

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

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Whatsapp No. 62848-20189



Sh. Daljit Singh,
House No 6E,
Khalsa College Colony,
Patiala-147001.M : 9501026319

..Appellant

Vs

Public Information Officer,
O/o DGSE, PB,
Vidya Bhawan, Sector 62,
Mohali.

First Appellate Authority
O/o Secretary,
Department of School Education, PB,
Vidya Bhawan, Sector 62,
Mohali.

Sh. Manoj Kumar, Dy SPD-cum-
Public Information Officer
o/o the Director General,
School Education,
(Transfer Cell), Vikas Bhawan,
Sector 62, Mohali

....Respondent(s)

Appeal Case No. 5450/2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Sh. Daljit Singh, appellant.

Sh. Phagun Markan, Clerk _____ on behalf of the
respondents.

ORDER

This order may be read with reference to the previous order dated 31.1.2022.

2. The representative of the respondents states that the information related to the Services 3 Branch has already been supplied to the appellant pertaining to Point No. 1,2 and 3 of the RTI application. Regarding Point No. 4 to 8 of the RTI application, the representative of the respondents states that the same relates to the Transfer Cell o/o the D.G.S.E.

3. Accordingly, the Public Information Officer is directed to transfer the Point No. 4 to 8 of the RTI application to the Transfer Cell o/o the D.G.S.E. Also the Public

Contd..p/2

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Appeal Case No. 5450/2021

-2-

Information Officer o/o the D.G.S.E. (Transfer Cell) is impleaded as necessary party in this case to file the reply/supply the information in this case. A copy of the RTI application is also being sent to him along with this order.

3. To come up on 5.4.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Patiala/Mohali.

Dated: 3.3.2022

sd
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Whatsapp No. 62848-20189



Sh. Kuldeep Singh, S/o Sh. Gurcharan Singh,
House No 420, Sector 22A,
Chandigarh.M : 8427460800

..Appellant

Vs

Public Information Officer,
O/o Supdt. Estt I Branch,
Department of General Administration
Govt of Punjab Civil Secretariat, Chandigarh.

First Appellate Authority
O/o Supdt. Estt I Branch,
Department of Gen. Admn.,
Govt of Punjab Civil Secretariat, Chandigarh..

....Respondent(s)

Appeal Case No. 5422/2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- None on behalf of the appellant.

Sh. Ranjeet Singh, Sr. Asstt _____ on behalf of the
respondents.

ORDER

This order may be read with reference to the previous order dated _____.

2. The appellant is absent but he has sent the deficiencies in the information so supplied by the respondent-Public Information Officer, which is taken on record.
3. After going through the submissions made by the appellant, the directions are issued to both the parties to remain present on the next date of hearing along with the information supplied/original record to take the matter to its logical end. It is also clarified that in the absence of either of the party on the next date of hearing, the case will be decided ex-parte.
4. To come up on 25.4.2022 at 12.30 PM at Chandigarh.

Dated: 3.3.2022:

sd
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Ravinder Kataria, # 64,
New Sant Fateh Singh Nagar,
Dugri Road, Ludhiana.
M : 9463133590; 8544841830

Appellant

Vs

Public Information Officer,
O/o Sub Divisional Magistrate(East),
Ludhiana.

First Appellate Authority
O/o Sub Divisional Magistrate (East),
Ludhiana.

Respondents

Appeal Case No. 1956/2021

(Video Conference/Telephone Proceedings)

Present:- None on behalf of the appellant.
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 23.11.2021 vide which the case was adjourned for 27.1.2022 but due to administrative reasons the case could not be heard on the said date and further adjourned for today i.e. 3.3.2022.

2. The appellant has sent the written submissions to adjourn the case.
3. Accordingly, the case is adjourned.
4. To come up on 20.4.2022 at 12.30 pm at Chandigarh.

sd

Dated: 3.3.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Ravinder Kataria, # 64,
New Sant Fateh Singh Nagar,
Dugri Road, Ludhiana.
M : 9463133590; 8544841830

Appellant

Vs

Public Information Officer,
O/o Sub Divisional Magistrate(Samrala),
Ludhiana.

First Appellate Authority
O/o Sub Divisional Magistrate (Samrala),
Ludhiana.

