

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
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Sh. Inderjeet Singh,
504, Phase3A,
Mohali.

... Complainant

Versus

Public Information Officer,
O/o Chief Administrator,
GMADA, Sector-62, Mohali.

...Respondent

Complaint Case No. 1080 of 2018

Present: **Sh.Inderjeet Singh as Complainant**
 Sh.Gulshan Kumar, PIO for the Respondent

ORDER:

The case was first heard on **09.01.2019**. The appellant pleaded that no information has been provided to him. The respondent was absent. The PIO was directed to provide the information within 10 days and be present personally or through a representative on the next date of hearing alongwith the reasons for delay in attending to the RTI application.

The case was last heard on **26.02.2019**. The order is reproduced hereunder:

“The respondent present pleaded the information has been provided to the complainant on 20.04.2018. The complainant is not satisfied and stated that his name is not figure in the information that has been provided. The respondent stated that there is some typographical mistake in the action taken report and they shall rectify and provide the same to the complainant.

The PIO is directed send a corrigendum to the complainant stating exact detail and correct the mistake. Rest of the information stands provided.”

Hearing dated 30.04.2019:

The respondent present pleaded that since the earlier Assistant who was handling the case, has been suspended due to some irregularities in another case and the new assistant has just joined one & half months back, the information has been delayed. The respondent has sought time and assured to provide the information within 10 days.

The appellant says that he is 80 years old and being harassed for not supplying the information. The Commission has taken a serious view of this and directs the PIO to sort out the matter within 10 days and provide the information as per earlier order which still stands. The PIO to send a compliance report to the Commission.

To come up for compliance on **28.05.2019 at 11.00 AM**.

Sd/-

Chandigarh
Dated: 30.04.2019

(Khushwant Singh)
State Information Commissioner

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Sh. Inderjeet Singh,
504, Phase-3-A, Mohali.

.....Appellant

Versus

Public Information Officer,
O/o Estate Office, GMADA,
Sector-62, Mohali.

First Appellate Authority,
O/o Chief Administration,
GMADA, Sec-62, Mohali.

...Respondent

Appellant Case No. 3410 of 2018

Present: Sh.Inderjeet Singh as Appellant
Sh.Gulshan Kumar PIO GMADA for the Respondent

ORDER: The case was first heard on 09.01.2019. The appellant stated that the information has not been provided as per the RTI application. Having gone through the file, the Commission found that the information had been provided by the PIO on first 2 points and regarding 3rd point, the PIO stated that the file is missing. The PIO was directed to trace out the file diligently and provide the information on point No.3 within 15 days. If the file was missing, the PIO to submit complete enquiry report which establishes that the file is missing. The Commission will not consider the file missing until and unless there is an enquiry which establishes that the file is not traceable.

The case was last heard on **26.02.2019**. The order is reproduced hereunder:

“The respondent present pleaded that the file has been traced and the information has been provided to the appellant. The appellant is not satisfied and says that his name does not figure in the action taken report. . The respondent stated that there is some typographic mistake in the action taken report and they shall rectify and provide the same to the complainant.

The PIO is directed send a corrigendum to the complainant stating exact detail and correct the mistake. Rest of the information stands provided.”

Hearing dated 30.04.2019:

The respondent present pleaded that since the earlier Assistant who was handling the case, has been suspended due to some irregularities in another case and the new assistant has just joined one & half months back, the information has been delayed. The respondent has sought time and assured to provide the information within 10 days.

The appellant says that he is 80 years old and being harassed for not supplying the information. The Commission has taken a serious view of this and directs the PIO to sort out the matter within 10 days and provide the information as per earlier order which still stands. The PIO to send a compliance report to the Commission.

To come up for compliance on **28.05.2019 at 11.00 AM**.

Chandigarh
Dated: 30.04.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Ankit Jain, S/o Sh Yashal Jain,
1006, Morni Wala Khoo,
Dera Bassi, Distt Mohali.

...Appellant

Versus

Public Information Officer,
O/o Chief Administrator, GMADA,
Mohali.

First Appellate Authority,
O/o Chief Administrator, GMADA,
Mohali.

