

**PUNJAB, STATE INFORMATION COMMISSION**

Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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Sh.Parveen Kumar Dhanju, Advocate  
Chamber No. 3, Court Complex, Abohar,  
Distt. Fazilka

..... Appellant

Versus

**Public Information Officer,**  
O/o BDPO, Guruharsahai,  
Distt.Ferozepur  
**First Appellate Authority**  
O/o DDPO,Ferozepur

.....Respondent

**AC .No. 1143 of 2018**

Present : (i) None for the Appellant  
(ii) For the respondent : Sh Lakhbir Singh, BDPO and  
Sh Sukhbeer Singh, Patwari

**ORDER**

This order may be read with reference to the previous order dated 07.01.2019.

2. The Appellant is not present today.
3. Sh Lakhbir Singh, BDPO is appearing today. He files his reply to the Show-cause notice issued to him. Further, the Respondent states that the information as available in the official record has been provided to the Appellant. Rest of the information is available with the office of Punjab School Education Board.
4. The perusal of the file shows that the Appellant is not present today. He was not present on the previous five hearings. Neither has he bothered to inform the Commission about his absence. Sh Lakhbir Singh, BDPO files his reply to the Show-cause notice issued to him. I have gone through the same and agree with the reply of the Respondent resultantly, the proceedings under Section 20 of the RTI are dropped. Further, the Appellant has been provided the information that is available in the official record of the Respondent. For the Rest of the information, the Appellant can file a fresh application to Punjab School Education Board.

**AC .No. 1143 of 2018**

In the foregoing, no further cause of action is left. Hence, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

**Chandigarh**  
**Dated: 30.01.2019**

**(Preety Chawla)**  
**State Information Commissioner**

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Sh Ramandeep Singh Ahluwalia,  
Ward No.18, Street no.-2,  
Kartar Nagar, Amloh Road,  
Khanna, Distt- Ludhiana-141401

.... Appellant

Versus

**Regd. Post:- Public Information Officer,**  
O/o EO,  
MC, Khanna

**First Appellate Authority,**  
O/o Regional Deputy Director,  
Urban Local Government,  
Ludhiana

..Respondent

**AC No. 2547 of 2018**

Present : (i) Sh. Ramandeep Singh Ahluwalia, Appellant.  
(ii) For the Respondent: Sh Ranbeer Singh, EO, and Sh S. K Sepia, AME

**ORDER**

This order may be read with reference to the previous order dated 08.01.2019.

2. The Respondent states that information as available in the official record of the Respondent has been sent to the Appellant.
3. The Appellant states that the information is not complete and he is not satisfied with the same.
4. Today, both the parties mutually agreed that the applicant shall visit the office of respondent on **07.02.2019 at 11:00 AM**, inspect the relevant records, identify the documents copies whereof are required by him; and the respondent shall provided copies thereof, according to his RTI application, in accordance with the relevant provisions of the RTI Act, 2005
5. The perusal of the file shows that on the previous date of hearing a show-cause notice was issued to PIO-O/o EO, MC, Khanna. Today, he has failed to file the same. Hence, PIO-O/o EO, MC, Khanna, is again directed to file his reply to the show-cause notice on the next date of hearing.

**AC No. 2547 of 2018**

6. To come up on **28.02.2019 at 11:00 AM**..Copy of the orders be sent to the parties.

Sd/-

**Chandigarh**  
**Dated: 30.01.2019**

**(Preety Chawla)**  
**State Information Commissioner**

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Sh Harnek Singh Bhari,  
H.E.155, Phase-1,  
Mohali-160055

.....Complainant.

**Vs**

**Public Information Officer,**  
O/o Deputy Chief Executive Officer,  
Zila Parishad, Fatehgarh Sahib.  
**2. First Appellate Authority,**  
Additional DC-cum-EO,  
Zila Parishad, Fatehgarh Sahib.

.....Respondent

**CC .No. 1190 of 2018**

Present: (i) Sh. Harnek Singh the complainant  
(ii) For the respondent: Sh. Harkawaljit Singh, Deputy CEO and  
Smt Ravinder Kaur, Supdt.

**ORDER**

This order may be read with reference to the previous order dated 09.01.2019 vide which Sh. Harkawaljit Singh, Deputy CEO, was directed to come present on the next date of hearing i.e today.

2. Sh. Harkawaljit Singh, Deputy CEO is appearing today and states that the information as available in the official record has been sent to the Complainant. He has also given in writing that there is nothing left to be furnished to him.

