:29.11.2019**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**



ShJasvir Singh,  
H No-310, Baba Namdev Road, Jandiala Guru,  
Distt Amritsar.

... Appellant

Versus

**Public Information Officer,**  
O/o Chief Engineer,  
Technical Audit/ Inspect,  
PSPCL, Patiala.

**First Appellate Authority,**  
Chief Engineer, Technical Audit Inspection,  
PSPCL, Patiala.

...Respondent

**Complaint Case No. 1104 of 2019**

**PRESENT: Sh.Jasvir Singh as the Appellant**  
**None for the Respondent**

**ORDER:**

The case was last heard on 24.07.2019. The respondent present from the office of CE-TA/Inspect, PSPCL Patiala pleaded that the information relates to the office of Dy Chief Engineer, Operation Division, PSPCL Gurdaspur and they had asked the concerned office vide letter dated 02.04.2019 to provide the information. However, the office of Dy.CE (Operation Div) Gurdaspur shown their inability to provide the information stating that the record is not available with them. The appellant in his RTI application has sought to inspect the original record which as per respondent lies in the custody of the Dy.Chief Engineer-Operation Division, PSPCL Gurdaspur.

The PIO-Dy.Chief Engineer, Operation Division, PSPCL Gurdaspur was impleaded in the case and directed to allow the inspection of the original record to the appellant and provide the information that he requires. In case, the original record is not traceable, even though it should be in the custody of the Dy. CE-Operation Division, PSPCL Gurdaspur as per document submitted by the respondent-TA/Elec, the Commission will be constrained to order an enquiry into the matter for tracing the original record.

A copy of the order was sent to the Chief Engineer, Border Zone, PSPCL Gurdaspur to look into the matter and ensure that the PIO to allow inspection of the original record to the appellant and provide the relevant information as per the RTI application.

The case was last heard on **28.08.2019**. The respondent present from the office of PSPCL Gurdaspur pleaded that the information regarding points A & C relates to the office of PIO-Chief Engineer, TA/Inspection Patiala and the information regarding point-B has already been provided to the appellant. The respondent present from the office of Chief Engineer, PSPCL Patiala informed that the original record is not available. The appellant was absent. The case was adjourned.

**Complaint Case No. 1104 of 2019**

**Hearing dated 26.11.2019.**

The respondent is absent. The appellant is present and informed that he is satisfied with the reply of the PIO given at the hearing on 28.08.2019.

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

**Chandigarh**  
**Dated:29.11.2019**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

**CC to : 1. PIO- Dy.Chief Engineer, Operation Division,**  
**PSPCL Gurdaspur**  
**2. Chief Engineer, Border Zone, PSPCL Gurdaspur**

**Note:**Sh.Deepak Kumar, Sr.Xen/Tech-cum-APIO PSPCL Circule Gurdaspur and Sh.Dharamvir Kamal, Sr.Xen –Tech PSPCL Patiala appeared late and they were informed that the case stands disposed off.



Sh. Karan Singh, S/o Sh. Shyam Singh,  
# 79, High Land Society, Baltana, Zirakpur.

... Appellant

Versus

**Public Information Officer,**  
State Transport Commissioner,  
Sector-17, Chandigarh.

**First Appellate Authority,**  
State Transport Commissioner,  
Sector-17,  
Chandigarh.

...Respondent

**Appeal Case No. 1751 of 2018**

**Present:**       **Sh.Rohit Singla, advocate for the Appellant**  
                  **Sh.Payara Singh-PIO-STC for the Respondent**

**ORDER:**       The case was first heard on **29.08.2018**. The appellant petitioned for the information, as well as appropriate action against the PIO in accordance with the RTI Act for the delay in tending to his RTI application.

Sh.Gurpal Singh, APIO was present who claimed that the record pertaining to the information sought is missing and sought more time to trace the record. The plea of the respondent was accepted and the case was adjourned with the instructions that the department makes a diligent effort to trace the file.

The case was again heard on **17.10.2018**. The APIO, Gurpal Singh in this hearing had changed the earlier stand of the missing file to deny information, to a different reason that even though the file has been traced, the office of the State Transport Commissioner cannot part with the information. The PIO attached an order of the Government of Punjab dated 23.02.2006 whereby it had notified exempting certain organizations from the Act.

On close scrutiny of the reply submitted by the PIO, it was observed that the PIO's reply is not in accordance with the RTI sought since the information sought was about usage of official vehicles attached with a former Minister, and hence had nothing to do with the Chief Minister's security.

The appellant pleaded that his RTI application pertains to the expenditure and names of drivers attached to former Minister's vehicles and has nothing to do with the security cover provided to the minister, Chief Minister or the Minister concerned. The appellant sought an adjournment due to ill health as well as to prepare and file his reply to the exemption that the respondent has sought.

The case was further heard on **22.01.2019**. The appellant was absent. The respondent, brought the information for point No-2. The respondent was directed to send the information of point No.2 to the appellant by registered post. For information regarding point number-1 the respondent pleaded for more time. The reason cited was that since the record asked is for ten years, it is voluminous in nature, for which more time is required.

The case was again heard on **24.04.2019**. The respondent brought the information and handed over to the appellant. The appellant wanted to go through the information to point out the discrepancies, if any. The case was adjourned.

The case was again heard on **12.06.2019**. The respondent brought eight logbooks. The appellant was absent nor had communicated any discrepancy. The PIO was directed to bring the logbooks at the next date of hearing. Since the record appears to be voluminous the appellant was given last opportunity to browse through the logbooks and get the relevant record.

Furthermore, having gone through the entire case, the Commission observed that there are far too many RTI queries seeking details of vehicle numbers, fuel consumption and kilometers travelled of various ministers and these cases are in perpetuity in the commission which took attention of the Commission to section 4(2) of the RTI Act which states; it shall be a constant endeavor of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suomotu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

Section 2 (f) that defines the meaning of information clearly describes logbooks as information and the above argument herewith further takes me to Section 19(8)(a)(iii) of the RTI Act, which empowers the Central Information Commission or State Information Commission to require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including by publishing certain information or categories of information,

Under the powers vested in this section, and for the sake of brining transparency in the manner fuel expenses incurred on official vehicles of the Punjab ministers, The Commission directed the Transport Department, Punjab to proactively publish and upload the information available under its custody regarding monthly fuel expenses, kilometers, travelled of all the ministers of Punjab, in the format in which they are maintained by the public authority, subject to the proviso of the exemptions to be applicable to the vehicles used by the security wing as notified by the Govt. under section 24 of the RTI Act. The information was to be uploaded from 1<sup>st</sup> of January 2012 onwards to the present, with a provision to upgrade it every quarterly. The department was asked to take cue from PMO's website where the PMO has proactively disclosed expenditures incurred on the Prime Minister's various foreign visits (<https://www.pmindia.gov.in/en/details-of-foreigndomestic-visits/0>)

The Commission directed the Transport Department to prepare a roadmap and submit it at the next date of hearing for this order to be implemented in earnestness.

The case was last heard on **06.08.2019**. The respondent again brought the log books. The appellant wanted help of some-one to go through the log books, which were written in Punjabi, and also wanted to inspect the record. The PIO was directed to allow inspection of the record to the appellant and provide the relevant information. The appellant was directed to visit the office of the PIO on 08.08.2019 at 11.00 AM and inspect the record and get relevant information.

#### **Hearing dated 29.11.2019:**

The respondent present has brought a reply in which they have stated that the appellant has inspected the record on 05.09.2019.. The appellant who was absent at the hearing turned up late and informed that he is yet to receive the information that he had detailed during the inspection.



**Appeal Case No. 1751 of 2018**

The order of the Commission was in two parts. The first part of the order was regarding the log books, which has been settled as the appellant has inspected the record and the department is to send the detailed information to the appellant, which the department is directed to send within 10 days. The second part of the order to the Transport Department was to proactively publish and upload the information available under its custody regarding monthly fuel expenses, kilometers, travelled of all the ministers of Punjab, in the format in which they are maintained by the public authority, subject to the proviso of the exemptions to be applicable to the vehicles used by the security wing as notified by the Govt. under section 24 of the RTI Act. The information was to be uploaded from 1<sup>st</sup> of January 2012 onwards to the present, with a provision to upgrade it every quarterly.

The department was ordered to provide a roadmap, which it has failed to provide in the last two hearings. I hereby direct the State Transport Commissioner to ensure compliance of this order before the next date of hearing.

The case is adjourned. To come up for further hearing on **04.03.2020 at 11.00 AM.**

**Chandigarh**  
**Dated: 29.11.2029**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**



Sh Karan Singh, S/o Sh. Shyam Singh,  
# 79, High Land Society, Baltana, Zirakpur.

