

STATE INFORMATION COMMISSION, PUNJAB
SCO No. 32-34, SECTOR 17-C, CHANDIGARH

Tele No. 0172-4630071, FAX No. 0172-4630888, Visit us @ www.infocommpunjab.com

Sh. Jasbir Singh, Editor Arjan Patrika,
Guru Nanak Nagar, Vill. Bholapur Jhabewal,
P.O. Ramgarh, Distt. Ludhiana

Complainant

Versus

Public Information Officer,
O/o Executive Engineer,
Central Works, Division No.2, PWD (B&R),
Amritsar.

Respondent

COMPLAINT CASE NO.480/2016

Present: Sh. Jasbir Singh, Editor Arjan Patrika, Complainant in person.
Sh. Dilbagh Singh, SDO, Central Works Div. No. 2, PWD (B&R), Amritsar – for Respondent.

ORDER

The complainant acknowledges the receipt of information to his satisfaction. No action seems to be called for. The complaint is **filed**.

Sd/-

31.05.2016

(Yashvir Mahajan)
State Information Commissioner

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Sh. N.K.Sayal Accounts Officer (Retd.),
Member RTI Activists Fed. Punjab,
Sayal Street, Sirhind -140406

Complainant

Versus

Public Information Officer,
O/o Principal Secretary to Govt., Punjab,
Department of Local Govt., Room No. 216,
Plot No. 3, Sector 35 A, Municipal Bhawan,
Chandigarh.

Respondent

COMPLAINT CASE NO.504/2016

Present: Sh. N.K.Sayal, Accounts Officer (Retd.), Complainant in person.
1. Sh. Sanjeev Kumar, PIO – cum – Superintendent, LG – 3 Br., and
2. Sh. Joginder Kumar, Sr. Asstt., O/o Director, Local Govt., Punjab – for
Respondent.

ORDER

Heard.

The PIO submits that no complaint has been received by him with reference to the information being sought. He is attending the Court on receipt of a notice only. A copy of the complaint has been handed over to him on spot. He may like to take suitable action on the same under intimation to the Commission.

The matter shall be reheard on **11.08.2016 at 11.30 AM.**

Sd/-

31.05.2016

(Yashvir Mahajan)
State Information Commissioner

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Sh. Rohit Sabharwal,
President Kundan Bhawan,
126, Model Gram, Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Principal Secretary to Govt., Punjab,
Department of Local Government,
Room No. 216, Plot No. 3, Sector 35 – A,
Municipal Bhawan,
Chandigarh.

First Appellate Authority,
O/o Principal Secretary to Govt., Punjab,
Department of Local Government,
Room No. 216, Plot No. 3, Sector 35 – A,
Municipal Bhawan,
Chandigarh.

Respondents

APPEAL CASE NO.987/2016

Present: None on behalf of the Parties.

ORDER

None is present on behalf of the Parties. The appellant seeks adjournment. His request is acceded. The matter shall be reheard on **11.08.2016 at 11.30 AM.**

Sd/-

31.05.2016

(Yashvir Mahajan)
State Information Commissioner

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Sh. Rohit Sabharwal,
President Kundan Bhawan,
126, Model Gram,
Ludhiana

Appellant

Versus

Public Information Officer,
O/o Chief Vigilance Officer,
Deptt. of Local Govt. Punjab, SCO No.131-132, Sec.-17-C, Chandigarh
Now (Sathanik Sarkar Bhawan, Sector-35,
Chandigarh.

First Appellate Authority,
O/o Chief Vigilance Officer,
Deptt. of Local Govt. Punjab, SCO No.131-132, Sec.-17-C, Chandigarh
Now (Sathanik Sarkar Bhawan, Sector-35,
Chandigarh

Respondents

APPEAL CASE NO.988/2016

Present: None on behalf of the Appellant.
Sh. Manpreet Singh, Sr. Assistant, Vigilance Wing, O/o Director of Local Govt., Pb.,
Chandigarh.

ORDER

Vide communication dated 30.05.2016, the appellant has requested for an
adjournment. The request is acceded. The matter shall be taken up on **11.08.2016 at 11.30 AM.**

31.05.2016

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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SCO No. 32-34, SECTOR 17-C, CHANDIGARH

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Sh. Malkiat Singh,
S/o Sh. Ujagar Singh,
Vill Aeman, P.O. Hiyatpur Rurkee,
Tehsil Balachaur. Distt. S.B.S. Nagar

Appellant

Versus

Public Information Officer,
O/o District Revenue Officer,
Hoshiarpur.