...Respondent

Appellant Case No. 3966 of 2018

Present: None for the Appellant
Sh.Gulshan Kumar PIO-GMADA for the Respondent

Order:

The case was last heard on 06.03.2019. The order is reproduced hereunder:

“The appellant through RTI application dated 11.05..2018 has sought information regarding FIR No.62 dated 05.04.2013 filed against Madhukar Sharma in police station Dera Bassi alongwith the documents submitted at the time of filing FIR and other information concerning the office of Chief Administrative, GMADA Mohali. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 29.08.2018 which took no decision on the appeal.

The respondent present pleaded that the information has been provided to the appellant by hand on 28.11.2018. However, the respondent could not clear that which information has been provided to the appellant. The appellant is absent.

The PIO is directed to relook at the RTI application and provide the information within 7 days as per the RTI application.”

Hearing dated 30.04.2019:

The respondent present pleaded that the information has been provided to the appellant again vide letter dated 06.03.2019 and a copy of the same is submitted to the Commission. The appellant is absent and has sought exemption. The appellant however, has not pointed out any discrepancies in the information provided. It is presumed that the appellant has received the information and is satisfied.

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

Sd/-

Chandigarh
Dated: 30.04.2019

(Khushwant Singh)
State Information Commissioner

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Sh.Gurdip Singh, S/o Sh.Chanan Singh,
215-Ajit Nagar, Sultarnwind Road,
Amritsar.

... Appellant

Public Information Officer,
President, Chief KhalsaDiwan,
GT Road, Amritsar.

First Appellate Authority,
President, Chief KhalsaDiwan,
GT Road, Amritsar.

...Respondent

Appeal Case No.1362/2018

Present: **Sh.Gurdip Singh as Appellant**
 Sh.Manish Prabhakar, advocate on behalf of the Respondent

ORDER:

The case was first heard on **20.06.2018**. Sh.Inderjit Sing, Under Secretary was present for the respondent

Sh.Inderjit Singh was directed to submit list of all properties against which the benefit of exemption in stamp duty has been availed and Govt land, if any, allotted on concessional rates to the Society or any other financial aid from the Government. He was also directed to submit copy of constitution under which act the society is registered, name and position of nominee of the State Govt or SGPC, if any, to the Commission before 25.7.2018 and be present on the next date of hearing.

The case was again heard on **01.08.2018**: The respondent was represented through their counsel Sh.Manish Parabhakar.

During the hearing, the appellant submitted certain more documents which he said were further evidences to establish his earlier point. which is that CKDCS is a regular beneficiary of government aid and hence its functioning should be made transparent. The evidences the appellant produced were taken on record.

In the **Interim Order**, apart from the documents asked in the previous hearing on 20.06.2018, the respondent was further directed to submit in writing (i) whether CKDCS has, for any of its institutions, ever been allotted free land, availed grants, grants-in-aid or concessions from the State Govt since independence (15th, August 1947). If so, it was directed to furnish full details of the all lands/plots allotted, and what stands on them as of August of 2018. If buildings have been constructed, what are they being used for?

(ii) The names of all the educational institutions, which are beneficiaries of grants, along with the amount in rupees each institute has received as well as the total percentage of the grant in the budget of these institutions.

(iii) Details of any other grants given by various governments from to time for the functioning of CKDCS.

The case again came up for hearing on **26.09.2018**. The counsel representing the Chief Khalsa Diwan Charitable Society did not bring the documents which were asked in the interim orders dated 20.06.2018 & 01.08.2018 but pleaded that the documents could not be submitted since the appellant has not provided the documents which the appellant has submitted before the Commission as evidences to establish his case that CKDCS is a public authority. The documents were provided to the advocate from the file of the Commission. The respondent was directed to submit the documents as per order dated 20.06.2018 and order dated 01.08.2018.

The case was further heard on **13.11.2018**. The counsel could not produce documents as per previous orders and pleaded that due to sudden demise of the spouse of Sh.Narinder Singh Khurana who is holding office of the main authority, the documents could not be collected.

The CKDCS was granted one last opportunity to bring the record as per the previous orders which still stands.

