

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
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Sh Yashpal Kundal,
R/o Village Lohgarh Kothe,
P.O & Tehsil Dinanagar,
Distt Gurdaspur.

..... Appellant

Versus

Public Information Officer,
O/o District Food and Supply Controller,
Gurdaspur.

First Appellate Authority,
O/o Deputy Director,
Food Supply Field Jalandhar Division,
Jalandhar.

...Respondent

Appeal Case No. 2779 of 2021

ORDER:

The appellant through an RTI application dated 17.11.2020 has sought information regarding blue cards issued in village and city Dinanagar coming under FSO Smt.Ritu Mahajan from 01.04.2017 to 30.09.2020 and other information as enumerated in the RTI application concerning the office of District Food Civil Supply Controller, Gurdaspur. The appellant was not satisfied with the reply of the PIO dated 08.01.2021 after which the appellant filed a first appeal before the First Appellate Authority on 15.01.2021 which took no decision on the appeal.

The case first came up for hearing on 11.01.2022 through video conferencing at DAC Gurdaspur. The appellant claimed that the PIO has not supplied the information.

The respondent was absent.

Since the reply of the PIO dated 08.01.2021 was not in tandem with the sought information, the PIO was issued a **show cause notice under section 20 of the RTI Act 2005 and directed to file reply on an affidavit.** The PIO was again directed to relook at the RTI application and provide information to the appellant within 15 days of the receipt of the order.

Hearing dated 30.05.2022:

The case has come up for hearing today through video conferencing at DAC Gurdaspur. Due to the non-working of the VC at DAC Gurdaspur, the hearing could not take place.

The Commission has received a letter dated 25.03.2022 through email from the PIO stating that in compliance with the order of the Commission, complete information has been supplied to the appellant vide letter dated 14.03.2022 and the appellant has acknowledged having received the information. The respondent has also sent a copy of the acknowledgement of the appellant which has been taken on record.

The PIO has, however, not filed a reply to the show cause notice. The PIO is given one last opportunity to file a reply to the show cause notice, otherwise, it will be presumed that the PIO has nothing to say on the matter and the Commission will proceed as per the provisions of section 20 of the RTI Act.

To come up for further hearing on **16.06.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Gurdaspur.

Chandigarh
Dated: 30.05.2022

Sd/-
(Khushwant Singh)
State Information Commission

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Sector 16, Chandigarh.
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Sh Mohit Bansal, H No-189,
C/o Bansal Provision Store,
Village Adial, P.O Shapurkandi Township,
Tehsil Pathankot, Shahpur, Pathankot.

... Appellant

Versus

Public Information Officer,
O/o Director of Ayush,
Pb, Sector-11-D, Chandigarh.

First Appellate Authority,
Director Ayurveda –
Pb, Pb, Sector-11-D, Chandigarh.

...Respondent

Appeal Case No. 2743 of 2021

PRESENT: Sh.Mohit Bansal for the Appellant
Sh.Ravi Kumar, PIO for the Respondent

ORDER:

The appellant through an RTI application dated 14.01.2021 has sought information regarding manufacturer Divya Upchar Sansthan, Zirakpur – a copy of manufacture licence No. allotted – a copy of sample reports of Drug named as Divya kit sold/manufactured – a copy of approval granted by the state authority to sell the kit – a copy of the license to manufacture for the sale of ayurvedic – a copy of sample report of product and other information as enumerated in the RTI application concerning the office of Director of Ayush, Pb Chandigarh. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 19.02.2021 which took no decision on the appeal. After filing the first appeal, the PIO sent a reply to the appellant on 16.03.2021 to which the appellant was not satisfied and filed 2nd appeal in the Commission.

The case first came up for hearing on 11.01.2022 through video conferencing at DAC Pathankot/ Chandigarh. The appellant claimed that the PIO has not supplied the information.

The respondent was absent. There has been an enormous delay of more than ten months in providing the information. The PIO was issued a **show cause notice under section 20 of the RTI Act 2005 for not handling the RTI application in a proper way and secondly for not supplying the information within the statutorily prescribed period of time and directed to file reply on an affidavit.** The PIO was again directed to provide information to the appellant within 15 days of the receipt of the order.

Hearing dated 30.05.2022:

The case has come up for hearing today through video conferencing at DAC Pathankot/ Mohali. The appellant claims that the PIO has not provided accurate information.

The respondent present informed that no approval/license has been granted to Divya Keet Products by the State Licensing Authority Punjab and the reply has been sent to the appellant vide letter dated 07.01.2022. The respondent further informed that he has since joined as PIO w.e.f. 08.03.2022 and Sh.Brahmjot Singh was the PIO when the RTI application was filed and show cause was issued.

The Commission has received a reply from the PIO on 29.03.2022 which has been taken on record. In the said reply, it has been mentioned that Sh.Brahmjot Singh, PIO-RTI Branch (Ayurvedic Department) has been relieved from this post on 08.03.2022 and Sh.Ravi Kumar has been posted as PIO in his place. Further, since the information relates to their Drug Branch, the information after collection from them, has been sent to the appellant vide letter dated 07.01.2022.

The Commission is not satisfied with the reply of the PIO since the RTI application was filed on 14.01.2021 but the reply has been sent on 07.01.2022. There has been an enormous delay of more than one year in attending to the RTI application.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, and as per respondent, Sh.Brahmjot Singh, GAD Nadiali (SAS Nagar) was the PIO when the RTI application was filed till 17.10.2021 and on the date of issue of show cause notice, Sh.Brahmjot Singh, GAD Nadiali (SAS Nagar) is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request. The PIO is also held guilty of repeated defiance of the orders of the Punjab State Information Commission to provide the information, as well as not replied to the show cause. This defiance is clearly suggestive of the fact that the PIO was least bothered, firstly about replying to the RTI on time, then providing the information to the appellant on the orders of the commission, and then choosing to not avail the opportunity to reply to the show cause, which also signifies that the PIO has nothing to say on the matter.

Hence, given the above facts a penalty of **Rs.10,000/-** is imposed on the Sh.Brahmjot Singh, GAD Nadiali (SAS Nagar) which will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

Further, the Commission is of the view that since the complainant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

Hence the PIO- Director of Ayush Punjab, Chandigarh is directed to pay an amount of **Rs.5000/-** via demand draft through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO is directed to duly inform the commission of the compliance of the order and submit proof of having compensated the appellant.

To come up for further hearing on **16.06.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Pathankot. The PIO to appear at Chandigarh.

Chandigarh
Dated: 30.05.2022

Sd/-
(Khushwant Singh)
State Information Commission

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Sector 16, Chandigarh.
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Sh.Kamalpreet Singh
134, Basant City,
Tharika, P.O.Lalton Kalan,
Ludhiana.

.....Appellant

Versus

Public Information Officer,
O/o Civil Surgeon,
Patiala.

First Appellate Authority,
O/o Civil Surgeon
Patiala.

..... Respondents

Appeal Case No.443 of 2021

PRESENT: Dr.Darshan Kumar, SMO-Shutrana for the Respondent

ORDER:

The appellant through the RTI application dated 12.10.2020 has sought information regarding the exact name of Pathology, Microbiology, Histopathology or any other tests conducted by the laboratory of Health department Bathinda since 2010-11 in which chemicals namely potassium iodide, N-Hexane, carbon Tetra Chloride are used– a copy of current stock position on 12.10.2020 from 2010-11 of all chemicals and other information as enumerated in the RTI application from the office of Civil Surgeon Bathinda. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 25.11.2020 which took no decision on the appeal.

The case first came up for hearing on 16.08.2021 through video conferencing at DAC Ludhiana/Patiala. The respondent was absent. As per a letter received from the PIO on 20.05.2021, the information had been supplied to the appellant vide letter dated 25.01.2021 and again on 10.05.2021.

The appellant was not satisfied with the supplied information.

The appellant was directed to point out the discrepancies to the PIO with a copy to the Commission and the PIO was directed to sort out the discrepancies and provide whatever information is available on record. The PIO was directed to appear at the next hearing.

On the date of the last hearing on **11.01.2022**, the respondent informed that the information has already been provided to the appellant.

The appellant was not satisfied and informed that in the reply/letter dated 25.01.2021 & 10.05.2021, relating to information on point-b, the respondent said that they neither received any such chemical nor they had used these chemicals in any kind of testing whereas, in one letter No.41 dated 07.01.2021, it was informed that Carbon Tetra – Chloride (1x2.5 ltrs) is lying surplus in PHC Shatruana Patiala. The appellant also sent copies of these letters via email which were taken on the file of the Commission.