First Appellate Authority,
O/o Deputy Commissioner,
Hoshiarpur

Respondents

APPEAL CASE NO.1365/2016

Present: Sh. Malkiat Singh, Appellant in person.
Sh. Malkiat Singh, Sadar Kanungo, o/o Deputy Commissioner, Hoshiarpur.

ORDER

Heard.

The instant case relates to the implementation of a mutation No. 581 of Village Aiman formerly situated in the district of Hoshiarpur and now within the jurisdiction of S.B.S. Nagar District, consequent upon the formation of new district. It transpires that the above mutation could not be implemented in the ensuing jamabandis on the report of the kanungo due to an erroneous execution of a registered deed. It was pointed out that the land was reportedly sold beyond the legitimate title of the seller. The sanctioned mutation statedly is not available on record. The jurisdictional kanungo reportedly asked for the review of the same. However, it could not be clinched for want of its availability in record.

As the concerned village has been transferred under the jurisdiction of S.B.S. district, the onus lies in the office of the Deputy Commissioner, S.B.S. Nagar to provide the information to the

information seeker. The respondent submits that a massana is required to be created on the orders

Contd...page....2

-2-

APPEAL CASE NO.1365/2016

of the jurisdictional Deputy Commissioner to update the record and provide the information.

It is noted with concern that a vital ownership record is missing to the detriment of its owners without its reflection in the revenue record. A duty is cast on the concerned authority to create and supply it with a copy of the same to the information seeker. The plea that the same is not available on record is not acceptable and shall tantamount to willful denial of the information.

The respondents are directed to take action to arrange to provide a duplicate copy of the record after following due procedure in its creation and supply a copy of the same to the information seeker at the earliest under intimation to the Commission.

To come up on **11.08.2016 at 11.30 AM.**

Sd/-

31.05.2016

**(Yashvir Mahajan)
State Information Commissioner**

CC: Deputy Commissioner, SBS Nagar.

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Sh. H.S.Hundal (98785-00082),
Chamber No.82, District Courts,
Phase 3 B-1, S.A.S. Nagar -160059)

Appellant

Versus

Public Information Officer,
O/o District Education Officer (Elementary Education),
Mini Sectt. Moga -142001

First Appellate Authority
O/o Director General School Education,
PSEB Complex, Phase VIII, S.A.S.Nagar

Respondents

APPEAL CASE NO.27/2016

Present : Sh. H.S.Hundal (98785-00082), Appellant in person.
Sh. Harwinder Singh, L.A. O/o DEO (EE), Moga – for Respondents.

ORDER

Heard.

In pursuit of the directions passed in this case on 16.03.2016 the Respondents have furnished documents concerning the rules for the purchase of store items. The appellant expresses his satisfaction. The case is **closed**.

Sd/-

31.05.2016

(Yashvir Mahajan)
State Information Commissioner

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Sh. Ramandeep Singh Ahluwalia, (94646-92553)
Ward No.18, Street No.2,
Kartar Nagar, Near Mann Market, Amloh road, Khanna
Distt. Ludhiana

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council, Sector-5,
Nangal

First Appellate Authority
O/o Secretary to Govt. of Punjab,
Deptt. Of Local Govt.Sector-9,
Pb. Civil Sectt.-II, Chandigarh

Respondents

APPEAL CASE NO.43/2016

Present : Sh. Ramandeep Singh Ahluwalia, (94646-92553), Appellant in person.
Sh. Bhupinder Singh, J.E., (88727-00699), O/o M.C., Nangal – for Respondents.

ORDER

Vide my order dated 16.03.2016 the appellant was asked to go through the information already provided by the respondents to him. After going through the same he has pointed out some deficiencies to the PIO. According to him the same has not been attended to by the respondents.

The respondents, on the other hand, say that they are not in receipt of the aforesaid memo vide which the deficiencies as stated by the appellant have been pointed out. A copy of the same has been handed over to the respondent on spot. The respondents are directed that the compliance of the application for information be made before the next date of hearing failing which the penal action shall ensue.

To come up on **10.08.2016 at 11.30 AM.**

Sd/-

31.05.2016

(Yashvir Mahajan)
State Information Commissioner

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Sh. Ramandeep Singh Ahluwalia, (94646-92553)
Ward No.18, Street No.2,
Kartar Nagar, Near Mann Market, Amloh road, Khanna
Distt. Ludhiana

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council, Sector-5,
Nangal

First Appellate Authority
O/o Regional Director,
Urban Local Bodies, Mini Sectt. 1st Floor,
D.C. office complex, Ludhiana.