Respondents

Appeal Case No. 3743/2021
(Video Conference/Telephone Proceedings)

Present:- None on behalf of the appellant.
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 23.11.2021 vide which the case was adjourned for 27.1.2022 but due to administrative reasons the case could not be heard on the said date and further adjourned for today i.e. 3.3.2022.

2. The appellant has sent the written submissions to adjourn the case.
3. Accordingly, the case is adjourned.
4. To come up on 20.4.2022 AT 12.30 pm at Chandigarh

sd

Dated: 3.3.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Ms Karamjit Kaur
VPO Gureh
Tehsil Jagraon,
District Ludhiana 8198885883

....Appellant

Vs

Sh. Manmohan Singh,
Public Information Officer
o/o Tehsildar, Jagraon,
District Ludhiana

First Appellate Authority
o/o A.D.C. Jagraon,
District Ludhiana

Sh. Pardeep Singh Bains
Public Information Officer
o/o Deputy Commissioner,
(Record Room)
District Ludhiana

....Respondents

Appeal Case No. 4858 of 2021
(Video Conference Proceedings)

Present:- Ms Karamjit Kaur, appellant.
Sh. Ranjit Singh, NSK & Sh. Gurdev Singh Kanungo, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 6.12.2021 vide which the case was adjourned for 27.12.2021 but due to administrative reasons the case could not be heard on the said date on 27.1.2022 and further adjourned for today i.e. 3.3.2022.

2. The appellant submits that the directions may be issued to the respondent-Public Information Officer to supply the information. However, Sh. Gurdev Singh, Kanungo submits that the documents related to the sought information has already been sent to the Record Section of the office of the Deputy Commissioner, District Ludhiana and the office does not have any information related to the sought information.

3. Sh. Ranjit Singh, NSK submits that the appellant may be advised to deposit the fee in the Suvidha Kendra to get the copy of the Intkal. He further submits that as per the submissions made by the Record Section, no other documents have been attached with the Intkal as has been sought by the appellant.

4. Also, the reply has been received from Sh. Manmohan Singh, Tehsildar Jagraon regarding the show cause notice issued to him. However, Sh. Gurdev Singh, Kanungo submits that due to urgent domestic affairs Sh. Manmohan Singh, Tehsildar Jagraon is unable to attend the hearing. Reply filed by Sh. Manmohan Singh, Tehsildar Jagraon is taken on record and the decision on the same will be taken on the next date of hearing.

5. Public Information Officer o/o the Deputy Commissioner (Record Room) was impleaded as necessary party in this case on 6.12.2021. Video Conference Facility

Contd..p/2

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Appeal Case No. 4858 of 2021

-2-

was introduced for the convenience of general public and for government officials. Viewing the attitude in dealing with the RTI application of the respondent seriously, Sh. Pardeep Singh Bains, D.R.O.-cum-Public Information Officer, is, thus, issued a show cause notice to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay/denial of the information to the RTI applicant and to issue show cause for compensation to the appellant for detriment suffered by him under section 19(8) of the RTI Act, 2005.

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

6. It is appropriate to mention the decision of the Hon'ble Supreme Court of India in Civil Appeal No. 5665/2014 – Institute of Companies Secretaries of India Vs Paras Jain, and the relevant portion of the same is reproduced below:-

"...Rule 4, The Right to Information (Regulation of Fees and Cost) Rules, 2005 which also entitles the candidates to seek inspection and certified copies of their answer scripts. In our opinion, the existence of these two avenues is not mutually exclusive and it is up to the candidate to choose either of the routes. Thus, if a candidate seeks information under the provisions of the Right to Information, then payment has to be sought under the Rules therein, however, if the information is sought under the Guidelines of the appellant, then the appellant is at liberty to charge the candidates as per its guidelines...."

7. It is also appropriate to mention the decision of the Hon'ble Punjab and Haryana High Court in Civil Writ Petition No. 12016 of 2016 in Shakti Singh Vs State Information Commission, Haryana and others, and the relevant portion of the same is reproduced below:-

"...12. The reply to this question is that there being no inconsistency under the RTI Act and the provisions of the other statute/law, the option and prerogative is with the citizen to select and choose to exercise his right under such Act/law or the RTI Act. In case the citizen prefers to move an application under the RTI Act, Public Information Officer, on receipt of such request, shall proceed to take a decision thereon and provide information as a norm and any denial of the same must be in accordance with Sections 8, 9 and 11 only. The right to information, thus, cannot be denied under the RTI Act merely because a statutory mechanism is evolved and prescribed under an Act, which is also applicable, obliging a public authority to share the same by following a prescribed procedure subject to fulfilment of prescribed conditions. If it is held otherwise, it would negate and lead to derecognising the fundamental right to information as granted under the RTI Act, which is unacceptable.

