

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Ms. Jagroop Kaur D/o Late Sh Rajinder Singh,
VPO Paddi Jagir, Tehsil Phillaur,
Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o Civil Hospital,
Jalandhar.

First Appellate Authority,
O/o Civil Hospital,
Jalandhar.

...Respondent

Appeal Case No. 5004 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 09.06.2021, has sought information on 06 points regarding a copy of admission form of Rajinder Singh s/o Nirmal Singh, patient of art center & de-addiction center – medical record/all test reports/ medicines record/ prescription slip and other information as enumerated in the RTI application from the office of Civil Surgeon, Jalandhar. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 17.07.2021, which did not decide on the appeal.

The case first came up for hearing on 07.06.2022 through video conferencing at DAC Jalandhar. The respondent present pleaded that the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention & Control Act, 2017), Ministry of Law and Justice via Gazette notification chapter No.4 clearly states that no person shall be compelled to disclose the HIV status except by order of a court that the disclosure of such information is necessary in the interest of justice for the determination of issues in the matter before it. Hence the information cannot be provided, and the reply has already been sent to the appellant vide letter dated 20.08.2021.

The appellant was absent. The case was adjourned.

On the date of last hearing on **03.10.2022**, both parties were absent.

Having gone through the record, the Commission observed that Ms. Jagroop Kaur is the widow of the deceased person about whom she is seeking information. This commission observed that there is no way to deny the information, as for all practical purposes, the appellant being the wife, would be the deceased person's representative for any other purpose required by law.

Moreover, in the X Vs Hospital Z, 1999 AIR(SC) 495, the Hon'ble Supreme Court held that it was open to the hospital or the doctor concerned to reveal the information regarding HIV positive status to persons related to the girl whom the HIV positive person intended to marry as she had right to be informed. In the present case, the applicant is comparatively at a better footing as she is a widow and legal representative of her deceased husband.

Appeal Case No. 5004 of 2021

Moreover, Section 22 of the RTI Act is **to have an overriding effect, it states the following.** —The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 1923), and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.”

Since no exemption had been sought under the provisions provided under the RTI Act, this information cannot be denied.

Given the above reasons, the PIO was directed to provide the sought information immediately.

Hearing dated 29.11.2022:

The case has come up for hearing today through video conferencing at DAC Jalandhar. The respondent is absent nor is represented.

There is nothing on record that the order of the Commission has been complied with by the PIO.

The appellant is also absent nor has communicated whether she has received the information or not.

Earlier order stands. The PIO is directed to comply with the earlier order of the Commission, which still stands and provide information to the appellant with a copy to the Commission.

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

Chandigarh
Dated: 29.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Kulbir Pal S/o Sh Assa Ram,
Village Kalianpur, Distt Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o DDPO,
Jalandhar.

First Appellate Authority,
O/o DDPO,
Jalandhar

...Respondent

Appeal Case No. 46 of 2022

PRESENT: Sh.Kulbir Pal as the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 06.07.2021 has sought information on 04 points regarding the grants received from the Govt from 2007-08 to 2020-21 – the details of the expenditure made alongwith their utilization certificates – a copy of the cash book – the resolution passed by the gram panchayat for utilization of grants from the office of DDPO-Jalandhar.. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 26.08.2021, which did not decide on the appeal.

The case last came up for hearing on 21.06.2022 through video conferencing at DAC Jalandhar. The respondent present pleaded that the information has already been provided to the appellant.

As per the appellant, the information was incomplete and the discrepancies had been pointed out to the PIO but the same have not been sorted out.

Having gone through the RTI application and hearing both the parties, the appellant was directed to inspect the record by visiting the office of the PIO on 01.07.2022 at 11.00 AM and get the relevant information.

The PIO was directed to allow the inspection of the record and provide the remaining information. If the information is not available, to give in writing on an affidavit.

Hearing dated 29.11.2022:

The case has come up for hearing today through video conferencing at DAC Jalandhar. The appellant is present and stated that the affidavit supplied by the department is neither on the stamp paper nor signed by the PIO as well as not notarized .

The respondent is absent nor is represented.

The PIO is directed to provide an affidavit that the information that has been provided is true, complete and no further information is available in the record relating to this RTI application. The affidavit should be on stamp paper duly signed by the PIO and notarized by the Notary. The affidavit be provided within 15 days from the receipt of the order.

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

Chandigarh
Dated: 29.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Kulbir Pal S/o Sh Assa Ram,
Village Kalianpur, Distt Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o Panchayat Secretary, West,
Jalandhar.

First Appellate Authority,
O/o DDPO,
Jalandhar

...Respondent

Appeal Case No. 29 of 2022

PRESENT: Sh.Kulbir Pal as the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 06.07.2021 has sought information on 03 points regarding resolution passed by village Kalianpur Panchayat from 2007-08 to 2020-21 – details of the shamlat land of villagea -a copy of the demarcation from the date of the formation of the present panchayat to the year 2020-21 from the office of Panchayat Secretary (West), Jalandhar. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 26.08.2021, which did not decide on the appeal.