The case was again heard on **07.01.2019**. The counsel representing the CKDCS has submitted an affidavit which was not found in order and as per order of the Commission. The directed the CKDCS to file fresh affidavit clarifying the following:

1. Details of each and every property against which the benefit of exemption in stamp duty has been availed and Govt land, if any, allotted on concessional rates to the Society or any other financial aid from the Government.
2. Whether CKDCS has, for any of its institutions, ever been allotted free land, availed grants, grants-in-aid or concessions from the State Govt since independence (15th, August 1947). If so, to furnish full details of the each and every land/plot allotted, and what stands on them as of August of 2018. If buildings have been constructed, what are they being used for?
3. The names of all the educational institutions, which are beneficiaries of grants along with the amount in rupees each institute has received as well as the total percentage of the grant in the budget of these institutions.
4. Details of any other grants given by various governments from to time for the functioning of CKDCS."

Also submit copy of constitution under which act the society is registered, name and position of nominee of the State Govt or SGPC, if any, to the Commission.

The case was last heard on **25.02.2019**. The order is reproduced hereunder:

"The counsel representing the CKDCS has sought adjournment pleading that the general election of the Chief KhalsaDewanCheritable Society was held on 17.02.2019 and the elected members have not yet taken their respective charge.

The case is adjourned. The PIO is directed to comply with the earlier order of the Commission which still stands."

Hearing dated: 30.04.2019:

This order is to be read in continuation to the earlier order. The counsel representing the CKDCS has submitted a fresh affidavit and other documents related to the donations received, which is taken on the file of the Commission.

Having gone through the affidavit, it is observed that this affidavit has been submitted in a very casual manner and without any rigour. The affidavit appears to have been prepared on mere 'word of mouth' information available with the management committee and not by means of researching and imploring on the documents at hand. The respondent is directed to submit a

Appeal Case No.1362/2018

new comprehensive affidavit by taking into account all its records pertaining to allotment of free land if any, concessions by the government and all the other points stated in the earlier interim order of 07.01.2019.

A counsel, who has reiterated the earlier submissions of the appellant, is representing the appellant. The counsel is directed to submit a written reply with all the arguments put together.

An advance of the arguments be provided to the respondent. The respondent to provide all the documents submitted on this hearing to the appellant

To come up for further hearing on **22.07.2019 at 11.00 AM.**

Sd/-

Chandigarh
Dated: 30.04.2019

(Khushwant Singh)
State Information Commissioner



Sh. Balwant Singh, S/o Sh Ajaib Singh,
Ward no-11, Near Goyal Hospital, Ahemadgarh,
Distt Sangrur.

... Complainant

Versus

Public Information Officer,
O/o Chairman, PSPCL,
Patiala..

...Respondent

Complaint case No.1199/2018

PRESENT: None for the Complainant
Sh.Amandeep Singh, Sr.Xen-cum-APIO PSPCL, Ahmedgarh for the
Respondent

ORDER:

The case was last heard on **06.03.2019**: The order is reproduced hereunder:

“The complainant through RTI application dated 10.10.2018 has sought information regarding action taken report on his application dated 06.08.2018 alongwith name of the inquiry officer and other information concerning the office of Chairman, PSPCL Patiala. The complainant was not provided the information after which the complainant filed complaint in the Commission on 19.11.2018.

The respondent present pleaded that the information has been provided to the appellant vide letter dated 01.03.2019 and a copy of the same is submitted to the Commission. The appellant is absent and vide email has sought adjournment .

The Commission observes that the information has been provided but with a delay of three and half months. The PIO is directed to explain the reasons for delay in providing the information.”

Hearing dated 30.04.2019:

The respondent present pleaded that the information has already been provided to the complainant. The respondent has submitted an affidavit explaining the reasons for delay in providing the information which is taken on the file of the Commission.

The Commission has considered the reply and observed that the information has been provided and the delay is not intentional and has been caused due to the nepotism existing in the office. The Commission disposes off the complaint with a warning to the PIO to be careful in attending to the RTI Application in future.

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

Sd/-

Chandigarh
Dated 30.04.2019

(Khushwant Singh)
State Information Commissioner



Smt .Neelam Mahajan,
305, Holleywood Heights-II, B-Block,
VIP Road, Zirakpur.

... Complainant

Versus

Public Information Officer,
O/o Addl Superintending Engineer,
Computerization Cell, Sector-2433-34,
Sector-22-C, Chandigarh.

