

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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E-mail-Psicsic30@punjabmail.gov.in

Sh Mewa Singh, S/o Sh Narata Singh,
H No-2135, Street No-2-C,
Shaheed Karnail Singh Nagar,
Ludhiana.

... Compliant

Versus

Public Information Officer,
O/o Commissioner of Police,
Ludhiana.

...Respondent

Complaint Case No. 991 of 2018

Present: **Sh.Mewa Singh as Complainant**
 Sh.Dev Raj Inspector O/o Commissioner of Police Ludhiana for the
 Respondent

ORDER:

The case was last heard on 05.12.2018. The order is reproduced hereunder:

“The complainant through RTI application dated 02.05.2018 has sought information regarding action taken on his application submitted to the Commissioner of Police on 31.01.2017 regarding FIR No.161 dated 24.12.2016 Police Station Dugri. The complainant was not provided the information and not being satisfied with the reply, the complainant filed complaint with the Commission on 17.09.2018.

The respondent present pleaded that since the enquiry is still pending with ADCP-2 Ludhiana, the information cannot be provided till the enquiry is complete and the complainant has already been informed vide letter dated 22.05.2018.

The Commission observed that there is an inordinate delay in completing the enquiry and recommends that the enquiry be completed on time. The PIO is directed to send a report about the status of the application of the complainant to the Commission and the appellant be provided the information he is seeking.”

Hearing dated 30.01.2019:

The appellant informed that he has not received the information as per order of the Commission. The respondent present pleaded that the enquiry is still pending with ADCP-2, Ludhiana and they have already requested to the ADCP-2 for providing copy of status report.

In the last order, the Commission observed that there is inordinate delay in completing the enquiry. The previous order still stands. The PIO is directed to send status report of the enquiry to the Complainant.

However, since the RTI application was attended within the time prescribed under the RTI Act, no further course of action is required.

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

Chandigarh
Dated: 30.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Er. RC Tandon,
H No-146, Urban Estate, Phagwara,
P.O Chachoki.

... Appellant

Versus

Public Information Officer,
Jalandhar Development Authority,
Jalandhar.

First Appellate Authority,
Additional, Chief Administrator,
Jalandhar Development Authority,
Jalandhar.

...Respondent

Appeal Case No. 2428 of 2018

Present: None for the Appellant
 Sh.Rakesh Kumar, Asstt.Engineer, (B&E Branch) O/o JDA Jalandhar for the
 Respondent

ORDER:

The case was first heard **on 29.10.2018**. The respondent present pleaded that the information has been provided to the appellant on 24.09.2018. The appellant was not satisfied and informed that certain measurements are not mentioned in the dimensional plan. The PIO was directed to provide the complete dimensions and also provide the area allowed to be covered under the Rule as well as copy of said rule to the appellant.

The case was last heard on **04.12.2018**. Sh.Gaurav Mahajan,API was present. The order is reproduced hereunder:

“The respondent present has pleaded that the information has been sent to the appellant through registered post. The appellant is absent to point out any discrepancies in the information and vide email has sought adjournment. The appellant is directed to point out the discrepancies, if any to the PIO and be present on the next date of hearing. The PIO is directed to remove the discrepancies.”

Hearing dated 30.01.2019:

The appellant is absent and vide email has sought adjournment. The appellant has further informed that it has not received the information that was sent by the PIO through registered letter.

Contrary to the earlier claim that they have sent the information through registered post, the respondent present informed that the information was received by Sh.Sukhjinder Singh on behalf of the appellant. It is a clear case of misleading the court by the APIO claiming at the last hearing, that the information was sent through registered post.

The Commission has taken a serious view on this and directs the APIO to explain on this contrary statement. The Commission also directs the PIO to send the information again through registered post within 2 days of the receipt of the order.

The Commission also observed that the appellant was not satisfied with the information sent on 24.09.2018 with a delay of seven months. The PIO to also explain the reasons for delay in attending to the RTI application.

To come up for further hearing **on 19.03.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 30.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Jasbir Singh, S/o Sh.Harbans Singh,
Jalal Kheri, P.O Sular, Tehsil &Distt Patiala.

... Appellant

Versus

Public Information Officer,
Chief Engineer, Enforcement,
PSPCL, Patiala.

First Appellate Authority,
Chief Engineer, Enforcement,
PSPCL, Patiala.

...Respondent

Appeal Case No. 2634 of 2018

Present: Sh.Jasbir Singh as Appellant
None for the Respondent

ORDER: The case was first heard on **30.10.2018**. Sh.Balbir Singh Sr.Xen PSPCL Khanna was present. The respondent present pleaded that the enquiry is still pending. The appellant sought action taken report on his complaint. The Commission recommended that the PIO Sh.Balbir Singh to complete the enquiry within 30 days and send the enquiry report to the appellant within 7 days of the completion of the enquiry. A copy be sent to the Chief Engineer, Enforcement, PSPCL Patiala for compliance of the orders of the Commission.

The case was last heard on **04.12.2018**. The order is reproduced hereunder:

“The appellant informed that he has not received the action taken report. The respondent is absent and has not sent any compliance of the orders of the Commission. The Commission has taken a serious view that the PIO has not responded on the status of the enquiry. The PIO is directed to provide the status report of the enquiry to the Commission within 7 days and be present on the next date of hearing with explanation for not complying with the orders of the Commission.”