The case last came up for hearing on 21.06.2022 through video conferencing at DAC Jalandhar. The respondent present pleaded that the information has already been provided to the appellant.

As per the appellant, the information was incomplete (page numbers 47, 48, 49 & 50 of 2011) and the resolution for the year 2007-08 was not was provided.

Having gone through the RTI application and hearing both the parties, the appellant was directed to inspect the record and get the relevant information.

The PIO was directed to allow inspection of the record and provide the remaining information. If the information is not available, to give in writing on an affidavit.

Hearing dated 29.11.2022:

The case has come up for hearing today through video conferencing at DAC Jalandhar. The respondent is absent.

The appellant is present and informed that he has received the information and is satisfied.

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

Chandigarh
Dated: 29.11.2022

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 Varinder Singh, S/o Sh Dalbir Singh,
R/o Khanpur Rajputan, Tehsil Shahkot,
P.O Kotli Gujran, Distt Jalandhar.

... Complainant

Versus

Public Information Officer,
O/o Child Development & Project Officer,
Shahkot, Distt Jalandhar.

...Respondent

Complaint Case No. 1089 of 2021

PRESENT: None for the Appellant
Smt.Jagdish Kaur, CDPO for the Respondent

ORDER:

The complainant through an RTI application dated 25.06.2021 has sought information regarding the period of posting of Smt. Darshan Kaur in Aanganwari of villae Bhadma Tehsil Shahkot – rule under which she was retrenched and under whose recommendations –the record of funds released on her retrenchment – number of applications received for this post etc. as enumerated in the RTI application concerning the office of Child Development and Project Officer, Shahkot. The complainant was not satisfied with the reply of the PIO dated 23.07.2021 after which the complainant filed a complaint in the Commission on 26.08.2021.

The case first came up for hearing on 16.05.2022 through video conferencing at DAC Jalandhar. As per the respondent, the information has been supplied to the complainant vide letter dated 05.05.2022.

The complainant was absent nor was represented.

For non-compliance of the Commission's order and taking a serious view of this the Commission directed the PIO to **show cause why penalty be not imposed on under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and willfully denial of information. 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 person(s) of the show cause and direct them to appear before the Commission along with the written replies.

On the date of last hearing on **26.07.2022** , the complainant was absent.

The respondent present pleaded that the reply to the show cause notice issued has been filed by Smt. Jagdish Kaur, vide letter dated 10.06.2022.

Having gone through the reply of the PIO, the Commission rejected the reply to show cause notice submitted by the PIO as she had put the onus of delay in attending the RTI application on the junior staff, whereas the PIO is wholly responsible to attend the RTI applications received in their office, unless transferred under section 5(5) to seek assistance. Moreover, the PIO had neither availed the opportunity to attend the hearing nor sent any communication specifying the reason for her absence.

Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, 2005, a penalty to the tune of Rs.10,000/- (Rupees Ten thousand only) was imposed upon Smt. Jagdish Kaur, CDPO, Jalandhar, now posted at Dharamkot, district Moga, to be deducted from the salary which was to be deposited in the State Treasury under the relevant head.

Hearing dated 29.11.2022:

The case has come up for hearing today through video conferencing at DAC Jalandhar. Smt.Jagdish Kaur is present and informed that the penalty has been deposited in the Govt Treasury and a copy of challan has been sent to the Commission.

The Commission has received a copy of challan as a proof of having deposited the penalty amount in the Govt treasury which has been taken on record.

The complainant is absent.

Since the penalty has been deposited, no further cause of action is required. The case is **disposed of and closed**.

Chandigarh
Dated: 29.11.2022

Sd/-
(Khushwant Singh)
State Information Commission

CC:- Smt Jagdish Kaur,
CDPO, Dharamkot, Distt Moga



Advocate Tejinder Singh, (9041004313)
Chamber No. 602, Civil Court Tehsil Complex,
Backside SanjhKender, Phillaur-144410

...Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Phagwara, District Kapurthala.

First Appellate Authority
O/o Municipal Council,
Phagwara, District Kapurthala.

...Respondents

APPEAL CASE NO. 3537 OF 2021

PRESENT: Sh.Tejinder Singh as the Appellant
Sh.Sukhwinder Singh, JE for the Respondent

ORDER:

The appellant, through an RTI application dated 12.04.2021 has sought information on 05 points regarding action taken against the owner of the vehicles being parked near Elite Cinema – rule for charging advertising fee alongwith name of contractor and income received from advertisements in the last two years – action taken against digging/putting illegal submersible bore in compliance of instructions of National Green Tribunal Act alongwith area inspected - number of trees grown by the forest department in compliance of instruction of National Green Tribunal as enumerated in the RTI application from the office of Municipal Corporation, Phagwara, District Kapurthala. The appellant was not provided with the information after which the appellant filed a first appeal before the first appellate authority on 31.05.2021, which did not decide on the appeal.