...Respondent

Complaint case No.1220/2018

PRESENT: Smt.Neelam Mahajan as Complainant
Sh.Sh.Taranjit Singh, SDO, PSPCL for the Respondent

ORDER: The case was last heard on **06.03.2019**: The order is reproduced hereunder:

“The complainant through RTI application dated 24.09.2018 has sought information regarding record/documents of overall multiplying factor in a/c No.J65 MS 14/0059 Shree Ram Food Products Jamsher as alleged in charge sheet and printing of updation of master file sent by RCC now DOEACC and other information concerning the office of Addl. Superintending Engineer, Computerization Cell, PSPCL Chandigarh. The complainant was not provided the information after which the complainant filed complaint in the Commission on 27.11.2018.

The respondent present pleaded that the information has been provided to the appellant vide letter dated 13.11.2018 and again on 08.02.2019. The appellant is not satisfied and stated that she wants the papers/printing of updation of master file sent by the RCC . The respondent is directed to sort out the anomaly in the case and provide the record true to the fact even though the record has been provided within time. The respondent alleged that certain part of the record has been destroyed in the devastating fire that broke out in NIELIT on 08,06.2014. The respondent is directed to submit proof of the record which stands destroyed.”

Hearing dated 30.04.2019:

The respondent present pleaded that the available information has been provided to the complainant. The complainant is not satisfied and stated that if the record is not maintained, how the tender was floated.

Having gone through the reply, the Commission directs the PIO to provide the relevant document which supports the PIO's explanation that the record of the same is not maintained and is sold as waste, for the period the appellant is seeking the information. The information be provided within 10 days.

With the above oorder, the case is closed. The Commission makes it clear that if the complainant is not satisfied with the information, she is free to come to the Commission.

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

Sd/-

Chandigarh
Dated 30.04.2019

(Khushwant Singh)
State Information Commissioner



Sh. JPS Sidhu,
R/o H No-222, Advocate Society,
Sector-49, Chandigarh.

...Appellant

Versus

Public Information Officer,
O/o Chief Administrator, GMADA,
Mohali.

First Appellate Authority,
O/o Chief Administrator, GMADA,
Mohali.

...Respondent

Appellant Case No. 3946 of 2018

Present: **None for the Appellant**
 Sh.Gulshan Kumar, PIO GMADA for the Respondent

Order: The case was last heard on **06.03.2019**.

The respondent present pleaded that the available information has been provided to the appellant vide letters dated 13.06.2018 and 25.07.2018 relating to points 1,2,3 & 5. Regarding information on points-4 & 6 the respondent informed that since their balance sheet is not complete and financial budget is yet to be approved, the information can be provided after completion of the process of balance sheet and the budget and that this process will take minimum a month's time. The appellant was absent to point out the discrepancies if any.

The PIO was directed to provide the information on points-4 & 6 as and when the process of balance sheet and budget is complete.

Hearing dated 30.04.2019:

The respondent present pleaded that their balance sheet has been finalized and the information regarding point-4 has been provided to the appellant. The respondent further informed that their budget has been finalized but the same is yet to be approved. However, they have sent a copy of unapproved budget to the appellant.

The appellant is absent to point-out any discrepancies. The PIO is directed to resend the information regarding point-6.

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

Sd/-

Chandigarh
Dated: 30.04.2019

(Khushwant Singh)
State Information Commissioner

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Sh.Abhishek Garg, S/o Sh. Rakesh Kumar,
49/13, Street No-1, Lalheri Road, Gurbachan Colony, Khanna,
Distt Ludhiana

... Appellant

Versus

Public Information Officer,
Labour Welfare Commissioner,
Pb, Chandigarh.

First Appellate Authority,
Labour Welfare Commissioner,
Pb, Chandigarh.

...Respondent

Appeal Case No. 1717 of 2018

Present: Sh.Abhishek Garg as Appellant
Sh.Shalender Singh Negi Clerk O/o Labour Commissioner-cum-Conciliation
Officer, Fatehgarh Sahib at Mandi Gobindgarh for the Respondent

ORDER:

The case was first heard on **30.08.2018**. The respondent Sh.Deepak Kumar from the office of ALC Khanna pleaded that the information has been sent to the appellant on 19.06.2018 relating to their office. The appellant pleaded that he has not received the same. The respondent provided a copy of the same information, which however, was not a certified copy. The respondent was directed to provide.

The respondent Ms.Neelam from Labour Welfare Board, Chandigarh, pleaded that the information is not available with them and the same is available and has to be provided by ALC, Circle-6, Ludhiana.