Hearing dated 30.01.2019:

The appellant informed that the information has not been provided. The respondent is absent on 2nd consecutive hearing and has not sent any compliance report of the order of the Commission. The Commission has taken a serious note of this and directs the PIO to send status of the enquiry to the Commission within 7 days and be present on the next date of hearing.

A copy of the order is being sent to the Chief Engineer, Enforcement, PSPCL, Patiala with the directions to ensure the presence of the respondent otherwise the Commission will be constrained to take action as per the RTI Act.

The case is adjourned. To come up on **19.03.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 30.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Tejinder Singh,
Village Bholapur, P.O Ramgarh,
Chandigarh Road, Ludhiana.

... Appellant

Versus

Public Information Officer,
MC,
Fazilka.

First Appellate Authority,
Regional Deputy Director,
Local Bodies, Ferozepur.

...Respondent

Appeal Case No. 2710 of 2018

Present: None for the Appellant
 None for the Respondent

ORDER:

The case was first heard on 31.10.2018. The respondent was absent. The Commission received a letter diary No.21628 dated 25.10.2018 vide which it was informed by the PIO that the information has been sent to the appellant vide letter dated 23.03.2018. The appellant informed that he has received the information but the information is incomplete.

The PIO was directed to provide the information to the appellant as per RTI application and be present on the next date of hearing.

The case was last heard on **05.12.2018**. The order is reproduced hereunder:

“The appellant is absent to point out the discrepancies and has not intimated to the Commission.

In the last hearing the PIO was directed to provide the information as per RTI application and be present on the next date of hearing. The respondent is absent on second consecutive hearing and has not sent any compliance report. The Commission has taken a serious note of this and hereby directs the PIO to send compliance report to the Commission and be present on the next date of hearing.”

Hearing dated 30.01.2019:

The appellant is absent and has not intimated whether the complete information has been provided or not.

In the last hearing, the respondent was absent. The PIO was directed to send compliance report to the Commission and be present on the next date of hearing. The PIO has chosen to be absent on 3rd consecutive hearing and neither sent any compliance report of the Commission's order.

The Commission sees that this is a clear defiance on the part of the PIO to ignore the Commission's order. The Commission has taken a very serious note on this and 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** and for not complying with the orders of the Commission, he 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 also directed to send compliance report of the Commission's order within 10 days of the receipt of order..

The case is adjourned. Both the parties to be present **on 19.03.2019 at 11.00 AM** for further hearing

Chandigarh
Dated: 30.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Naresh Sakhri,
H No-1906/89, Street N0-1-B,
Basant Nagar, Near Baghi Stand,
New Shimlapuri, Ludhiana.

... Appellant

Versus

Public Information Officer,
DCP,
Ludhiana.

First Appellate Authority,
Police Commissioner,
Ludhiana.

...Respondent

Appeal Case No. 3177 of 2018

Present: Sh.Naresh Sekhri as Appellant
Sh.Dev Raj, Inspector, O/o DCP Ludhiana for the Respondent

ORDER:

The case was last heard on 05.12.2018. The order is reproduced hereunder:

“The appellant through RTI application dated 14.05.2018 has sought information regarding action taken on the complaint filed vide No.UID-1294731 dated 16.03.2018 with the Commissioner of Police Ludhiana and other information concerning the office of DCP Ludhiana. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 10.07.2018 which took no decision on the appeal.

The respondent present has submitted a letter of the PIO dated 30.11.2018 which is taken on the file of the Commission. The PIO has stated in the letter that the enquiry is pending with ADCP, Security Ludhiana and the appellant has been informed vide letter dated 27.08.2018. The PIO has further stated in the letter that since the enquiry is pending, the information cannot be provided as per section 8(1) of the RTI Act.

I have gone through the RTI application and the reply of the PIO and hereby direct the PIO to provide information regarding points 1,2 &3. Regarding the information relating to points 4 & 5, the PIO to provide reasons for denial and explain how the information will interrupt the investigation process. The PIO is directed to provide the information within 15 days and send compliance report to the Commission.”

Hearing dated 30.01.2019:

The respondent present pleaded that the information regarding points 1 & 2 has been provided and since the enquiry is pending, the information on remaining points cannot be provided u/s 8(1) (h) of the RTI Act. The respondent further informed that the reply was sent to the appellant vide letter dated 07.06.2018 and letter dated 27.08.2018. The appellant claims that he has received the information on point-1 but is not satisfied with the reply of the PIO regarding remaining points. The appellant further claims that he did not receive the letter dated 07.06.2018 which clearly shows malafide on the part of the PIO.

Appeal Case No. 3177 of 2018

Having gone through the RTI application and the reply of the PIO, the Commission directs the respondent to provide following information to the appellant:

1. Mobile number of the investigating officer regarding point No.2
2. Copy of summons issued to the complainant regarding point No.3
3. Statement of complainant regarding point No.4

Regarding delay in attending to the RTI application, the respondent pleaded that the RTI application was attended on time and the reply to the RTI application was sent to the appellant on 07.06.2018. However, on inspection of the documents, it was observed that the PIO has not listed complete address on the envelope. The appellant claims that this has been done intentionally and incomplete address has been put on the envelope.

The Commission wants to ascertain whether the incomplete address was written with a malafide intention or was it an error and hereby directs the PIO to submit a reply about this fact on an affidavit.

To come up **on 27.02.2019 at 11.00AM** for further hearing.

Chandigarh
Dated: 30.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner