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**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

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Ms. Rachna,

H.No.1700, Sector-4,

Panchkula ( Haryana) Appellant

Versus

Public Information Officer,

O/o Municipal Council,

Zirakpur, (Dera Bassi), Distt. S.A.S. Nagar.

First Appellate Authority

O/o Executive Officer,

Municipal Council,

Zirakpur, (Dera Bassi), Distt. S.A.S. Nagar Respondents

 **APPEAL CASE NO.2813/2017**

Date of RTI application : 22.05.2017

Date of First Appeal : 30.07.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :10.10.2017

**Present:** Sh. Vipan Kumar, Appellant in person.

 Sh. Gursewak Singh, Jr. Assistant, O/o NC, Khanna – for Respondents.

**ORDER**

Being aggrieved with the inaction of the respondents in providing him the information in response to his application of 22.05.2017, the appellant has filed the second appeal with the Commission. The respondents say that the appellant was requested to come and inspect the record which he failed to do. The appellant submits that his couple of visits went futile as he was not attended to by an official to impart him the information.

 There is a significant delay in responding to the application which warrants serious notice. The respondents are to get the relevant record inspected by the appellant on 08.12.2017 at 11.00 AM in their office. It should be ensured that the custodian of the record is available on the scheduled time.

 To come up on **26.12.2017 at 11.30 AM.**

 **Sd/-**

**30.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Mukesh Sharma,Advocate,

# 258, M.D.C. Sector-4,

Panchkula (Haryana) Appellant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,

S.A.S. Nagar.

First Appellate Authority

O/o Senior Supdt. of Police,

S.A.S. Nagar Respondents

 **APPEAL CASE NO.2780/2017**

Date of RTI application : 26.07.2017

Date of First Appeal : 29.08.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :04.10.2017

**Present:** Sh. Vipan Kumar, Appellant in person.

 ASI Arvinder Singh, RTI Cell, SSP Office, Mohali – for Respondents.

**ORDER**

The appellant acknowledges the receipt of information to his satisfaction. He complains that there has been significant delay in providing the information and pleads with the Commission to impose a penalty for the inordinate delay in having provided the information. The respondents are directed to explain the delay in writing before the next date of hearing.

 To come up on **26.12.2017 at 11.30 AM.**

 **Sd/-**

**30.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Pritam Singh Swaitch, Advocate

Chamber No.4, Civil Court Complex, Amloh

Tehsil Amloh, Distt. Fatehgarh Sahib. Complainant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

Amloh Distt. Fatehgarh Sahib. Respondent

 **COMPLAINTS CASE NO.1067/2017**

Date of RTI application : 20.05.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :04.10.2017

**Present:** Sh. Vipan Kumar, Appellant in person.

 Sh. Khushwinder Singh, Panchayat Secretary, O/o BDPO, Amloh – for Respondent.

**ORDER**

Heard.

The complainant had sought an information about the encroachments made on some vital roads in the Sub Division of Amloh and the action having been taken by the respondents to remove them.

Sh. Khushwinder Singh, Panchayat Secretary appearing on behalf of the respondents is oblivious to the facts of the case. It can be made out that the application has been attended to in a very slip-shod manner. An attempt has been made to pass the buck to various departments. No attempt has been made to identify the departments to which the information belongs and forward the application to them accordingly.

The Commission takes a strong exception to the indifferent conduct of the PIO in the office of the Sub Divisional Magistrate, Amloh. Being a Nodal Officer he/she is directed to ensure that the appropriate information/replies are obtained from the concerned departments and are transmitted to the complainant within fifteen days positively from the receipt of this order. Simultaneously, he/she shall file a reply before the Commission for the inordinate delay in passing on the information showing cause as to why penal action should not be taken against him/her.

To come up on **26.12.2017 at 11.30 AM.**

 **Sd/-**

**30.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Vipan Kumar,

S/o Sh. Krishan Kumar,

House No.319, Ward No.2, New Abadi Khanna,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council,

Khanna

First Appellate Authority,

O/o Deputy Director,

Urban Local Bodies,

Ludhiana. Respondents

 **APPEAL CASE NO.789 of 2017**

 **Date of RTI Application : 25.09.2016**  **Date of First Appeal : 09.11.2016**

 **Date of letter of FAA : Nil, Reply: 20.10.2016**

 **Date of Second Appeal : 20.02.2017**

**Present:** Sh. Vipan Kumar, Appellant in person.

 Sh. Amarpal Singh, Inspector, O/o NC, Khanna – for Respondents.

**ORDER**

The Commission has made the following order on 26.10.2017:

 *“This be read in continuation of earlier order passed on 11.07.2017.*

 *The orders passed earlier towards drawl of samples of a work executed by the respondents have not matured. The appellant has already been intimated to get it drawn on 30th of October, 2017. The respondents shall ensure that the samples are drawn according to a procedure prescribed in the PWD Works Manual and the same shall be handed over to the information seeker under due seal. It shall be the responsibility of the appellant to send it to the Lab. and bear the cost thus chargeable by the Lab.*

 *The appellant says that the documents against the payment made by him in the instant case have not yet been furnished. The respondents shall ensure its delivery too before the next date of hearing.”*

Contd…page…2

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**APPEAL CASE NO.789 of 2017**

The case has come up today. It transpires that in compliance with the aforesaid order the samples of the works under consideration has been drawn to the satisfaction of the appellant.

This should be sent to the jurisdictional lab for its chemical examination. The appellant is satisfied with the outcome of his appeal. No intervention of the Commission is called for. The appeal is **disposed.**

 **Sd/-**

**30.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Vipan Kumar,

S/o Sh. Krishan Kumar,

House No.319, Ward No.2, New Abadi Khanna,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council,

Khanna

First Appellate Authority,

O/o Deputy Director,

Urban Local Bodies,

Ludhiana. Respondents

 **APPEAL CASE NO.793 of 2017**

 **Date of RTI Application : 27.10.2016**  **Date of First Appeal : 09.11.2016**

 **Date of letter of FAA : Nil**

 **Date of Second Appeal : 20.02.2017**

**Present:** Sh. Vipan Kumar, Appellant in person.

 Sh. Kewal Singh, JE (Elect.), O/o NC, Khanna – for Respondents.

**ORDER**

The following order was passed by this forum on 26.10.2017:

 *“The respondent says that they have furnished him the entire information. However, the appellant is dissatisfied and submits that the information thus stated to have been sent is deficient.*

 *The appellant is directed to convey in writing the specific infirmity in the information thus provided to him under intimation to the Commission so that the respondents are in a position to comply with the same.”*

The case has come up today. The respondents reiterate that the available information has been provided to him whereas the appellant alleges that they are concealing the information with reference to engines bought 20 years earlier. He is seeking copies of the bills Contd..page..2

 -2-

**APPEAL CASE NO.793 of 2017**

against which these engines were purchased.

 The Commission feels that the demand to requisition a purchase bill of an item bought 20 years back is unreasonable. One cannot assign any malafide in case such a document is not available in record. Nonetheless the respondents are directed to provide him the log books of the engines and the details of the payments made for the purchase of diesel from Ist of January, 2015 to 30th of November, 2017 under intimation to the Commission within fifteen days positively.

 The matter is **disposed.**

 **Sd/-**

**30.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Vipan Kumar,

S/o Sh. Krishan Kumar,

House No.319, Ward No.2, New Abadi Khanna,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council,

Khanna

First Appellate Authority,

O/o Deputy Director,

Urban Local Bodies, Ludhiana. Respondents

 **APPEAL CASE NO.795 of 2017**

 **Date of RTI Application : 02.10.2016**  **Date of First Appeal : 14.10.2016**

 **Date of letter of FAA : Nil**

 **Date of Second Appeal : 20.02.2017**

**Present:** Sh. Vipan Kumar, Appellant in person.

 Sh. Amarpal Singh, Inspector, O/o NC, Khanna – for Respondents.