The respondent Ms.Harpreet Kaur from ALC-Ludhiana-6 informed that the reply has been sent to the appellant on 29.05.2018. The appellant however informed that he has not received the same. The respondent again handed over the information to the appellant at the hearing.

The appellant pleaded that the information has been delayed as it was required by them for claiming labour welfare fund under Factories Act. The delay in information may cause a hindrance in availing the benefits.

The PIO was directed to explain the reasons for delay in providing the information and be present on the next date of hearing.

The case was again heard on **25.09.2018**: The respondent Ms.Harpreet Kaur pleaded that the certified copy of the information that was sent to the appellant on 19.06.2018, was again provided to the appellant at the last hearing. The appellant was absent and vide email informed that he was not provided the certified copy of the information. The PIO was directed to send the certified copy of the information through registered post to the appellant within 3 days.

The respondent present from ALC-Ludhiana-6 pleaded that the information was sent to the appellant in time on 29.05.2018. However, the PIO did not explain the reasons for delay in providing the information. The PIO ALC-Ludhiana-6 was given last opportunity to be personally present on the next date of hearing and explain the reasons for delay in providing the information within the prescribed time under the RTI Act. The reply be filed on an affidavit.

Appeal Case No. 1717 of 2018

The case again came up for hearing on **06.11.2018**. The appellant was absent and vide email informed that he has not received the certified copy of the information. The PIO was directed to send certified copy of the information as per directions of the Commission.

The respondent was absent. The PIO was issued **show cause notice for not supplying the information within the statutorily prescribed period of time** and for not complying with the orders of the Commission, and was directed to file an affidavit in this regard.

The case was again heard on **08.01.2019**. The appellant was absent and vide email informed that he has not received the certified copy of the information.

The PIO was also absent and neither sent any reply to the show cause notice. The PIO was afforded one more opportunity to reply to the show cause notice. The PIO was also directed to send certified copy of the information to the appellant as well as bring the same on the next date of hearing.

The case was last heard on **25.02.2019**: The order is reproduced hereunder:

"The respondent present pleaded that the information has been provided to the appellant. The appellant says that the information is not certified. The PIO is directed to resend certified copy of the information by registered post to the appellant.

Regarding reply to the show cause notice, the respondent has submitted an affidavit stating that the appellant had filed RTI application to the Labour Welfare Commissioner, Punjab, Chandigarh which transferred it to ALC Circle-6 Ludhiana on 10.05.2018, and Sh.S.S. Randhawa who was the PIO-cum-ALC at that time further sent the RTI application to Labour Enforcement Officer Samrala on 22.05.2018. The Labour Enforcement Officer Samrala has already sent the information to the appellant on 29.05.2018.

Regarding order of the Commission to appear personally on 06.11.2018, the respondent pleaded that he has only joined as ALC on 01.02.2019 and previously Sh.Swaran Singh was the ALC Circle -6 Ludhiana. The respondent further informed that Sh.Swaran Singh is now posted as Labour Commissioner-cum-Conciliation Officer Fatehgarh Sahib and its office is at Mandi Gobindgarh.

The information stands provided. However, there has been enormous delay in providing the information and since the respondent has joined as ALC-cum-PIO recently and the delay is on the part of the previous PIO, Sh.Swaran Singh, Labour Commissioner-cum-Conciliation Officer (Previously ALC-cum-PIO Circle-6 Ludhiana) is hereby directed to appear personally before the Commission on the next date of hearing and explain the reasons for not providing the information **within the statutory prescribed period of time** and for not complying with the order of the Commission. He should file an affidavit in this regard."

Hearing dated 30.04.2019:

The respondent present pleaded that Sh.Swaran Singh, Labour Commissioner-cum-Conciliation Officer(Previous ALC-cum-PIO Circle-6, Ludhiana) is going to retire today and the respondent has been deputed to attend the hearing. The appellant pleaded that even though the information has been provided, it is not accurate since regular deduction was taking place as per norms and there is no reasons that the record is not existing. The appellant has requested to reconsider to relook at the RTI and get the information that is sought in the RTI application.

On the plea of the appellant, I have relooked the entire case again and accepted the plea of the appellant. I hereby direct the public authority to relook the RTI application and go through all the files to dig out all the available information regarding the RTI and send the information to the appellant within 10 days. It is clear that there is some missing link in the information that has been provided and the information that the appellant has sought and the Commission is determined to go through and investigate the entire case again in the interest of justice. If the information is not provided, and the PIO takes the same plea as before, the entire record pertaining to this case be brought to the Commission.