... Appellant

Versus

**Public Information Officer,**  
State Transport Commissioner,  
Sector-17, Chandigarh.

**First Appellate Authority,**  
State Transport Commissioner,  
Sector-17, Chandigarh.

...Respondent

**Appeal Case No. 1752 of 2018**

**Present: Sh.Rohit Singla, advocate for the Appellant**  
**Sh.Payara Singh-PIO-STC for the Respondent**

**ORDER:** The case was last heard on **29.08.2018**. Sh.Gurpal Singh, APIO was present. The respondent pleaded that the information was sent to the appellant on 17.04.2018. The appellant pleaded that he has not received the information. The respondent again brought the information and handed over to the appellant.

The appellant was asked to go through the information and inform the discrepancy, if any, to the PIO. The PIO was directed to remove the discrepancy.

The case was again heard on **17.10.2018**. The appellant informed that no information has been provided to him. The respondent at this hearing had changed his stand from providing the information to not providing the information. The PIO attached an order of the Government of Punjab dated 23.02.2006 whereby it had notified exempting certain organizations from the Act.

On close scrutiny of the reply submitted by the PIO, it was observed that the PIO's reply is not in accordance with the RTI sought since the information sought was about usage of official vehicles attached with a former Minister, and hence had nothing to do with the Chief Minister's security.

The appellant pleaded that his RTI application pertains to the expenditure and names of drivers attached to former Minister's vehicles and has nothing to do with the security cover provided to the minister, Chief Minister or the Minister concerned. The appellant sought an adjournment due to ill health as well as to prepare and file his reply to the exemption that the respondent has sought.

The case was further heard on **22.01.2019**. The appellant was absent. The respondent present pleaded for more time citing the reason that since the record asked is for ten years, it is voluminous in nature, for which more time is required.

The case was again heard on **24.04.2019**. The respondent present reiterated his earlier plea to not to provide the information. The appellant filed a reply to the exemption that was sought by the PIO which was taken on the file of the Commission. In the reply the appellant cited judgments of the Hon'ble High Court in case titled Additional Director General of Police v/s State Information Commissioner, decision of Central Information Commission in case titled Subhash Chandra Aggarwal v/s CPIO, President's Secretariat, New Delhi. A copy of the reply was provided to the respondent and the case was adjourned.

The case was further heard on **12.06.2019**. The respondent brought log books (43 in number) for the appellant to inspect the record and get the relevant information. The appellant was absent. The PIO was directed to bring the log books again at the next date of hearing. Since the record is voluminous, one last opportunity was granted to the appellant to appear and go through the log books and get the relevant information.

The case was last heard on **06.08.2019**:

The respondent again brought log books. The appellant wanted help of some-one to go through the log books, which were written in Punjabi, and also wanted to inspect the record. The PIO was directed to allow inspection of the record to the appellant and provide the relevant information. The appellant was directed to visit the office of the PIO on 08.08.2019 at 11.00 AM and inspect the record and get relevant information.

**Hearing dated 29.11.2019:**

The respondent present has brought reply where they have stated that the appellant has inspected the record on 05.09.2019 but the appellant has not submitted any objection or discrepancies. The appellant is absent. The advocate appeared on behalf of the appellant is without authority letter.

Sh.Karan Singh, appellant appeared late and informed that he has completed the inspection and has specified the information to the respondent that he wants. As per appellant, he has not received the information that he specified.

Since the appellant has raised point that he has not received the information that he specified, the respondent is directed to provide the information within 15 days.

To come up for further hearing on **04.03.2020 at 11.00 A.M.**

**Chandigarh**  
**Dated: 29.11.2019**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**



Sh Karan Singh, S/o Sh. Shyam Singh,  
# 79, High Land Society, Baltana, Zirakpur.

... Appellant

Versus

**Public Information Officer,**  
State Transport Commissioner,  
Sector-17, Chandigarh.

**First Appellate Authority,**  
State Transport Commissioner,  
Sector-17, Chandigarh.

... Respondent

**Appeal Case No. 1753 of 2018**

**Present: Sh. Rohit Singla, advocate for the Appellant**  
**Sh. Payara Singh-PIO-STC for the Respondent**

**ORDER:** The case was first heard on **29.08.2018**. The appellant petitioned for the information, as well as appropriate action against the PIO in accordance with the RTI Act for the delay in tending to his RTI application.