**ORDER**

Vide order dated 26.10.2017 the Commission had desired the appellant to
pin-point any infirmity or deficiency in the information stated to have been provided to him. Primarily, he had sought an information concerning the advertisement contract leased out to a contractor.

 He has failed to pin-point the infirmity in the information provided to him. The Commission feels that the sufficient information has been given. No further action is called for.

 The appeal is **closed.**

 **Sd/-**

**30.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Lov Kumar Dua

S/o Late Sh. Megh Raj Dua,

R/o H.No.125, Model Town, Samrala Road,

Khanna -141401 Distt.Ludhiana Appellant

Versus

Public Information Officer,

O/o Executive Officer, Municipal Council,

Khanna Distt. Ludhiana

First Appellate Authority

O/o Regional Deputy Director,

Local Bodies, Punjab, Ludhiana Respondents

 **APPEAL CASE NO.2129/2017**

Date of RTI application : 08.06.2017

Date of First Appeal : 19.06.2017

Date of Order of FAA : Reply 04.07.2017

Date of 2nd Appeal/complaint : 25.07.2017

**Present:** Sh. Lov Kumar Dua, Appellant in person.

 Sh. Ravneet Singh, E.O., MC Office, Khanna – for Respondents.

**ORDER**

 Heard.

 The appellant had filed a complaint before the respondent against someone who has installed a submersible pump on a public land for his personal use. The appellant is seeking action towards removal of this encroachment.

 The respondent says that they have already issued show cause notice ;to the offender and are in the process of taking appropriate action. The appellant is not satisfied with the response as he is seeking the positive action on the ground.

 The Commission is not a forum to redress a grievance. It is not vested with powers to pass any executive instructions to correct an alleged malady on ground. The appellant is advised to approach the appropriate authorities for the redressal of the grievance he is alluding to. As far as

 Contd..page..2

 -2-

**APPEAL CASE NO.2129/2017**

the information part is concerned the available information with the respondents has been passed on to the appellant. No intervention of the Commission is warranted.

 **Disposed.**

 **Sd/-**

**30.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Raman Gupta,

S/o Late Sh. Madan Lal Gupta,

R/o Syndicate House, Ist Floor,

Lahori Gate, Patiala Complainant

Versus

Public Information Officer,

O/o Patiala Improvement Trust,

Patiala. Respondent

 **COMPLAINT CASE NO.502/2017**

Date of RTI application : 22.02.2017

Date of First Appeal : Nil

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint :25.05.2017

**Present:** Adv. Ravinder Singh, Counsel for the Complainant.

 Sh. Raj Kumar, E.O. – cum – PIO, O/o Improvement Trust, Patiala – for Respondent.

**ORDER**

 To take the things in the right perspective it shall be appropriate to reproduce following interim orders passed on 19.09.2017 and 02.11.2017:

 **Interim Order dated 19.09.2017**

 **“***The following order was passed by this forum on 13.07.2017:*

 *“It is a complaint against the respondent for non-furnishing of an information asked for vide his application dated 22.02.2017. The complainant had sought a copy of a building plan and building byelaws operable in the respondent authority.*

 *Sh. Parbodh Bhatia, PIO submits that he has recently joined and on his immediate knowledge of the pending application the information has been supplied. He has brought along the same and shown it to the Commission. Though the complainant is dissatisfied yet the Commission on its perusal finds it apparently to be in order. The complainant is insisting for imposition of penalty for the delay. He has also filed written arguments to strengthen his cause.*

 *The respondent is directed to explain the delay beyond the permissible period before the next date of hearing. It goes without saying that the issue raised by the complainant be addressed to in the explanation thus asked for.”*