A copy is being sent to the Labour Commissioner and the Secretary, Labour Welfare Board, Punjab Chandigarh for perusal of this case as there seems to be some anomaly in the information being sought and the information being provided.

To come up for further hearing on **01.07.2019 at 11.00 AM.**

Sd/-

Chandigarh
Dated: 30.04.2019

(Khushwant Singh)
State Information Commissioner

CC to: 1. Assistant Labour Commissioner,
Circle-6, Ludhiana.

2. The Secretary,
Labour Welfare Board, Punjab,
Chandigarh.

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Sh.Jaspal Singh, S/o Sh Ramesh Arora,
H No-319/3, Gurdeep Nagar, Jagraon,
Ludhiana.

... Appellant

Public Information Officer,
O/o Executive Officer, Nagar Council,
Jagraon, Ludhiana.

First Appellate Authority,
O/o Deputy Director, Local Bodies,
Ludhiana.

...Respondent

Appeal Case No. 1285 of 2018

Present: Sh. Jaspal Singh Appellant
Sh.Amarinder Singh, EO NC Jagraon, for the Respondent

ORDER:

The case was first heard on **19.06.2018**. The appellant was not satisfied with the information provided by the respondent. The respondent was absent. The PIO was directed to provide the information within 10 days.

The case was again heard on **24.07.2018**. The appellant was not present. The respondent present brought the information. The information was found incomplete as the copies of the information were not attested and signed by the competent authority.

The Commission had taken a serious view of this and directed the PIO to send the complete information on all points duly attested and signed by the competent authority within ten days of the receipt of orders. The PIO Sh.Manohar Singh was also directed to be present personally on the next date of hearing with suitable reply and explain as to why action should not be taken against him for not complying with the orders of the Commission.

The case again came up for hearing on **20.08.2018**. The Commission found that the PIO is showing laxity in providing the information and not complying the orders of the Commission. The Commission made it clear that on the next date of hearing, the designated PIO should be personally present with explanation for not complying the orders of the Commission failing which the Commission will be compelled to issue summons u/s 18(3)(a) of the RTI Act 2005 and also initiate action under the provisions of RTI Act.

The appellant was absent. The appellant was also directed to be present personally to go through the information, failing which the Commission will be constrained to decide the case ex-parte."

The case again came up for hearing on **26.09.2018**. The respondent was absent and sought exemption due to all the staff on election duty.

The appellant pleaded that the PIO has not abided by the orders of the Commission. The PIO was directed to send the certified copies of the information on all points as per the RTI Act within 15 days failing to do so, the Commission will be constrained to issue show cause notice.

Appeal Case No. 1285 of 2018

The case was again heard on **19.11.2018**. The appellant informed that the information has not been provided to him so far. The respondent was absent and again asked for exemption citing the reason that the APIO dealing with such cases has been deputed for election duty. It was observed that the PIO is not serious in complying with the orders of the Commission, the PIO was issued **show cause notice with the directions to file an** affidavit in this regard.

The case again came up for hearing on **14.01.2019**. The respondent present submitted an affidavit stating that the information has been provided to the appellant as per available record and there is no more information in their record. The appellant was absent and vide email informed that the PIO has not provided the information as per orders of the Commission.

The PIO was absent and preferred to send affidavit through his representative. The affidavit was not on the stamp paper. The PIO was directed to appear personally on the next date of hearing and submit appropriate reply to the show cause notice. The PIO was also directed to send the certified copies of the information on all points to the appellant.

The case was last heard on **26.02.2019**. The order is reproduced hereunder:

“The respondent present pleaded that the information has been provided to the appellant on 21.02.2018. The appellant stated that as per order of the Commission, certified copies of the information have not been provided. The respondent is directed to provide certified copy of the information within 3 days.

Regarding reply to the show cause notice, the respondent pleaded that he has just joined on 23.10.2018 and there was another PIO who was handling this case.

Since there is more than one PIO involved in continuous defiance of the Commission's order as well as continuous defiance in respect of Commission's various directions, both the PIO's are directed to be present on the next date of hearing with appropriate reply to the show cause notice issued on 19.11.2018.”