Contd..p/3

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Appeal Case No. 4858 of 2021

-3-

13. *The answers to the two questions as posed in para 6 above are;*

(i) In case of any inconsistency between the provisions of RTI Act and other Act/law, the RTI Act shall prevail.

(ii) In case of an application preferred under the RTI Act where alternative procedure and conditions are prescribed under any other statute/law, the said application cannot be rejected and/or information denied on this ground. Such application shall be dealt with under the provisions of the RTI Act.

14. *In the light of the above, the impugned order dated 04.04.2016 (Annexure P-6) passed by the State Information Commission, Haryana, cannot sustain as the Commission has rejected the claim of the petitioner under the RTI Act proceeding upon the wrong assumption that the 6 of 7 Registration of Births and Deaths Act, 1969, being a legislation and statutory in nature, is not overridden by the RTI Act. It may be added here that the information under the RTI Act can only be denied if the same is exempted from disclosure of information under the provisions of RTI Act itself such as Sections 8, 9 and 11 thereof."*

Keeping in view the judicial pronouncements mentioned herein, the respondent-Public Information Officer has to supply the information under the RTI Act, 2005 after charging of fees as per the provisions of the RTI Act, 2005. But, it is also a fact that in case the appellant is seeking the information under the provisions of the RTI Act, 2005 then the other provisions of the Act has to be followed. In case, the appellant is seeking the 3rd party information, then the respondent-Public Information Officer is directed to adopt the procedure as laid down under Section 11 of the RTI Act, 2005. After adoption of the procedure, the appropriate decisions be taken by the respondent-Public Information Officer and the same be sent to the Commission for consideration before the next date of hearing else file the reply/supply the complete information in this case to the appellant before the next date of hearing.

8. To come up on 28.3.2022 At 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana

sd

Dated: 3.3.2022

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Shri Veeru Singh s/o Sh. Dhola Singh

Village Laduka,

Tehsil and Distt. Fazilka

Appellant

Vs

Public Information officer,

o/o Panchayat Secretary

Gram Panchayat , Ladhuka

Tehsil and Distt. Fazilka

First Appellate Authority,

o/o BDPO Jalalabad

Sh. Partap Singh,

Public Information Officer

-cum-Block Development and Panchayats Officer,

Jalalabad, Fazilka

Respondents

Appeal Case No. 1230 of 2021

(Video Conference Proceedings)

Present:- Sh. Veeru Singh, appellant.

Sh. Charanjit Singh, Panchayat Secretary _____ on behalf of
the respondents.

ORDER

This order may be read with reference to the previous order dated 22.12.2021 vide which the case was adjourned for 27.1.2022 but due to administrative reasons the case could not be heard and further adjourned for hearing today i.e. 3.3.2022.

2. The representative of the respondents states that the information related to the Panchayat comprising 240 pages have already been supplied to him. Regarding the information related to the measurement book, the representative of the respondents states that the custodian of the information is the Junior Engineer and he is directly under the control of the Block Development and Panchayats Officer.

3. After going through the case file it has transpired that the appellant filed the RTI application to the Deputy Commissioner, Fazilka and the Deputy Commissioner, transferred the RTI application to the Addl. Deputy Commissioner (Dev.), Fazilka. The office of the Addl. Deputy Commissioner (Dev.), Fazilka further transferred the RTI application to the Block Development and Panchayats Officer, Jalalabad. Now, the Panchayat Secretary submits that he has supplied the information related to the panchayat but the information related to the measurement book has not been supplied to the appellant so far.

Contd..p/2

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Appeal Case No. 1230 of 2021

-2-

5. The Block Development and Panchayats Officer, Jalalabad is also directed to pay the compensation as has already been awarded amounting to Rs.2000/- to the appellant before the next date of hearing. Regarding recovery of penalty amounting to Rs.25000/-, as has been imposed upon Sh. Charanjit Singh-Public Information Officer-cum-Panchayat Secretary, no submissions have been received from the department. One opportunity is granted to the respondent to file the submissions in this regarding before the next date of hearing.