 *Contd…page…2*

 *-2-*

***COMPLAINT CASE NO.502/2017***

 *“Sh. Parbodh Kumar Bhatia submits that he has joined the Improvement Trust as Executive Officer on 10.07.2017 and immediately on coming to his notice the information was provided to the complainant. The delay if any according to him is attributable to his predecessor. The Commission finds that the delay is beyond one hundred days as the original application was filed during the month of February, 2017. It has taken almost seven months for providing the information.*

 *Sh. Raj Kumar Kapoor, the then PIO – cum - Executive Officer, Improvement Trust, Patiala now at Rajpura is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take 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.”*

**Interim order dated 02.11.2017**

 *“This be read in continuation of Commission’s order dated 19.09.2017.*

 *Sh. Raj Kumar Kapoor, the then PIO is neither present nor any explanation has been received from him.*

 *Adv. Ravinder Singh, Counsel for the complainant is present. He pleads to take immediate action on the show cause notice issued for the dereliction of duty by the PIO. Last opportunity is afforded to the then PIO Sh. Raj Kumar Kapoor presently working as E.O., Improvement Trust, Rajpura to explain his conduct failing which the matter shall be decided on the basis of the record on file.”*

The case has been taken up today. Sh. Raj Kumar Kapoor, E.O. – cum – PIO has *Contd…page…3*

 *-3-*

***COMPLAINT CASE NO.502/2017***

filed a written explanation to the show cause notice issued to him. He submits that he has been consistently following it up and passing on the instructions to Sh. Narinder Kumar, APIO and
Sh. Gurmail Singh, Trust Engineer to expedite the information. He has produced copies of observations made on the noting-sheets and instructions passed in writing to them. He further submits that he has not caused willful delay in revealing the information to the complainant. The delay, if any, is attributable to the APIO and Trust Engineer under Section 5(4) of the Act as they were duly asked by him to assist him in providing the information.

 The Commission has given a thoughtful consideration to the issue. There is a tangible delay. From the submissions made orally and in writing the Commission finds that no malafide is attributable to the PIO who has consistently passed written instructions to his subordinates to deal with his application expeditiously. It shall not be judicious to hold him culpable of the delay. Taking a holistic view the Commission takes a lenient view and files the show cause notice issued to PIO. The onus was on Sh. Narinder Kumar, APIO and Sh. Gurmail Singh, Trust Engineer who were to assist him properly in discharging their duties under the RTI Act. They are admonished and issued a warning to be watchful in future. Their disciplinary authority is advised to take a note of it.

  **Disposed.**

 **Sd/-**

**30.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Sh. Raj Kumar Kapoor,**

 **Executive Officer, Improvement Trust, Rajpura.**

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Sh. Manu,

S/o Sh. Vijay Bhargav,

Village Peer Jain, Sirhind Highway,

Fatehgarh Sahib.

 Appellant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,(Vigilance),

Jalandhar

First Appellate Authority

O/o Senior Supdt. of Police,(Vigilance),

Jalandhar Respondents

 **APPEAL CASE NO.2097/2017**

Date of RTI application : 22.05.2017

Date of First Appeal : 27.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 24.07.2017

**Present:** Sh. Manu, Appellant in person.

 Insp. Kuldip Singh, Punjab Vigilance Bureau, Hoshiarpur – for Respondents.

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**ORDER**

 The Commission had passed following order on 02.11.2017:

 “The following was observed by the Commission on 03.10.2017:

 *“The appellant is absent. He has requested for adjournment due to his indisposition. Simultaneously he has denied having received the information commensurate with his application.*

 *The respondents represented by Sh. Karanbir Singh, DSP, submit that it is a case of marital dispute. The appellant intends to settle a personal score with his father-in-law who is a Principal in the Government School. They say that numerous complaints have been made by the appellant against him which were enquired into and filed. The respondents have also submitted a written reply in the shape of an affidavit wherein they have taken a plea of an exception under Section 8(1) (g) of the RTI Act. Before a final decision on his submission thus made is taken the appellant is desired to respond to the submissions made by the respondents before the next date of hearing.”*