Respondents

APPEAL CASE NO.45/2016

Present : Sh. Ramandeep Singh Ahluwalia, (94646-92553), Appellant in person.
Sh. Bhupinder Singh, J.E., (88727-00699), O/o M.C., Nangal – for Respondents.

ORDER

Heard.

The appellant has expressed his satisfaction over the information thus supplied to him. He states that no more action is called for. The appeal is **disposed** accordingly.

31.05.2016

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Sh. Kawaldeep Singh,
H.No. 501/2, Dooma Wali Gali,
Patiala – 147001

Complainant

Versus

Public Information Officer,
O/o President, Shiromani Gurdwara Parbhadak Committee (SGPC)
Amritsar

Respondent

COMPLAINT CASE NO.1871/2015

Present : None on behalf of the Complainant.
Sh. Kuldeep Singh, G.P.A., SGPC, Amritsar – for Respondent.

ORDER

Sh. Kuldeep Singh appearing on behalf of the respondent says that as directed, the information relating to Baba Banda Singh Bahadur Engineering College, Fatehgarh Sahib besides the one relating to all the institutions has now been provided to the complainant.

Nothing has been heard from the complainant. It can be presumed in view of his absence or any contrary submission that he is satisfied with the information thus stated to have been provided to him. No more action is called for. The complaint is **discharged**.

31.05.2016

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Ms. Nirmal Kaur (97816-74644),
W/o Sh. Balbir Singh Toor,
Vill. Bamuwall P.O. Mudowal,
Tehsil Dhillwan, Distt. Kapurthala.

Appellant

Versus

Public Information Officer,
O/o Block Development & Panchayat Officer,
Dhillwan- 144804 Distt. Kapurthala

First Appellate Authority
O/o District Development & Panchayat Officer,
Court Complex, D.C. Office, Kapurthala.

Respondents

APPEAL CASE NO.3853/2015

Present : Sh. Sarabjit Singh Kahlon on behalf of the Appellant.
None on behalf of the Respondents.

ORDER

On 16.03.2016 this forum observed that :

“ Vide my order dated 03.02.2016, the concerned J.E. was directed to arrange to provide her the samples of the works mentioned in the application. After hearing the parties it transpires that the exercise did not mature due to the ruckus at the site. It has also been alleged that the J.E. refused to associate with the PIO in drawing the samples and refused her to provide the details of the works done with the bricks purchased vide bills dated 26.12.2013, 13.02.2014 and 15.02.2014. The respondents are directed to do the needful failing which penal action shall follow. The exercise as mentioned in my earlier order dated 03.02.2016 shall be done now on 04.04.2016 at 11.00 AM. BDPO may seek the police help in case need be.”

The matter is being taken up today. None is present on behalf of the Respondents.

It transpires that the respondents did not cooperate in drawing the samples of the work in question. The Commission regrets to point that despite the express order of this forum the

respondents have failed to comply with the same. In the interest of natural justice last opportunity is

Contd...page....2

-2-

APPEAL CASE NO.3853/2015

afforded to the PIO to ensure that samples of the structure mentioned in the application are drawn and sent to the laboratory for examination failing which his disciplinary authority shall be asked to proceed disciplinarily against him.

It has further been brought to our notice that undated and uncertified copy of the measurement book of the work in question has been given which does not meet the requirement of the application. The PIO is directed to arrange to bring along the measurement book and produce it before the Commission on the next date of hearing.

To come up on **10.08.2016 at 11.30 AM.**

Sd/-

31.05.2016

**(Yashvir Mahajan)
State Information Commissioner**

PS: Sh. Raj Kumar, Panchayat Secretary O/o BDPO, Dhilwan reached at 1.15 PM when the proceedings were over. He was apprised of the above order.

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Ms. Nirmal Kaur (97816-74644),
W/o Sh. Balbir Singh Toor,
Vill. Bamuwall P.O. Mudowal,
Tehsil Dhilwan, Distt. Kapurthala.

Appellant

Versus

Public Information Officer,
O/o Block Development & Panchyat Officer,
Dhilwan- 144804 Distt. Kapurthala

First Appellate Authority
O/o District Development & Panchayat Officer,
Court Complex, D.C. Office, Kapurthala.

Respondents

APPEAL CASE NO.3854/2015

Present : Sh. Sarabjit Singh Kahlon on behalf of the Appellant.
Sh. Bhag Singh, Sr. Assistant, O/o DSSO, Kapurthala — for Respondents.

ORDER

Heard.

Partial information was provided to the appellant by the respondent. He was directed to provide the rest of the information specifically relating to old age and widow pensions being given by the State Government to the eligible beneficiaries.