6. To come up on 2.5.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Fazilka.

sd

Dated: 09-03-2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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Sh. Mohamad Khalil
s/o Rusham Din
R/o Village Dalegarh,
Tehsil Himetana, Tehsil and Malerkotla

Appellant

Vs

Public Information officer,
o/o BDPO malerkotla-1

First Appellate Authority,
o/o BDPO malerkotla-1

Respondents

Appeal Case No 5305 of 2021

(Video Conference Proceedings)

Present:- Mohamad Khalil, appellant.

Sh. Pawitar Singh, Panchayat Secretary _____ on behalf of the respondents.

ORDER

The RTI application is dated 17.6.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 12.8.2021 and second appeal was filed in the Commission on 25.11.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for 27.1.2022 but due to administrative reasons the case could not be heard on the said date and further fixed for hearing today i.e. 3.3.2022.

2. The representative of the respondents states that the information related to Point No. 3 & 4 of the RTI application has already been supplied to the appellant, with a copy to the Commission, which is taken on record. Regarding Point No. 1 & 2 of the RTI application, the representative of the respondents states that the information is not specific. However, the appellant clarified that the information related to the Point No. 1 & 2 is that “ਪਹੀ ਪਿੰਡ ਦੇ ਪ੍ਰਾਈਮਰੀ ਸਕੂਲ ਦੇ ਗੇਟ ਦੇ ਸਾਹਮਣੇ ਤੋਂ ਆਂਗਣਵਾੜੀ ਕੇਂਦਰ ਦੇ ਅੱਗੇ ਦੀ ਹੋ ਕੇ ਦੱਖਣ ਤੱਕ ਖੇਤਾਂ ਨੂੰ ਜਾਂਦੀ ਰੋਡ ਸਬੰਧੀ”। Thereafter the representative of the respondents submits that the case may be adjourned for one week and assures that the information will be supplied to the appellant.

Contd..p/2

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Appeal Case No 5305 of 2021

-2-

3. Accordingly the request of the representative of the respondents is accepted and the case is adjourned.

4. To come up on 16.3.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Malerkotla/Cisco Webex.

sd

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated 3.3.2022

PUNJAB STATE INFORMATION COMMISSION

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Sh. Amarjit Singh
Village naiwal, Tesil Patran,
Distt. Patran

Appellant

Vs

Public Information officer,
o/o Block Development and Panchayat Officer,
Patran
First Appellate Authority,
o/o Block Development and Panchayat Officer,
Patran

Respondents

Appeal Case No 5312 of 2021
(Video Conference Proceedings)

Present:- Sh. Amarjit Singh, appellant.
Ms. Dimplepreet Kaur, respondent-Public Information Officer-cum-Panchayat
Secretary on behalf of the respondents.

ORDER

The RTI application is dated 27.5.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 19.7.2021 and second appeal was filed in the Commission on 25.11.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for 27.1.2022 but the case could not be heard on the said date and further fixed for hearing today i.e. 3.3.2021.

2. The respondent-Public Information Officer requests that the case may be adjourned for one month as she has recently received the record related to the sought information and assures that the complete information will be supplied to the appellant.

3. Accordingly, the request of the respondent-Public Information Officer is accepted and the case is adjourned.

4. To come up on 20.4.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Patiala.

sd

Dated: 3.3.2022

(Suresh Arora)
Chief Information Commissioner, Punjab.

PUNJAB STATE INFORMATION COMMISSION

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Sh. Piara Singh (Retd. Capt.)
Village Dehar, Tehsil Dera Baba Nanak,
Gurdaspur.

Appellant

Vs

Sh. Jatinder Singh,
Public Information officer,
o/o Block Development and Panchayat Officer,
Gurdaspur.

First Appellate Authority,
o/o Block Development and Panchayat Officer,
Gurdaspur.

Respondents

Appeal Case No 2777 of 2021
(Video Conference Proceedings)

Present:- Sh. R.S. Bajwa s/o Sh. Piara Singh, appellant.
None on behalf of the appellant.

ORDER

This order may be read with reference to the previous order dated 21.12.2021 vide which the case was adjourned for 27.1.2022 but due to administrative reasons the case could not be heard on the said date and further adjourned for today i.e. 3.3.2022.