Hearing dated 30.04.2019:

The respondent present pleaded that in compliance with the order of the Commission, the information has been provided to the appellant. The appellant states that the information is not certified. The PIO is directed to certify the information.

The respondent has submitted a reply to the show cause which is taken on the file of the Commission. Since the onus of this case to provide the information is on the present PIO, I have considered the reply and hereby drop the show cause with a warning to the PIO to be careful in future in providing the information and keep the spirit of the RTI Act intact.

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

Sd/-

Chandigarh
Dated: 30.04.2019

(Khushwant Singh)
State Information Commissioner

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ShJaspal Singh, S/o Sh Ramesh Arora,
H No-319/3, Gurdeep Nagar, Jagraon,
Ludhiana.

... Appellant

Public Information Officer,
O/o Executive Officer, Nagar Council,
Jagraon, Ludhiana.

First Appellate Authority,
O/o Deputy Director, Local Bodies,
Ludhiana.

...Respondent

Appeal Case No. 1284 of 2018

Present: Sh.Jaspal Singh as Appellant
Sh.Amarinder Singh, EO NC Jagraon for the Respondent

ORDER:

The case was first heard on **19.06.2018**. The appellant was not satisfied with the information provided by the respondent regarding points 1 to 4. The PIO was directed to provide the information regarding these points within 10 days.

The case was again heard on **24.07.2018**. The appellant was not present. The respondent present brought the information. The information was found incomplete as the copies of the information were not attested and signed by the competent authority.

The Commission had taken a serious view of this and the PIO was directed to send the complete information on all points duly attested and signed by the competent authority within ten days of the receipt of orders. The PIO Sh.Manohar Singh was also directed to be present personally on the next date of hearing with suitable reply and explain as to why action should not be taken against him for not complying with the orders of the Commission.

The case again came up for hearing on **20.08.2018**. The Commission found that the PIO is showing laxity in providing the information and not complying the orders of the Commission. The Commission made clear that on the next date of hearing, the designated PIO should be personally present with explanation for not complying the orders of the Commission failing which the Commission will be compelled to issue summons u/s 18(3)(a) of the RTI Act 2005 and also initiate action under the provisions of RTI Act.

The appellant was absent. The appellant was also directed to be present to go through the information, failing which the Commission will be constrained to decide the case ex-parte.

The case came up for hearing again on **26.09.2018**. The respondent was absent and sought exemption due to election duty of the staff.

The appellant pleaded that the PIO has not abided by the orders of the Commission. The PIO was directed to send the certified copies of the information regarding points 1 to 4 as per the RTI Act within 15 days failing to do so, the Commission will be constrained to issue show cause notice. The PIO was also directed to send compliance report before the next date of hearing to the Commission.

Appeal Case No. 1284 of 2018

The case was again heard on **19.11.2018**. The appellant informed that the information has not been provided to him so far. The respondent was absent again asked for exemption citing the reason that the APIO dealing with such cases has been deputed for election duty. It was observed that the PIO is not serious in complying with the orders of the Commission, the PIO was issued **show cause notice with the directions to file an** affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The case was last heard on **14.01.2019**. The respondent present submitted an affidavit stating that the information has been provided to the appellant as per available record and there is no more information in their record. The appellant was absent and vide email informed that the PIO has not provided the information as per orders of the Commission.

The PIO was absent and sent an affidavit through his representative. The affidavit was not on the stamp paper. The PIO was directed to appear personally on the next date of hearing and submit appropriate reply to the show cause notice. The PIO was also directed to send the certified copies of the information regarding points 1 to 4 to the appellant.

The case was last heard on **26.02.2019**. The order is reproduced hereunder:

“The respondent present pleaded that the information has been provided to the appellant on 21.02.2018. The appellant stated that the PIO has not provided certified copies of the information per order of the Commission. The respondent is directed to provide certified copy of the information regarding points 1 to 4 within 3 days.

Regarding reply to the show cause notice, the respondent pleaded that he has just joined on 23.10.2018 and there was another PIO who was handling this case.

Since there are more than one PIO involved in continuous defiance of the Commission's order as well as continuous defiance in respect of Commission's various directions, both the PIO's are directed to be present on the next date of hearing with appropriate reply to the show cause notice issued on 19.11.2018.”