3. The Complainant states that he is not satisfied with the same.

4. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act , 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

*(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).*

As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

5. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order. In case the complainant has any grouse, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.

6. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

7. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

**Chandigarh**  
**Dated: 30.01.2019**

**Sd/-**  
**(Preety Chawla)**  
**State Information Commissioner**

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Registered post

Sh Bahadur Singh,  
S/o Sh Nirmal Singh,  
Village Kurara, Mohali

.....Appellant

**Vs**

**Public Information Officer,**  
O/o DC, Mohali  
**First Appellate Authority –cum**  
O/o ADC(Development), Mohali

.....Respondent

**AC.No. 3821 of 2018**

Present : (i) Sh. Bahadur Singh the appellant alongwith Sh Bhupinder Singh.  
(ii) For the respondent:Smt Parmjit Kaur , Supdnt and Sh. Harmesh Singh, VDO-cum-Panchayat Secretary.

**ORDER**

This order may be read with reference to the previous order dated 09.01.2019 vide which Sh Ranjit Singh Bains, BDPO-cum-PIO, Kharar was issued a show-cause notice and was directed to be present personally on the next date of hearing, i.e, today.

2. But today Sh. Ranjit Singh Bains is not present. Smt Parmjit Kaur, Superintendent is appearing on behalf of the respondent and states that they have got the information to be handed over to the Appellant running into 29 pages, which is handed over to the Appellant.

3. The Appellant states that the information is not complete and he is not satisfied with the same.

4. After hearing the parties and perusal of the case file reveals that the appellant filed RTI application dated 19.06.2018 to the PIO and PIO has provided the information after the delay of six months and still the appellant is not satisfied.

5. It is observed that the respondents are being represented by junior official who are not in a position to satisfy the Commission and the appellant. It is, apparent from the response of the PIO that there has been delay in providing the information.

6. This has resulted in much avoidable inconvenience and hardship to the Appellant. He is, therefore, entitled to be compensated under Section 19(8)(b) of RTI Act 2005 for the loss and detriment suffered by him. In the circumstances, I am of the view that ends of justice would be met if a sum of **Rs.5000/- (Rupees Five Thousand Only)** is awarded to the Appellant as compensation. I order accordingly.

7. This amount shall be payable by the Respondent from the State exchequer within fifteen days from the receipt of this order under intimation to the Commission.

8. To come up on **05.03.2019 at 11.00 AM**. Copy of the order be sent to the parties.

**Chandigarh**  
**Dated: 30.01.2019**

**Sd/-**  
**(Preety Chawla)**  
**State Information Commissioner**



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Sh Gurdip Singh Dhingi,  
S/o Sh Harnam Singh,  
R/o Ward No.1, House No.390,  
Dharampura Mohalla, Dhuri,  
Distt Sangrur

.....Appellant

**Vs**

**Public Information Officer,**  
O/o BDPO, Dhuri,  
Distt Sangrur  
**First Appellate Authority –cum**  
BDPO, Dhuri, Distt Sangrur

.....Respondent

**AC.No. 3812 of 2018**

Present : (i) None is present on behalf of the appellant  
(ii) for the respondent : Sh.Chandan Singh, Accountant

**ORDER**

This order may be read with reference to the previous order dated 09.01.2019.

2. The appellant is absent today. Respondent states that the information has already been sent to the appellant and has shown the acknowledgment given by the appellant in token of having received the information.

3. In view of the foregoing, no cause of action is left, the appeal filed by the appellant is therefore disposed of and closed. Copies of the order be sent to the parties.

**Chandigarh**  
**Dated: 30.01.2019**

**Sd/-**  
**(Preety Chawla)**  
**State Information Commissioner**

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Sh. Saroop Singh,  
s/o Sh. Bachan singh  
Village choure, Block Sri Hargobindpur  
Tehsil Batlaa, Distt. Gurdaspur

..... Complainant

**Vs**

**Public Information Officer,**  
o/o District Social Welfare Officer  
Gurdaspur

.....Respondent

**CC.No. 1039of 2018**

Present: (i) Sh.Jagjit Singh on behalf of the complainant  
(ii) for the respondent : Sh.Jaspal Singh, Jr Assistant

**ORDER**

This order may be read with reference to the previous order dated 20.12.2018.

2. Sh. Jagjit Singh , representative of the complainant states that incomplete information has been given to the complainant so far.