Sh. Bhag Singh, Sr. Assistant appearing on behalf of the respondents states that as these pensions are paid on ground by the office of the BDPO, Dhilwan the duly discharged receipts of having disbursed the pensions have not reached from the office of the DSSO despite numerous reminders. Logically they should have forwarded the application under Section 6(3) of the RTI Act to him. This forum thus directs the BDPO, Dhilwan to provide the information asked by her within thirty days of the receipt of this order under intimation to the Commission.

The perusal of the file further suggests that some of the information sought under Item No. 7 -- 7.1 to 7.6 have also not been furnished to the appellant. The respondent is directed to look into it and arrange to provide it to the appellant.

Be it noted that the information has already been very delayed. Any further complacency shall warrant serious action.

To come up on **10.08.2016 at 11.30 AM.**

Sd/-

31.05.2016

(Yashvir Mahajan)
State Information Commissioner

CC: Block Dev. & Panchayat Officer, Dhilwan, Distt. Kapurthala for necessary action.

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Mrs. Sukhwinder Kaur
W/o Sh. Bhagwan Singh,
Vill. Tarourha, P.O. Gaju Majra,
Tehsil & Distt. Patiala.

Appellant

Versus

Public Information Officer,
O/o Senior Supdt. of Police,
Patiala.

First Appellate Authority
O/o Inspector General of Police,
Patiala Zone, Patiala.

Respondents

APPEAL CASE NO.4058/2015

Present : Mrs. Sukhwinder Kaur, Appellant in person.
1. H.C. Bhagwant Singh, (85588-40326). Chowki Gazebad, Thana Samana, and
2. H.C. Parveen Kumar (98764-32980), O/o SSP, Patiala – for Respondents.

ORDER

On 16.03.2016 this forum had desired the respondent to provide the authority under which the details of the case diaries are not permissible to be parted with.

HC Parveen Kumar appearing on behalf of the Respondents has produced a copy of the order of the Central Information Commission dated 07.02.2012 in support of their contention which has been placed on record. The appellant, on the other hand, is seeking adjournment as representative defending her, has not been able to attend the proceedings. Her request is acceded.

The matter shall be heard on **10.08.2016 at 11.30 AM.**

Sd/-

31.05.2016

(Yashvir Mahajan)
State Information Commissioner

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Sh. Dalvir Singh (98551-54146)
V.P.O. Mutton, Tehsil Balachaur,
Dist. S.B.S. Nagar-144522

Appellant

Versus

Public Information Officer,
O/o Director General of Police, Punjab
Punjab Police H.Q., Sector 9,
Chandigarh

First Appellate Authority
O/o Director General of Police, Punjab
Punjab Police H.Q., Sector 9,
Chandigarh

Respondents

APPEAL CASE NO.2587 /2015

Present : None on behalf of the Appellant..
Sh. Hari Singh, APIO – cum – Superintendent for Respondents.

ORDER

The order was reserved on 16.03.2016.

Being aggrieved with the decision of the Department not to part with the certified copy of the noting portion of the file dealing with his promotion to D-II category, Head Constable Sh. Dalvir Singh filed second appeal with the Commission. This forum had observed on 15.10.2015 as under :-

“Sh. Dalvir Singh, the appellant states that partly information has been received by him but the vital information has been retained by the PIO.

The respondent takes the plea of not divulging the information which is re-produced below:

“The noting portion sought by the applicant cannot be supplied, because noting is a opinion between one officer and other. As per law of evidence opinion between one officer

Contd...page....2

APPEAL CASE NO.2587 /2015

and other is a privileged document even if required by the court this type of document is to be produced in court in a sealed cover with supported affidavit by the Head of the Administrative Department.”

The view point of the respondent is not supported by any statutory backing as the observations made in the noting portion of the file is not covered under the exemptions granted under Section 8 of the RTI Act and other provisions. The PIO is again advised to provide the information to the information seeker as asked for within 15 working days from today and report compliance on the next date of hearing.”

The case has been taken up today for pronouncement of order. Before the final adjudication is pronounced, a communication dated 06.05.2016 from the Superintendent – cum – APIO, O/o Assistant Inspector General of Police, Punjab, Chandigarh, has been received wherein the respondents have intimated that acting on the orders of the Chief Information Commission in a similar case, they have provided the information comprised in 12 pages to the appellant. An endorsement has also been sent to the Commission. As the grievances of the appellant stands redressed no more action is warranted.

Disposed.

Sd/-

31.05.2016

**(Yashvir Mahajan)
State Information Commissioner**