Hearing dated 30.04.2019:

The respondent present informed that all the information has been provided to the appellant. The appellant is not satisfied with the information regarding point-3 and informed that the information is not certified. The PIO is directed to provide the information on point-3 and certify all the information already provided.

The case is adjourned. To come up for compliance on **10.06.2019 at 11.00 AM**.

Sd/-

Chandigarh
Dated: 30.04.2019

(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - sicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh.Jaspal Singh, S/o Sh Ramesh Arora,
H No-319/3, Gurdeep Nagar, Jagraon,
Ludhiana.

... Appellant

Public Information Officer,
O/o Executive Officer, Nagar Council,
Jagraon, Ludhiana.

First Appellate Authority,
O/o Deputy Director, Local Bodies,
Ludhiana.

...Respondent

Appeal Case No. 1283 of 2018

Present: **Sh.Jaspal Singh as Appellant**
 Sh.Amarinder Singh, EO NC Jagraon, for the Respondent

ORDER:

The case was first heard on **19.06.2018**. The appellant informed that he has received the information but he was not satisfied with the information regarding points 3,4,5,6 & 8. The PIO was absent. The PIO was directed to provide the information regarding these points within 10 days.

The case was again heard on **24.07.2018**. Since the complete information was not supplied, the PIO was directed to send the complete information duly attested within ten days. Sh.Manohar Singh, PIO was also directed to be personally present on the next date of hearing with suitable reply and explain as to why action should not be taken against him for not complying with the orders of the Commission.

The case again came up for hearing on **20.08.2018**. The Commission found that the PIO is showing laxity in providing the information and not complying the orders of the Commission. The Commission made clear that on the next date of hearing, the designated PIO should be personally present with explanation for not complying the orders of the Commission failing which the Commission will be compelled to issue summons u/s 18(3)(a) of the RTI Act 2005 and also initiate action under the provisions of RTI Act.

The appellant was absent. The appellant was also directed to be present to go through the information, failing which the Commission will be constrained to decide the case ex-parte."

The case was further heard on **26.09.2018**. The appellant pleaded that the PIO has not abided by the orders of the Commission. The PIO was absent. The PIO was directed to send the information regarding points 3,4,5,6 & 8 as per RTI Act within 15 days failing to do so, the Commission will be constrained to issue show cause notice.

The case was again heard on **19.11.2018**. The appellant informed that the information has not been provided to him so far. The respondent is absent and again asked for exemption citing the reason that the APIO dealing with such cases has been deputed for election duty. It was observed that the PIO is not serious in complying with the orders of the Commission the PIO was issued **show cause notice with the directions to file an** affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO was directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The case again came up for hearing on **14.01.2019**. The respondent present submitted an affidavit stating that the information has been provided to the appellant as per available record and there is no more information in their record. The appellant was absent and vide email informed that the PIO has not provided the information as per orders of the Commission.

The PIO was absent and sent the affidavit through his representative. The affidavit was not on the stamp paper. The PIO was directed to appear personally on the next date of hearing and submit appropriate reply to the show cause notice. The PIO was also directed to send the information regarding points 3,4,5,6& 8 to the appellant.

The case was last heard on **26.02.2019**. The order is reproduced hereunder:

“The respondent present pleaded that the information has been provided to the appellant on 08.02.2018. The appellant stated that information has not been provided as per order of the Commission. Having gone through the reply of the respondent and hearing both the parties, the commission directs the PIO to provide the information regarding points 4, 6 & 8.

Regarding reply to the show cause notice, the respondent pleaded that he has just joined on 23.10.2018 and there was another PIO who was handling this case.

Since there are more than one PIO involved in continuous defiance of the Commission's order as well continuous defiance in respect of Commission's various directions, both the PIO's are directed to be present on the next date of hearing with appropriate reply to the show cause notice issued on 19.11.2018.”

Hearing dated 30.04.2019:

The respondent present pleaded that in compliance with the order of the Commission, the information has been provided to the appellant. The appellant states that the information is not certified. The PIO is directed to certify the information.

The respondent has submitted a reply to the show cause which is taken on the file of the Commission. Since the onus of this case to provide the information is on the present PIO, I have considered the reply and hereby drop the show cause with a warning to the PIO to be careful in future in providing the information and keep the spirit of the RTI Act intact.

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

Sd/-

Chandigarh
Dated: 30.04.2019

(Khushwant Singh)
State Information Commissioner