2. The representative of the appellant submits that neither the respondent supplied the information nor the compensation amounting to Rs.5000/- as has been awarded in this case.

3. The respondent-Public Information Officer is absent without intimation. The appellant filed the RTI application on 6.11.2020 to the Block Development and Panchayats Officer, Dera Baba Nanak. Video Conference Facility/cisco webex facility was introduced for convenience of general public and for government officials. Viewing the absence of the respondent and attitude in dealing with the RTI application of the appellant seriously, Sh. Jatinder Singh, Block Development and Panchayats Officer, is, thus, issued a show cause notice to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing wilful delay/denial of the information to the RTI application and to issue show cause that why the compensation may not be enhanced for detriment suffered by him under section 19(8) of the RTI Act, 2005.

Contd..p/2

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Appeal Case No 2777 of 2021

-2-

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

4. The respondent-Public Information Officer is also directed to pay the compensation amounting to Rs.5000/- as has been awarded in this case before the next date of hearing.

5. To come up on 4.4.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana.

sd

Dated: 3.3.2022

(Suresh Arora)

Chief Information Commissioner,
Punjab.

CC

Sh. MS Chhatwal, IAS

Director,

Rural Development & Panchayat, Pb.,

Vikas Bhawan, Sector 62, Mohali

To ensure compliance of this order.

PUNJAB STATE INFORMATION COMMISSION

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Shri Rajinder Pal s/o Krishan Chand,
r/o Village Majal Khan,
PO Panjala Tehsil and Distt. Patiala

Appellant

Vs

Public Information officer,
o/o Block Development and Panchayat Officer,
Bhunerheri, Distt. Patiala.

First Appellate Authority,
o/o Distt. Development and Panchayat Officer,
Patiala

Respondents

Appeal Case No 5295 of 2021
(Video Conference Proceedings)

Present:- Sh. Rajinderpal Singh, appellant.
Sh. Gurjeet Singh, Panchayat Secretary on behalf of the respondents.

ORDER

The RTI application is dated 18.8.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 6.10.2021 and second appeal was filed in the Commission on 20.12.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for 27.1.2022 but due to administrative reasons the case could not be heard on the said date and further fixed for hearing today i.e. 3.3.2022.

2. After detailed deliberations with both the parties regarding the sought information, the appellant accepted the submissions made by the respondent-Public Information Officer to inspect the relevant record of the sought information. The respondent-Public Information Officer also submits that the letters were issued to the appellant to deposit the fee but the appellant has not deposited the fee. With the mutual understanding the date of inspection has been fixed as 15.3.2022 at 11.00 AM.

3. Accordingly, the respondent-Public Information Officer is directed to make available the record for the inspection of the appellant and supply the documents related to the sought information duly certified against the payment of fee.

4. To come up on 30.3.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Patiala.

sd

Dated: 3.3.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

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Sh. Mangal Singh, s/o Khandara Singh,
r/o village Bhangala,
Tehsil Patti Distt. Tarantaran.

Appellant

Vs

Public Information officer,
o/o Sarpanch Gram Panchayat,
Panchayat Bhangala, Tesil Patti,
Distt. TaranTaran

First Appellate Authority,
o/o Distt. Development and Panchayat Officer,
TaranTaran

Respondents

Appeal Case No 5289 of 2021
(Video Conference Proceedings)

Present:- Sh. Mangal Singh, appellant.
Sh. Kulwinderpal Singh, Panchayat Secretary-cum-Public Information Officer
on behalf of the respondents.

ORDER

The RTI application is dated 30.6.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 7.8.2021 and second appeal was filed in the Commission on 24.11.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for 27.1.2022 but due to administrative reasons the case was fixed for hearing today i.e. 31.1.2022.

2. The respondent-Public Information Officer requests that the case may be adjourned for one month and information pertaining to Point No. 2 & 3 of the RTI application will be supplied to the appellant. Regarding information pertaining to Point No. 1 of the RTI application, the respondent-Public Information Officer has sent the same, which is taken on record. A copy of the information so received from the respondent is being sent to the appellant along with this order.

3. Accordingly, the respondent-Public Information Officer is directed to supply the information pertaining to Point No. 2 & 3 of the RTI application before the next date of hearing failing which penalty provisions will be invoked on the next date of hearing.

4. To come up on 20.4.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Taran Taran.

sd

Dated: 3.3.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.