The case last came up for hearing on 05.07.2022 through video conferencing at DAC Ludhiana. The respondent present informed that the information relating to points 1 & 2 has been supplied to the appellant vide letter dated 07.05.2021 and 04.07.2022 whereas the information relating to points 3 & 4 has to be provided by the Sh.Gurvinder Pal Singh, Xen-Water Supply and Sewerage. Regarding point-5, regular checking is being done and challans are being issued against the erring person/shopkeepers having/using plastic bags.

The appellant was absent and vide email sought exemption. In the said email, the appellant informed that the PIO has not supplied the information and requested an adjournment.

Having gone through the RTI application and reply of the PIO, the Commission found that the information on points 1 & 2 stands provided. The information sought in point 5 appears to be vague, unpecific and in question form, hence sufficiently replied.

Regarding point-3 & 4, Sh.Gurvinder Pal Singh, Xen-Water Supply and Sewerage Board O/o MC Phagwara was directed to provide information to the appellant within 10 days of the receipt of the order and send a compliance report to the Commission.

Hearing dated 29.11.2022:

The case has come up for hearing today through video conferencing at DAC Jalandhar. The appellant claims that the PIO has not supplied the complete information as per order of the Commission.

APPEAL CASE NO. 3537 OF 2021

The respondent present pleaded that since this department has not granted any approval for installation of submersible pumps, hence the department has no jurisdiction to take action against the persons who have installed the submersible pumps and reply has already been sent to the appellant vide letter dated 15.07.2022 with a copy to the Commission through email.

Having gone through the RTI application and the reply of the PIO, the Commission finds that the RTI application has been sufficiently replied to and no further interference of the Commission is required.

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

Chandigarh
Dated: 29.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to Sh.Gurvinder Pal Singh,Xen-
Water Supply and Sewerage Board, O/o MC Phagwara.



Sh Jasbir Singh,
Guru Nanak Nagar,
Village BolapurJhabewal,
P.O Ramgarh, Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o SDM, Guruharsahai,
Distt Ferozepur.

First Appellate Authority,
O/o SDM, Guruharsahai,
Ferozepur.

...Respondent

Appeal Case No. 377 of 2022

PRESENT: None for the Appellant
Sh.Kewal Krishan, PIO for the Respondent

ORDER:

The appellant through an RTI application dated 18.10.2021 has sought information regarding details of vehicles reassignment cases from the year 2021 – copy of NOC and inspector report attached with the application – details of vehicles issued reassigned number through auction as enumerated in the RTI application concerning the office of EO-NC, Faridkot. The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 18.11.2021 which took no decision on the appeal.

The case last came up for hearing on 28.06.2022 through video conferencing at DAC Ludhiana/Ferozepur. The respondent pleaded that the information being 3rd party, cannot be provided.

The appellant was absent nor represented.

Having gone through the RTI application, the PIO was directed to provide information to the appellant by applying section 10 i.e severing the undisclosed/personal information. The information be provided within 10 days of the receipt of the order with a copy to the Commission.

Hearing dated 29.11.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Ferozepur. As per respondent, the information has been provided to the appellant.

The appellant is absent and vide email has informed that he has received the information.

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

Chandigarh
Dated: 29.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Gurmej Lal,
#1331-5, Street No.5,
Vishavkarma Bhawan,
Down Canal Road, Shimlapuri,
Ludhiana-141003.

... Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Nagar Council,
Ferozepur.

First Appellate Authority,
O/o Executive Officer,
Nagar Council,
Ferozepur.

...Respondent

Appeal Case No. 2404 of 2022

PRESENT: Sh.Gurmej Lal as the Appellant
Sh.Jasmer Singh, Building Inspector for the Respondent

ORDER:

The appellant through an RTI application dated 10.02.2022 has sought information regarding maps of building/commercial/residential approved from 01.01.2017 – copy of challan as per building bye laws as enumerated in the RTI application concerning the office of EO-NC, Ferozepur. The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 17.03.2022 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Ludhiana/Ferozepur. The appellant claims that the PIO has not supplied the information.

As per the respondent, the information has been sent to the appellant vide letter dated 25.11.2022.

Since the information has been sent on 25.11.2022 only, the appellant is directed to point out the discrepancies once the information is received, to the PIO and the PIO is directed to remove the same.

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

Chandigarh
Dated: 29.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Tejinder Singh,
Civil Court, Tehsil Complex,
Backside Sanjh Kender,
Phillaur.

... Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Health and Family Welfare Deptt,
Sector-34-A, Chandigarh.

First Appellate Authority,
O/o Principal Secretary,
Health and Family Welfare Deptt,
Sector-34-A, Chandigarh.

...Respondent

Appeal Case No. 1450 of 2021

**PRESENT: Sh.Tejinder Singh as the Appellant
Dr.Harish Kirpal, Nodel Officer O/o Civil Surgeon, Ludhiana and the
representatives of all CHC/SMOs of the district for the Respondent**

ORDER:

The appellant, through RTI application dated 28.12.2020 has sought information regarding action taken on the complaint dated 15.10.2020 (filed in the office of CM Punjab, which forwarded it to Principal Secretary Health & Family Welfare on 02.12.2020) against doctors practising without a degree in Ludhiana, enquiry report and copy of the complaint and other information as enumerated in the RTI application. The information has been sought from the office of the Principal Secretary, Health and Family Welfare, Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed the first appeal before the First Appellate Authority on 04.01.2021, which did not decide on the appeal.