 *“The case has been taken up today. It transpires that the appellant had sought a copy of the statements recorded by the respondents in the conduct of an enquiry into a complaint Contd…page…2*

 *-2-*

***APPEAL CASE NO.2097/2017***

*made by him. As already observed the respondents are seeking exemption under Section 8(1) (g) of the RTI Act. It shall be prudent to reproduce the provisions of Section 8 (1) (g):*

 *“****Exemption from disclosure of information ---***

*(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;”*

 *It is obvious that nothing can be deemed to have been passed on to the appellant which could jeopardize the security or safety of anybody. The dispute is between the two parties and they are entitled to know what has been stated on record so that they can defend their position. The contention of respondents in withholding the information under Section 8(1) (g) as such does not hold good. They are advised to give him a copy of the statements recorded while clinching the enquiry, the report of which has already stated to have been provided to the appellant.”*

The case has come up today. The appellant is absent.

 Insp. Kuldip Singh appearing on behalf of the respondents says that in compliance with the order of the Commission the relevant information has been delivered to the appellant. They have also shown to the Commission an acknowledgement of receipt of the information made by the appellant. No further action is called for.

 The appeal is **closed.**

 **Sd/-**

**30.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Nirmal Singh, Naib Tehsildar (Retd),

House No.1100, Sector-69,

S.A.S. Nagar

 Appellant

Versus

Public Information Officer,

O/o Tehsildar,

Dera Bassi, Distt. S.A.S. Nagar.

First Appellate Authority

O/o Sub Divisional Magistrate,

Dera Bassi Distt.S.A.S.Nagar Respondents

 **APPEAL CASE NOs.2139, 2140 and 2141 of 2017**

Date of RTI application : 10.05.2017

Date of First Appeal : 27.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :03.08.2017

**Present:** Sh. Nirmal Singh, Appellant in person.

 Sh. Parveen Kumar Singla, Tehsildar, Dera Bassi – for Respondents.

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**ORDER**

 The following order was passed by this forum on 02.11.2017:

 *“Since the nature of information sought in the connecting appeals, the appellant and the respondents are the same, the single order shall dispose of the above appeals.*

 *The appellant had sought a certified copy of the Stay Register relating to the year 2006 and 2007 wherein the entries of the stays issued by any competent Court are recorded. He has made specific reference of order passed in COCP 1762 of 2006 by the Honble Punjab & Haryana High Court, Chandigarh.*

 *Sh. Karamjit Singh, Naib Tehsildar is present. He says that the relevant information has been given to the appellant. The appellant denies its receipt. He further submits that the copy of the Register commencing from 2011 only has been provided whereas he has sought the information concerning 2006 and 2007.*

 *Contd…page…2*

 *-2-*

***APPEAL CASE NOs.2139, 2140 and 2141 of 2017***

 *The Commission takes serious exception to the conduct of the respondents and takes it as a case of willful denial of information. A final opportunity is afforded to Sh. Parveen Kumar, PIO – cum – Tehsildar, Dera Bassi to provide the sought for information along with his explanation for having failed to give the information in stipulated period.*

 *Be it noted that the neglect or indifference shown to the this order shall invite serious consequences.”*

The case has come up today.

 Sh. Parveen Kumar Singla, Tehsildar, Dera Bassi who is PIO in the Appeal Case
No.2139/2017, is present. He has filed a written reply which has been taken on record. It further transpires that the PIO in AC: 2140 and 2141 of 2017 is different and relates to the office of Sub Divisional Magistrate, Dera Bassi. It shall be in the fitness of things to segregate the issue as the PIOs are different. The PIO in the office of Sub Divisional Magistrate is absent. Nothing has been heard from him also. It seems that the office of the SDM, Dera Bassi has more to hide than to reveal in the case. The Commission takes strong exception to their conduct. He is directed to file his written statement positively before the next date of hearing failing which the penal consequences shall follow.

 To come up on **26.12.2017 at 11.30 AM.**

 **Sd/-**

**30.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**