Having gone through the RTI application and the discrepancies pointed out by the appellant, the PIO was given one last opportunity to reconcile and sort out the discrepancies as pointed out by the appellant.

Hearing dated 30.05.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Patiala. The Respondent present pleaded that the discrepancies as pointed out by the appellant have been sorted out and the information has been provided to the appellant vide letter dated 17.05.2022 & again on 25.05.2022.

The Commission has also received a copy of a letter dated 17.05.2022 from the PIO on 20.05.2022 and a copy of a letter dated 25.05.2022 through email which has been taken on record.

Due to some other urgent VC relating to the CM office in the DAC Ludhiana, the appellant could not be heard. However, the Commission has received a copy of discrepancies from the appellant through email which has been taken on record. The PIO is directed to sort out the discrepancies as pointed out by the appellant, a copy of which is being sent to the PIO alongwith the order.

To come up for further hearing on **16.06.2022 at 11.00 AM** at Chandigarh.

Chandigarh
Dated: 30.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Surinder Kumar s/o Sh.Hakam Rai
H.No.1869/92, Kila Mohalla,
Daresi Road, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o District Controller,
Food Supply Departement,
Ludhiana.

First Appellate Authority,
O/o District Controller,
Food Supply Department,
Ludhiana.

...Respondent

Appeal Case No.3909 of 2021

PRESENT: Sh.Surinder Kumar for the Appellant

ORDER:

The appellant through an RTI application dated 24.04.2021 has sought information on 05 points cardholders' details relating to depot holder Smt.Surinder Kaur ward No.59, Kila Mohalla, Daresi Road, Ludhiana – detail of the wheat supplied to each member of the family – wheat supplied in the full year to a cardholder – detail of wheat allotted to a depot holder and other information as enumerated in the RTI application from the office of District Controller, Food Supply Department, Ludhiana. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 08.06.2021 which took no decision of the appeal.

The case last came up for hearing on 28.02.2022 before Bench through video conferencing at Ludhiana. The appellant claimed that the PIO has not supplied the information.

The respondent was absent. There has been an enormous delay of more than nine months in providing the information. The PIO was issued a **show cause notice under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time as well as for misleading the court and directed to file reply on an affidavit.** The PIO was again directed to provide information to the appellant within 15 days of the receipt of the order and send a compliance report to the Commission.

Hearing dated 30.05.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana. Due to some other urgent VC relating to the CM office in DAC Ludhiana, the hearing could not take place.

The appellant is present at Chandigarh and informed that the PIO has not supplied the information.

The case is adjourned. To come up for further hearing on **23.06.2022 at 11.00 AM** at Chandigarh.

Chandigarh
Dated: 30.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Bharat Bhushan
H.No.153, Akash Nagar,
Near Green Land School Central
P.O.Ludhiana, Distt.Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Civil Surgeon,
Ludhiana.

First Appellate Authority,
O/o Director, Health and Family Welfare, Pb
Sector 34-A, Chandigarh.

...Respondent

Appeal Case No.3961 of 2020

ORDER:

The appellant through an RTI application dated 04.06.2021 has sought information on 05 points regarding a copy of the logbook of the official car used by DHO Ludhiana from 01.02.2020 to 04.06.2021 - attendance record of staff/duty register/movement register/order and other information as enumerated in the RTI application from the office of Civil Surgeon, Ludhiana. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 12.07.2021 which took no decision of the appeal.

The case last came up for hearing on 28.02.2022 before Bench through video conferencing at Ludhiana. The appellant was absent and vide letter received in the Commission on 21.02.2022 informed that the PIO has not supplied the information.

The respondent present pleaded that since the information relates to DHO Ludhiana, the RTI application was forwarded to them.

The respondent from DHO Ludhiana was absent. The PIO-DHO Ludhiana was impleaded in the case and directed to look at the RTI application and provide information to the appellant as per the RTI Act.

Hearing dated 30.05.2022:

The case has come up for hearing today through vide conferencing at DAC Ludhiana. Due to some other urgent VC relating to the CM office in DAC Ludhiana, the hearing could not take place.

Earlier order stands.

The case is adjourned. To come up for further hearing on **23.06.2022 at 11.00 AM** at Chandigarh.

Chandigarh
Dated: 30.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-cum-DHO-
O/o Civil Surgeon, Ludhiana