The case came up for hearing on 13.09.2021 through video conferencing at DAC Ludhiana. Both the parties were absent.

The Commission received a copy of the letter on 10.08.2021 from the office of Dy Director(RTI) O/o Director Health & Family Welfare vide which the PIO has transferred the RTI application to Civil Surgeon, Ludhiana u/s 6(3) of the RTI Act with the instruction to provide information to the appellant within five days.

Since the RTI application had been transferred to Civil Surgeon Ludhiana, the PIO-Civil Surgeon Ludhiana was impleaded in the case and directed to provide information to the appellant as per the RTI application transferred by the office of Director Health & Family Welfare vide letter dated 06.08.2021. A copy of the RTI application was attached with the order for the PIO- Civil Surgeon, Ludhiana for reference.

On the date of last hearing on **13.07.2022**, the appellant claimed that the PIO has not supplied the information.

The PIO was absent. However, a letter dated 07.01.2022 from the office of the Civil Hospital Ludhiana was received in the Commission on 21.01.2022 stating therein that requisite information has been supplied to the appellant vide their letter dated 30.09.2022 which was taken on record.

The appellant claimed that information has not been provided as per his RTI application.

Having gone through the RTI application and hearing the appellant, the PIO was directed to relook into the matter and supply the information as per the RTI application within 15 days failing which penal proceedings under section 20 of the RTI Act will follow.

Hearing dated 29.11.2022:

The appellant claims that the PIO has not supplied the complete information.

Dr. Harish Kirpal-Nodel Officer Office is present on behalf of Civil Surgeon, Ludhiana and pleaded that since the information relates to all MOs/SMOs of PHC/CHC of the District, the RTI application was forwarded to all the concerned MOs/SMO for providing the information concerning to them directly to the appellant.

The representatives of MOs/SMOs of all PHC/CHC are present and have brought the information. The respondents have submitted the information in the Commission which has been taken on record.

Having gone through the RTI application and the information submitted by the respondents, the Commission finds that the RTI application has been sufficiently replied to and no further interference of the Commission is required.

The appellant wants to personally collect the information from the office of the Commission. He is allowed to collect it on any working day.

With the above, the case is **disposed of and closed**.

Chandigarh
Dated:29.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-Civil Surgeon,
Ludhiana



Sh. Karnail Singh, S/o ShChhanga Singh,
New Azad Nagar,
Ferozepur City.

... Complainant

Versus

Public Information Officer,
O/o Naib Tehsildar, Mamdot,
Distt. Ferozepur.

...Respondent

Complaint Case No. 114 of 2021

PRESENT: None for the Complainant
None for the Respondent

ORDER:

The complainant through RTI application dated 26.11.2020 has sought information regarding the name of officers present during the demarcation of the land of village Lakha Singh Wala bearing khewat No.393 by revenue department on 07.08.2020 relating to unauthorized mining – a copy of rule under which patwari signed the demarcation report and submitted to Mining Officer Ferozepur – a copy of demarcation report of village Lakha Singh Wala from 01.01.2020 to 01.11.2020 along with maps – a copy of movement register - name & address of the owners of land present during demarcation and other information as enumerated in the RTI application from the office of Tehsildar Ferozepur which transferred the same to Naib Tehsildar Mamdot, Distt. Ferozepur u/s 6(3) of the RTI Act. The complainant was not provided with the information, after which the complainant filed a complaint in the Commission on 15.01.2021.

On the date of the first hearing on 28.06.2021, the complainant claimed that the PIO had not provided the information.

The respondent was absent without any legitimate reasons for the absence. Since there has been an enormous delay of more than seven months in attending to the RTI application and the Tehsildar had not responded to the RTI application, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.** The PIO-Naib Tehsildar, Mamdot was again directed to provide whatever information is available on record.

On the date of hearing on **25.08.2021**, as per the appellant, the information was not provided by the PIO. The respondent was absent on 2nd consecutive hearing nor had filed a reply to the show-cause notice as well as not provided the information.

Since the PIO-Naib Tehsildar Mamdot, District Ferozepur was flouting the spirit of the RTI Act continuously and not appearing before the commission despite various orders, to secure a nerring PIO's presence before the commission,ailable warrants of the PI-Naib Tahsildar, Mamdot were issued Under Section 18(3) of the RTI Act through Senior Superintendent of Police, Ferozepur for his presence before the Commission on 27.10.2021.

On the date of the hearing on **27.10.2021**, the appellant informed that he had filed an RTI application on 26.11.2020 with the office of Tehsildar Ferozepur who transferred the same to Naib Tehsildar Mamdot. The Naib Tehsildar Mamdot further marked the same to Kanoongo on 03.12.2020. The Kanoongo called the appellant on 22.12.2020 and informed that the RTI had been lost and asked for a fresh copy of the RTI application which was again handed over to the Kanoongo Sh.Santokh Singh. However, no information has yet been provided by the PIO.