The respondent denied the information on points 1, 2, & 3 stating that the information sought is in the question form and cited an order of Chief Information Commissioner on dated 21/4/2006 whereby it was stated that the PIO is not obliged to provide information if it is in question form. The respondent, at the hearing, also cited security reasons for denial of information. The matter before the commission to adjudicate was:

- 1) That whether the reasons for denial of information hold any ground under the RTI Act, 2005 or are mere pretexts to deny information.
- 2) That if the RTI application appears to be in question form, can it become a ground for denial of information, even though the information may be available with the Public Authority?
- 3) That whether the appellant has applied for information in a coherent form?

The Commission passed the following interim order

**Interim Order-**

1) The commission finds that the reason that divulging information about security men and drivers of a former minister can become a security hazard is rather far-fetched. A mere assumption cannot become a basis to deny information unless backed by material evidence. The PIO is hereby directed to cite the appropriate RTI Act rule, which exempts such information to be shared.

2) The PIO is also directed to mention the sections of the RTI Act under which the information has been denied in the letter (No-3631 dated 24/8/18) since denial of information has to be based on exemptions granted under the RTI Act and not arbitrarily.

3) The appellant is also hereby directed to be more specific with the identities of the persons about whom the information is being sought. Just writing two names and asking which minister they were attached to as drivers, and assuming that the public authority should know exactly that whom the appellant is referring to, is an unseemly way of seeking information. For example, if the appellant is seeking information about driver Kamal Kishor he should be more elaborate to identify the Kamal Kishor he is asking about. If not, then he should identify the Minister with whom he was attached to seek information about him. Obviously, there can be more than one Kamal Kishore and there can be many who are not attached with a minister. The appellant

is hereby ordered to be more specific with the information that he seeks and bring the clarification at the next date of hearing.

The case was again heard on **17.10.2018**. The respondent at this hearing changed the reasons to not provide information. The PIO attached an order of the Government of Punjab dated 23.02.2006 whereby it had notified exempting certain organizations from the Act

On close scrutiny of the reply submitted by the PIO, it was observed that the PIO's reply was not in accordance with the RTI sought. The information sought is about Mr. Davinder Singh (Belt number 833), Mr. Bawa Singh (Driver) and one Kamal Kishor (Driver) that with which minister/ official and government vehicle was he attached as a driver and hence has nothing to do with the Chief Minister's security.

The appellant pleaded that his RTI application pertains to the expenditure and names of drivers attached to former Minister's vehicles and has nothing to do with the security cover provided to the minister, Chief Minister or the Minister concerned. The appellant sought an adjournment due to ill health as well as to prepare and file his reply to the exemption that the respondent has sought.

The case again came up for hearing on **22.01.2019**. The respondent brought the information. The appellant was absent. A copy of the information was enclosed with the order.

The case was again heard on **24.04.2019**. The respondent present pleaded that the information has been provided to the appellant. The appellant claimed that the PIO has not provided the information regarding distance covered per month with month-wise expenses. The PIO was directed to provide the information with month-wise expenses for all the 3 points.

The case was last heard on **12.06.2019**. The respondent brought log books (12 in number) for the appellant to inspect the record and get the relevant information. The appellant was absent. The PIO was directed to bring the log books again at the next date of hearing. Since the record is voluminous, one last opportunity was granted to the appellant to appear and go through the log books and get the relevant information.

The case was last heard on **06.08.2019**. The respondent again brought the log books. The appellant wanted help of some-one to go through the log books, which were written in Punjabi, and also wanted to inspect the record. The PIO was directed to allow inspection of the record to the appellant and provide the relevant information. The appellant was directed to visit the office of the PIO on 08.08.2019 at 11.00 AM and inspect the record and get relevant information.

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The respondent present has brought reply where they have stated that the appellant has inspected the record on 05.09.2019 but the appellant has not submitted any objection or discrepancies. The appellant is absent. The advocate appeared on behalf of the appellant is without authority letter.

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Since the appellant has raised point that he has not received the information that he specified, the respondent is directed to provide the information within 15 days.

To come up for further hearing on **04.03.2020 at 11.00 A.M.**

**Sd/-**

**Chandigarh**  
**Dated: 29.11.2019**

**(Khushwant Singh)**  
**State Information Commissioner**