3. Respondent states that the remaining information will be sent to the complainant as soon as possible.

4. To come up on **05.03.2019 at 11.00 AM**. Copy of the order be sent to the parties.

**Chandigarh**  
**Dated: 30.01.2019**

**Sd/-**  
**(Preety Chawla)**  
**State Information Commissioner**

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Sh. Satnam Singh Buke,  
R/o Village SADA Kwala 2FDM  
PO FDM,Panchayat Smiti , Suratgarh,  
District Shri Ganga Nagar - 335705

..... Appellant

**Vs**

**Public Information Officer,**  
o/o Chief Secretary  
Department of Personnel (IAS Branch)  
Civil Secretariat (RTI Branch)  
Pb. Chandigarh

**First Appellate Authority**  
o/o Chief Secretary  
Department of Personnel (IAS Branch)  
Punjab Chandigarh

.....Respondent

**AC.No. 3247 of 2018**

Present: (i) None is present on behalf of the appellant  
(ii) for the respondent : Sh.Jatinder Singh, Sr. Assistant –cum-APIO

**ORDER**

- This order may be read with reference to the previous order dated 20.12.2018.
2. The appellant is absent today. He has sent a letter.
  3. Respondent states that that information was not provided as an enquiry is pending.
  4. Respondent is directed to file an affidavit stating the same on the next date of hearing.
  5. To come up on **28.02.2019 at 11.00 AM**. Copy of the order be sent to the parties.

Chandigarh  
Dated: 30.01.2019

Sd/-  
(Preety Chawla)  
State Information Commissioner

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Sh Malkiat Khan,

S/o Sh.Jumma Khan,857

Village Balipur, PO Kalyan,

Distt & Tehsil: Patiala

..... Complainant

**Vs**

**Public Information Officer,**

O/o Astt Registrar,

Cooperative Societies, Patiala

**First Appellate Authority,**

O/o Deputy Registrar,

Cooperative Societies, Patiala

.....Respondent

**AC . No. 3549 of 2018**

Present: (i) Sh.Malkit Khan the appellant  
(ii) For the respondent : Sh. Raminder Nath, Supdt., Sh.Gurjant Singh,  
Secretary

**ORDER**

This order may be read with reference to the previous order dated 06.12.2018.

2. Respondent states that the information as exists in their record has been provided to the appellant. Remaining information is lying with the society and society is not covered under the RTI Act.

3. Regarding remaining information pertaining to the society, the appeal is adjourned on 05.03.2019 at 11.00 AM. Copy of the order be sent to the parties.

**Chandigarh**  
**Dated: 30.01.2019**

**Sd/-**  
**(Preety Chawla)**  
**State Information Commissioner**

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Registered post

Smt Murti Devi,  
H.No-33159, Street No.1,  
Partap Nagar, Bathinda

.... Appellant

Versus

**Public Information Officer,**  
O/o EO, Nagar Council,  
Dhanaula, Distt Barnala

..Respondent

## CC No. 857 of 2018

Present: (i) Sh. Vinod Kumar on behalf of the complainant  
(ii) None is present on behalf of the respondent

## ORDER

This order may be read with reference to the previous order dated 08.01.2019.

2. Sh. Vinod Kumar is appearing on behalf of the complainant and states that no information has been given to the complainant so far.

3. Respondent is absent today.

4. A perusal of the file shows that the complainant filed RTI with the PIO, o/o EO Nagar Council, Dhanaula on 15.05.2018, but no information has been given to the complainant so far after lapse of more than eight months. This shows that the respondent has no regard for the RTI regime.

5. In view of the foregoing, PIO is directed to show cause why action should not be taken against him for not attending the hearing inspite of order of the Commission. He should file a written reply in response to the show cause notice. In addition to the written reply PIO is hereby given an opportunity u/s 20(1) proviso thereto for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex-parte.

6. To come up on **05.03.2019 at 11.00 AM**. Copy of the order be sent to the parties.

Sd/-

**Chandigarh**  
**Dated: 30.01.2019**

**(Preety Chawla)**  
**State Information Commissioner**

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Sh. Jasmail Singh, S/o Sh Nachattar Singh,  
Village Kot Crore Khurd, Tehsil & Distt Ferozepur,  
Hal Abad NIS, Moti Bagh, Patiala.  
Appellant.

Versus

**Public Information Officer,**  
Panchayat Secretary, Gram Panchayat,  
Kot Crore Khurd, Block Ghall Kurd,  
Distt Ferozepur.