Complaint Case No. 114 of 2021

The respondent was again absent nor had sent any reply to the show cause notice as well as not provided the information.

Since the responsibility to ensure the timely transmission of correct information to the appellant lies on the PIO, the PIO-Naib Tehsildar Mamdot was held guilty for not providing the information on time as prescribed under section 7, and repeatedly defying the orders of the Commission to provide the information. Further, since the appellant had to suffer undue inconvenience to get the information, the PIO-Naib Tehsildar Mamdot was directed to pay an amount of **Rs.10,000/-** via demand draft through Govt. Treasury as compensation to the appellant and submit proof of having compensated the appellant. The decision on show cause was to be taken on the next date of hearing.

On the date of hearing on **01.12.2021**, the appellant claimed that the PIO has not supplied the information nor had paid any compensation as per the order of the Commission.

The respondent present pleaded that she had just joined as Naib Tehsildar Mamdot on 29.11.2021 and the delay had occurred on the part of the earlier PIO. The PIO was directed to comply with the earlier order of the Commission which still stands and provide information and pay the compensation amount to the appellant by way of a demand draft. The PIO was also directed to send details of all PIOs deputed at Mamdot (Name of PIO/Date of posting/date of relieving charge/present posting) from the date of filing of RTI application to date.

On the date of the hearing on 04.04.2022, the complainant informed that the PIO has neither supplied the information nor has paid the compensation amount as per order of the Commission.

The PIO also did not file reply to the show cause notice. Smt.Jaswinder Kaur, Naib Tehsildar Mamdot informed that Sh.Neeraj Kumar was the PIO when the RTI application was filed and at the time of issue of show cause notice till 19.07.2021 (show cause was issued on 28.06.2021) and Sh.Neeraj Kumar has now been transferred and posted at Dhar Kalan, District Pathankot.

Since Sh.Neeraj Kumar, PIO-Naib Tehsildar Mamdot also failed to provide information in complaint case No.113 of 2021 as well as not filed a reply to the show cause notice even after being provided sufficient opportunity, Sh.Neeraj Kumar, PIO-cum-Naib Tehsildar Mamdot (Now transferred and posted as Naib Tehsildar Dhar Kalan, Distt. Pathankot) was being penalized in both complaint cases(CC-113 & CC-114 of 2021).

However, since the present PIO-cum-Naib Tehsildar Mamdot failed to pay the compensation amount to the complainant, the present PIO was given one last opportunity to comply with the earlier order of the Commission and provide the compensation amount to the complainant by way of a demand draft otherwise the Commission will be constrained to mark the case to the higher authority for disciplinary action against the PIO under section 20(2) of the RTI Act 2005.

On the date of last hearing on **28.06.2022**, both the parties were absent. Reply to the show-cause had been sent after the pronouncement of the order. The opportunity to reply to the show-cause was not availed in spite of repeated opportunities. Plea was rejected.

On the date of last hearing on **20.09.2022**, the appellant claimed that the PIO has neither provided the information nor has paid the compensation amount.

Complaint Case No. 114 of 2021

The respondent was absent. The Commission received a letter alongwith a copy of challan through email from the PIO-Naib Tehsildar Mamdot that the compensation amount has been deposited in the Govt. Treasury and has sent a copy of the challan to the Commission.

The PIO had wrongly deposited the amount of Rs.10,000/- in the treasury, since, as per the order of the Commission, the compensation was to be paid to the complainant by way of a demand draft. The PIO was directed to pay the compensation amount to the complainant by way of a demand draft to be issued from account of public authority and send a copy of same to the Commission.

Hearing dated 29.11.2022:

The case has come up for hearing today through video conferencing at DAC Ferozepur. Both the parties are absent.

However, the PIO-Naib Tehsildar has not sent any document regarding payment of compensation to the appellant by way of bank draft.

The PIO-Naib Tehsildar Mamdot is directed to comply with the earlier order of the Commission which still stands and send proof of having paid the compensation amount of Rs.10000/- to the appellant.

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

Chandigarh
Dated :29.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :1. Sh.Neeraj Kumar, Naib Tehsildar,
DC Office, Ferozepur.



Sh. Karnail Singh, S/o ShChhanga Singh,
New Azad Nagar,
Ferozepur City.

... Complainant

Versus

Public Information Officer,
O/o Naib Tehsildar, Mamdot,
Distt Ferozepur.

...Respondent

Complaint Case No. 113 of 2021

PRESENT: None for the Complainant
None for the Respondent

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

The complainant through the RTI application dated 02.12.2020 has sought information regarding action taken on the application dated 26.02.2020(Diary No.421 dt.27.02.2020) relating to providing false documents – present status of the application and other information as enumerated in the RTI application from the office of SDM Mamdot which transferred the same to Naib Tehsildar, Mamdot Distt.Ferozepur on 09.12.2020 under section 6(3) of the RTI Act. on 09.12.2020. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 15.01.2021.

On the date of first hearing on 28.06.2021, the appellant informed that he had filed an RTI application with the office of SDM (Civil) Ferozepur, which transferred the same to Naib Tehsildar, Mamdot on 09.12.2020 but the Naib Tehsildar has not provided any information.

The respondent was absent without any legitimate reasons for the absence. Since there has been an enormous delay of more than six months in attending to the RTI application and the Naib Tehsildar had not responded to the RTI application transferred by SDM Ferozepur on 09.12.2020, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.** The PIO-Naib Tehsildar, Mamdot was again directed to provide whatever information exists in the record and action taken on the complaint of the appellant.

On the date of hearing on **25.08.2021**, as per the appellant, the information was not supplied by the PIO. The respondent was absent on 2nd consecutive hearing nor had filed a reply to the show cause notice as well as not provided the information. The PIO was given one last opportunity to appear before the Commission on the next date of hearing and file a reply to the **show-cause notice** otherwise it will be presumed that the PIO has nothing to say in the matter and the decision will be taken ex-party.

On the date of the hearing on **27.10.2021**, the appellant claimed that the PIO has not supplied the information. The respondent was absent on 3rd consecutive hearing nor had sent any reply to the show-cause notice.

Since the responsibility to ensure the timely transmission of correct information to the appellant lies on the PIO, the PIO-Naib Tehsildar Mamdot was held guilty for not providing the information on time as prescribed under section 7, and repeatedly defying the orders of the Commission. Further, since the appellant had to suffer undue inconvenience to get the information, the PIO-Naib Tehsildar Mamdot was directed to pay an **amount of Rs.5000/-** via demand draft as compensation to the appellant and submit proof of having compensated the appellant.

The decision on show cause was to be taken on the next date of hearing.

Complaint Case No. 113 of 2021

On the date of I hearing on **01.12.2021**, the appellant claimed that the PIO has not supplied the information nor had paid any compensation as per the order of the Commission.

That Smt.Jaswinder Kaur, Naib Tehsildar Mamdot appeared and informed that she had just joined as Naib Tehsildar on 29.11.2021 and the delay had occurred on the part of the earlier PIO. The PIO was directed to comply with the earlier order of the Commission which still stands and provide information and pay the compensation amount to the appellant by way of a demand draft. The PIO was also directed to send details of **all the PIOs deputed** at Mamdot (Name of PIO/Date of posting/date of relieving charge/present posting) from the date of filing of RTI application till date.

On the date of **hearing on 04.04.2022**, the appellant informed that the PIO has neither supplied the information nor has paid compensation as per order of the Commission.

The PIO also did not file reply to the show cause notice. Smt.Jaswinder Kaur, Naib Tehsildar Mamdot informed that Sh.Neeraj Kumar was the PIO when the RTI application was filed and at the time of issue of show cause notice till 19.07.2021 (show cause was issued on 28.06.2021) and Sh.Neeraj Kumar has now been transferred and posted at Dhar Kalan, District Pathankot.

Since the responsibility to ensure the timely transmission of correct information to the appellant lies on the PIO, and as per information, Sh.Neeraj Kumar was the PIO when the RTI application was filed and at the time of issue of show cause notice, Sh.Neeraj Kumar-PIO-Naib Tehsildar, Mamdot (now transferred and posted as Naib Tehsildar Dhar Kalan, Distt. Pathankot) was held guilty for not providing the information on time as prescribed under section 7, and repeatedly defying the orders of the Commission.

Further Sh.Neeraj Kumar, PIO-Naib Tehsildar Mamdot also failed to provide information in complaint case No.114 of 2021 as well as not filed reply to the show cause notice even providing sufficient opportunity to file reply to the show cause notice, which implied that that the PIO has nothing to say on the matter.

Hence, a penalty of **Rs.25,000/-** was imposed on the Sh.Neeraj Kumar, PIO-cum-Naib Tehsildar Mamdot (Now transferred and posted as Naib Tehsildar Dhar Kalan, Distt.Pathankot) in both complaint cases(CC-113 & CC-114 of 2021) with the direction to deposit the same in Govt. Treasury and submit a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

The present PIO-cum-Naib Tehsildar Mamdot was also given one last opportunity to comply the earlier order of the Commission and provide compensation amount to the complainant by way of a demand draft otherwise the Commission will be constrained to mark the case to the higher authority for disciplinary action against the PIO under section 20(2) of the RTI Act 2005.

On the date of hearing on **28.06.2022**, both the parties were absent. Reply to the show-cause had been sent after the pronouncement of the order. The opportunity to reply to the show-cause was not availed in spite of repeated opportunities. Plea was rejected. The PIO was directed to come up for compliance.

On the date of last hearing on **20.09.2022**, the appellant claimed that the PIO has neither provided the information nor has paid the compensation amount.

The respondent was absent. The Commission received a letter alongwith a copy of challan through email from the PIO-Naib Tehsildar Mamdot that the compensation amount has been deposited in the Govt. Treasury and has sent a copy of challan to the Commission.