**First Appellate Authority**  
BDPO, Block Ghall Kurd,  
Distt Ferozepur.

...Respondent

## **Appeal Case No. 1149 of 2018**

Present: (i) Sh.Jasmail Singh Khosa the appellant  
(ii) For the respondent : Sh. Gurmail Singh, Panchayat Secretary

### **ORDER**

This order may be read with reference to the previous order dated 07.01.2019.

2. Today the respondent states that the information has already been sent to the appellant. He further states that compensation has already been paid to the appellant. He has submitted receipt of the same in the Commission.

3. The appellant states that he has received compensation amount but he is not satisfied with the information provided.

4. After hearing both the parties, it is ascertained that the information has already been sent to the appellant. But the appellant is not satisfied with the same. I have gone through the documents on record and pleadings of the parties. It has been observed that the information stands provided to the appellant by the respondent. However, for the satisfaction of the appellant, he is advised to visit the office of the respondent on any working day with prior appointment, inspect the relevant records, identify the documents copies whereof are required by him. Respondent is directed to provide the same to the appellant after payment of documentation fee.

**Appeal Case No. 1149 of 2018**

5. In view of the foregoing, no cause of action is left, the appeal filed by the appellant is therefore **disposed of and closed**. Copy of the order be sent to the parties.

**Chandigarh**  
**Dated: 30.01.2019**

**Sd/-**  
**(Preety Chawla)**  
**State Information Commissioner**

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Sh Joginder Singh,  
S/o Sh Jarnail Singh,  
R/o Village Araimajra, POMauradi,  
Tehsil Samana, Distt Patiala

.....Complainant.

Vs

**Public Information Officer,**  
O/o BDPO, Samana,  
Distt Patiala

.....Respondent

### CC .No. 1187 of 2018

Present : (i) Sh.Joginder Singh the complainant  
(ii) For the respondent :Sh. Sahib Singh, Panchayat Secretary

### ORDER

This order may be read with reference to the previous order dated 08.01.2019 vide which a show cause notice was issued to the respondent-PIO.

2. The complainant states that no information has been given to him so far.
3. Respondent Sh.Sahib Singh is not aware about the facts of the case.
4. The perusal of the file shows that the complainant filed RTI on 14.08.2018 with the PIO,o/o BDPO, Samana, Patiala. But the respondent has not provided any information so far. During the last hearing, a show cause notice was issued to the respondent, but today again respondent –PIO is not present. It is observed that there has been inordinate delay in properly dealing with and replying to the information request submitted by the Complainant. In this regard action under Section 20(1) RTI Act was initiated against **Mr. Baljit Singh Sohi, BDPO-cum-PIO, Samana, Distt. Patiala**. He was also given the opportunity of personal hearing vide order dated 08.01.2019. He has, however, failed to attend the hearing despite registered letter sent to him.
5. I am, therefore, left with no other option but to decide the question of imposition of penalty upon Mr. Baljit Singh Sohi (presently BDPO-cum-PIO, Samana, Distt. Patiala). From the material on record, it transpires that there has been unnecessary



delay in conveying the correct State of affairs to the Complainant in regard to his request for information. Mr. Baljit Singh Sohi was, at the relevant time, holding the position of the PIO. Rather, his failure to even respond to the show cause direction by the Commission reinforces the fact that he has been without any reasonable cause guilty of remissness in the discharge of his duties. He is, therefore, deserves to be penalized. As the delay is of more than five months, maximum penalty of Rs. 25000/- could be imposed upon Mr. Baljit Singh Sohi, the delinquent PIO. However, taking a lenient view, I impose a penalty of Rs. 5000/- on him. He is directed to deposit this amount in the Treasury before the next date of hearing.

6. Director Rural Development and Panchayat, Mohali is also directed to ensure that in case Mr. Baljit Singh Sohi does not deposit the amount of penalty within one week, the penalty amount is recovered from the salary of Mr. Baljit Singh Sohi and a compliance report in this regard be sent to the Commission before the next date of hearing.

7. To come up on **05.03.2019 at 11.00 AM**. Copy of the order be sent to the parties through registered post.

Sd/-

**Chandigarh**  
**Dated: 30.01.2019**

**(Preety Chawla)**  
**State Information Commissioner**

**Through registered post**

CC: (i) Director Rural Development and Panchayats, Vikas Bhawan/62, SAS Nagar.  
(ii) Sh. Baljit Singh Sohi, BDPO, Samana, Distt. Patiala