Complaint Case No. 113 of 2021

The PIO had wrongly deposited the amount of Rs.5000/- in the treasury since as per order of the Commission, the compensation was to be paid to the complainant by way of a demand draft. The PIO was directed to pay the compensation amount to the complainant by way of a demand draft to be issued from the account of public authority and send a copy of same to the Commission.

Sh.Neeraj Kumar-Naib Tehsildar Dhar Kalan, Distt.Pathankot (Earlier PIO-cum-Naib Tehsildar, Mamdot) was also absent nor had deposited the amount of the penalty since no proof of having deposited the penalty in the Govt. Treasury has been received.

Sh.Neeraj Kumar (earlier PIO-Naib Tehsildar, Mamdot) was given one last opportunity to comply with the order of the Commission, and deposit the penalty amount in the Govt. Treasury and send a copy of the challan as proof of having deposited the same.

Hearing dated 29.11.2022:

The case has come up for hearing today through video conferencing at DAC Ferozepur. Both parties are absent. Sh.Neeraj Kumar (Earlier PIO-Naib Tehsildar Mamdot) has sent a copy of challan through whatsapp as a proof of having deposited the penalty amount of Rs.25000/- in the Govt Treasury which has been taken on record.

However, the current PIO-Naib Tehsildar has not sent any document regarding the payment of compensation to the appellant by way of the bank draft.

The current PIO-Naib Tehsildar Mamdot is directed to comply with the earlier order of the Commission which still stands and send proof of having paid the compensation amount of Rs.5000/- to the appellant.

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

Chandigarh
Dated :29.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :1. Sh.Neeraj Kumar, Naib Tehsildar,
DC Office Ferozepur.

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. Amritpal Singh (9815362281)S/o Sh. Avtar Singh,
R/o # 263/A/13,
Gali No. 8, Hussainpura East,
Amritsar.

...Appellant

Versus

Public Information Officer,
O/o The Commissioner,
Municipal Corporation, Amritsar.

First Appellate Authority
O/o The Commissioner,
Municipal Corporation, Amritsar.

...Respondents

APPEAL CASE NO. 2071 OF 2021

PRESENT: None for the Appellant
Sh.Brahmjot Singh, Clerk for the Respondent

ORDER:

The appellant, through an RTI application dated 05.02.2021 has sought information on 02 points regarding a copy of the rule/document on the basis of which technical work is being taken from the tubewell operators – a copy of the RFP as per the MC letter dated 18.09.2019 and other information as enumerated in the RTI application from the office of Commissioner, MC Amritsar. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 08.03.2021, which did not decide on the appeal.

The case first came up for hearing before Sh.Heminder Singh, State Information Commissioner on 31.08.2021. The appellant claimed that the PIO has not supplied the information.

The respondent was absent. The PIO was directed to file written submission and appear on the next date of hearing personally.

On the next date of hearing on 11.11.2021, the appellant informed that he has received the information on point-1 but the PIO has not supplied the information on point-2.

Sh.Mandeep Singh, Xen was present on behalf of the PIO who informed that the information relating to point-2 relates to their other department. The PIO was directed to procure the information on point 2 from the concerned department and supply to the appellant.

On the date of hearing on 06.07.2022, the appellant claimed that the information that was provided by the PIO relates to point 2 and the information on point 1 is pending.

The respondent was absent nor complied with the order of the Commission to provide the complete information. There has been an enormous delay in providing the information. The Commission having taken a serious view of this issued a **show cause notice to the PIO under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file reply on an affidavit.**

APPEAL CASE NO. 2071 OF 2021

Hearing dated 29.11.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. As per respondent, the information has been provided to the appellant vide letter 11.08.2021 and 05.01.2022.

The appellant is absent nor is represented.

At the last hearing, the appellant was present and informed that the information on point-1 is pending.

The respondent present informed that there is no such rule exists in the record and the reply has already been sent to the appellant vide letter dated 05.01.2022 with a copy to the Commission. The respondent further pleaded that since the information was with different departments of the Corporation and partial information was supplied on 11.08.2021 but the partial information was delayed.

Since the information has been provided, no further cause of action is required. The show cause is dropped and the case is closed.

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

Chandigarh
Dated: 29.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Rajnish Khosla, (8146170500)
R/o # 77 R, State Bank Colony,
White Avenue, Amritsar-143001

...Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Town Planning Branch, Amritsar

First Appellate Authority
O/o Municipal Corporation,
Amritsar.

...Respondents

APPEAL CASE NO. 1031 OF 2021

PRESENT: None for the Appellant
Sh.Pardeep Sehgal, ATP -PIO for the Respondent

ORDER:

The appellant through an RTI application dated 18.06.2020 has sought the copy of notice received from a court for property No.2402/X-9, Bazar Sirki, Amritsar, relating to the case titled Kamal Kumar V/s Rajan from the O/o the Municipal Corporation, Town Planning Branch, Amritsar. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 03.08.2020 which did not decide on the appeal.

The case has already been heard by Sh. Hem Inder Singh, State Information Commissioner on 02.06.2021, 19.08.2021 and 17.11.2021. During the hearing, the appellant claimed that the PIO has not supplied the information.

Since the respondent was absent on three consecutive hearings nor had provided the information, the PIO was issued **show cause notice on 17.11.2021** with the direction to file a reply on an affidavit as well as to provide the information to the appellant.

The case came up for hearing before this bench on 05.07.2022 through video conferencing at DAC Amritsar. The appellant claimed that the PIO has not supplied the information.

Shri Dhirj Kumar was present on behalf of the respondent-PIO who informed that since the information was not specific, the appellant was asked vide letter dated 01.06.2021 to specify the information but the appellant did not specify the same. The PIO also sent a reply to the show cause notice through email which was taken on record.

As per the appellant, he had already specified the information.

The reply of the PIO was found conflicting since as per the RTI application, it is clear that the appellant is seeking a copy of the notice that was received by the office of the MC, which means the information is in the custody of the MC. There is prima-facie evidence that the information was being denied.

The current PIO was directed to provide the information to the appellant within five days of the receipt of the order.

APPEAL CASE NO. 1031 OF 2021

As per information concluded at the hearing, Sh. Narinder Sharma was the PIO when the RTI application was filed and when the show cause notice was issued (now transferred and posted at MC, Moga). Shri Narinder Sharma, MTP-cum-PIO MC, Amritsar (now transferred and posted at MC, Moga) was given one last opportunity to file a reply to the show cause notice and also appear personally on the next date of hearing otherwise, it will be presumed that the PIO has nothing to say on the matter and the decision will be taken ex-party.

The case again came up for hearing before this Bench on 25.08.2022 through VC, which could be heard due to an internet problem, and the case was adjourned for 26.08.2022.

On the date of last hearing on **26.08.2022**, both the parties were absent.

Sh. Narinder Sharma who was the PIO when the RTI application was filed and when the show cause notice was issued (now transferred and posted at MC, Moga), was given the last opportunity during the hearing on 05.07.2022 to file reply to the show cause notice.

Since as per information, Sh.Narinder Sharma is under suspension in some other case, the Commission's show cause was kept in abeyance for the time being. The current PIO directed to comply with the earlier order of the Commission and provide all the remaining information to the appellant. For any violation of the earlier order, the responsibility shall rest on the current PIO.

Hearing dated 29.11.2022:

Sh.Pardeep Sehgal, ATP is present and informed that the sought information is not available in the building branch of the MC where the RTI application was filed. The respondent further stated that due to the shifting of staff and some of the staff being under suspension, including the earlier PIO Sh.Narinder Sharma and Sh.Iqbal Preet Singh Randhawa, none could appear at the hearings.

The respondent has also sent a reply dated 17.11.2022, which has been taken on the record. In the reply, it has been mentioned that since the record is being maintained as per diary/dispatch number and date, the appellant was asked by the earlier APIO-cum-ATP to specify the diary number etc. vide letter dated 01.06.2021 and again by earlier PIO-cum-MTP.

Further, the information that has been specified by the appellant is also not available in the building branch of the MC.

The appellant is absent on 2nd consecutive hearing nor is represented.

Since the information is not available in the record and the reply has already been sent by the PIO to the appellant no further interference from the commission is required on the matter. The show-cause issued to Sh.Narinder Sharma, who is currently under suspension is also dropped.

No further cause of action is required. The case is **disposed of and closed**.

Chandigarh
Dated: 29.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Mohan Singh Kore,
226, Ward No-11, Old,
Morinda Road, Kurali.

... Appellant

Versus

Public Information Officer,
O/o Joint Commissioner,
Food & Drugs Administration,
Civil Hospital, Kharar.

First Appellate Authority,
O/o Joint Commissioner,
Food & Drugs Administration,
Civil Hospital, Kharar.

...Respondent

Appeal Case No. 1612 of 2022

PRESENT: Sh.Mohan Singh as the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 09.08.2021, has sought information regarding the status of his service book sent by the office of Director Health & Family Welfare Pb Chandigarh vide letter No.1882 dated 04.10.2016 as enumerated in the RTI application from the office of Joint Commissioner, Food & Drug Administration, Kharar. The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 16.09.2021, which did not decide on the appeal.

The case last came up for hearing on 11.10.2022. The appellant claimed that the PIO had not provided the information.

The respondent was absent nor represented.

Having gone through the RTI application, the Commission observed that the appellant is tracking his service book, which as per the appellant, is lying with the office of the Joint Commissioner, Food & Drug Administration, Kharar, indefinitely. The PIO was directed to provide the current status/diary entries, which reflect the current status of the custody of the appellant's service book.

Hearing dated 29.11.2022:

The respondent is absent.

The appellant states that the PIO has sent a reply that the revised pension case of the appellant has been processed and sent to Pension Department at Chandigarh.

With the above, the RTI application has been sufficiently replied to and no further interference from the Commission is required.

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

Chandigarh
Dated: 29.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner