

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.
Ph: 0172-2864111,

Visit us @ www.infocommpunjab.com, Email: psic21@punjabmail.gov.in



Dr. Sohan Lal Jain,
136-G, Gobind Nagar,
Model Town,
Patiala.

Versus

Public Information Officer,
o/o Director,
Health & Family Welfare Department, Punjab,
Chandigarh.
First Appellate Authority,
O/o Director,
Health & Family Welfare Department, Punjab,
Chandigarh.

Appeal Case No. 2811 of 2019

PRESENT:

Dr. Sohan Lal Jain (Appellant)
Rajinder Kumar, Senior Assistant (for the Respondent) 79739-65905

ORDER:

(To be read in continuity with earlier orders on 12.9.19 and 16.10.19)

1. The RTI application is dated **22.2.19** vide which the appellant has sought **information pertaining to personal file, ACRs and other documents**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **24.4.19**, and second appeal was filed in the Commission on **2.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **16.10.19**.
2. Both parties are present. The respondent PIO, represented by Rajinder Kumar, Senior Assistant, has submitted that all the information pertaining to 7 points of the appellant's RTI application except point No. 5, has already been furnished. The information at point No. 5 is available with Civil Surgeon, Mansa, who has been requested to supply it. The appellant, however, says that he has only received information pertaining to point no. 4 – his personal ACRs is for the year 2016-2017 and 2017-2018 but that too is not attested.
3. The respondent PIO is directed to put together all the information pertaining to 7 points barring point no. 4 and bring it to the next hearing. This information includes 320 pages from the appellant's personal file which were supplied without being attested earlier. These are to be supplied again, but on a payment of photocopying charges of Rs. 2/- page, for which the respondent PIO may raise a demand to the appellant. All copies must be duly attested by a competent officer.
4. Ahead of this, the appellant is to contact the respondent PIO and fix a mutually convenient working day, whereon he is to be allowed to inspect the relevant record to assist the respondent in putting together the information he sought in his RTI application.

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5. Next hearing on 15.1.20 at 11.00 am.

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
4.12.19

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Sukhwinder Kaur, Legal Advisor,
d/o Budh Singh,
2149, Sector- 21 C,
Chandigarh.

Versus

Public Information Officer,
o/o Punjab School Education Board,
Mohali.

First Appellate Authority,
o/o Punjab School Education Board,
Mohali.

Appeal Case No. 2816 of 2019

PRESENT:

(Appellant) Absent

Harpal Singh, Superintendent (for the Respondent) 95011-01121

Satwant Singh, Senior Assistant (for the Respondent) 98554-09117

ORDER:

(To be read in continuity with earlier orders on 12.9.19 and 16.10.19)

1. The RTI application is dated **17.1.19** vide which the appellant has sought **information pertaining to correspondence between the PSEB and its legal retainer; copies of her review of 20.11.2017 and a copy of a complaint by one Chaman Lal and the Chairman's orders etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **18.2.19b**, and second appeal was filed in the Commission on **2.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **16.10.19**.

2. The appellant is absent and has sought an adjournment on account of a bereavement in her family. In a letter to this bench (4.12.19) she has also cited the above as the reason for not being able to draft a reply citing legal provisions to support her case.

3. Meanwhile, the respondent PIO, represented at this hearing by Harpal Singh, Superintendent and Satwant Singh, Senior Assistant, have submitted a copy of legal opinion from a lawyer (J.R. Mahirok) wherein it is contended that the information sought at points 4 & 5 of the RTI application, pertains to matter that is sub-judice and before the Punjab & Haryana High Court. Based on this, the respondents have contended that the information sought by the appellant qualifies for exemption under Section 8(1)(b) or the RTI Act, which reads:

*“Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—
(b) information which has been expressly forbidden to be published by any Court of law or Tribunal or the disclosure of which may constitute contempt of Court;”*

and Section 8(1)(h) of the RTI Act, which reads:

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*“Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—
(h) information which would impede the process of investigation or apprehension or prosecution
of offenders;”*

4. This Commission, however, is of the view that neither exemption is applicable to the information requested at points 4 & 5 of this RTI application. The respondent PIO is directed to furnish the requested information requested at the aforesaid points 4 & 5, before or at the next hearing of this appeal case.

5. **Next hearing on 31.1.20 at 11.00 am.**

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
4.12.19

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Jaspal Singh,
#2542, Mari Wala Town,
Manimajra, Chandigarh.

Versus

Public Information Officer,
o/o Senior Superintendent of Police,
Mohali.
First Appellate Authority,
O/o Senior Superintendent of Police,
Mohali.

Appeal Case No. 2819 of 2019

PRESENT:

(Appellant) Absent

Gurnam Singh, Head Constable (for the Respondent) 94656-57651

ORDER:

*(To be read in continuity with earlier orders on **6.9.19** and **16.10.19**)*

1. The RTI application is dated **16.5.19** vide which the appellant has sought **information pertaining to a complaint submitted by him**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **19.6.19**, and second appeal was filed in the Commission on **6.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **16.10.19**.
2. The appellant is absent for the third time in succession. The respondent PIO, represented by Gurnam Singh, Head Constable, has submitted a letter whereon the appellant has signed a statement that he wishes to withdraw this appeal case.
3. However, the respondent also submitted that the inquiry regarding which the appellant had sought information, has now, also been completed and filed. An attested copy of the aforesaid inquiry report has been taken on file, and the appellant can collect this from the Commission on any working day, at his convenience. Alternately, on a request, this could also be sent to him by registered post.
4. There is no further cause for action and this appeal case is herewith, **CLOSED**.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh
4.12.19

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Rajneesh Bharadha,
520, Preet Colony, Zirakpur,
District Mohali-140603.

Versus

Public Information Officer,
o/o Commissioner of Police,
Amritsar.
First Appellate Authority,
o/o Commissioner of Police,
Amritsar.

Appeal Case No. 2911 of 2019

PRESENT:

Rajneesh Bharadha (Appellant) 99188-96100
Heera Singh, ASI (for the Respondent) 98780-91391

ORDER:

(To be read in continuity with earlier order on 18.10.19)

1. The RTI application is dated **6.5.19** vide which the appellant has sought **information regarding the deployment of police personnel, sensitive polling stations and action on an FIR etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **20.6.19**, and second appeal was filed in the Commission on **8.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **18.10.19**.
2. Both parties are present. The respondent PIO represented by Heera Singh, ASI, has submitted a pointwise reply to the appellant's RTI application along with other details sought by the appellant through his RTI application. The reply and the information has been given in English, as requested by the appellant at the last hearing on 18.10.19.
3. On perusing the information furnished, this Commission feels that the appellant's RTI request has been adequately addressed.
4. There is no further cause for action and this appeal case is herewith, **CLOSED**.

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
4.12.19

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Rakesh Kumar Gupta (Advocate),

Chamber No. 361,
New Judicial Court Complex,
District Ludhiana.

Versus

Public Information Officer,

Police Station PAU,
Ludhiana.

First Appellate Authority,
o/o Commissioner of Police,
Ludhiana.

Appeal Case No. 2916 of 2019

PRESENT:

Rajinder Paul Singh (for the Appellant) 97790-48083
Paramjit Singh, ASI (for the Respondent) 98724-00840

ORDER:

(To be read in continuity with earlier order on 18.10.19)

1. The RTI application is dated **14.5.19** vide which the appellant has sought **information regarding the verification of tenants etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **1.6.19**, and second appeal was filed in the Commission on **9.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **18.10.19**.

2. Both parties are present. The appellant is represented by Rajinder Paul Singh. The respondent PIO, represented by Paramjit Singh, ASI, has submitted a copy of the information that was sent to the appellant vide letter No. 466-67-SA/PAU dated 19.11.19. He has submitted that this is all the information available in the Police Station PAU, pertaining to this RTI application. As regards older record from 2017, the respondent stated that there is no old record because no verification was actually carried out.

3. The respondent PIO is directed to make the above submission in an affidavit to be submitted to this Commission at the next hearing.

4. **Next hearing on 31.1.20 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh
4.12.19

PUNJAB STATE INFORMATION COMMISSION

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Amrit Pal Kaur,
d/o Surjjan Singh,
New Attam Nagar, Street No. 6/8,
Jagraon, District Ludhiana.

Versus

Public Information Officer,
o/o DSP Jagraon, Ludhiana Rural,
Ludhiana.
First Appellate Authority,
o/o Deputy Inspector General, Ludhiana Range,
Ludhiana.

Appeal Case No. 2994 of 2019

PRESENT:
(Appellant) Absent
Harpreet Singh, ASI (for the Respondent) 97798-00315

ORDER:
(To be read in continuity with earlier order on **18.10.19**)

1. The RTI application is dated **3.30.19** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **7.5.19**, and second appeal was filed in the Commission on **14.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **18.10.19**.
2. The appellant is absent but she has informed the Commission of her inability to attend today's hearing. She has also requesting one adjournment, so she can collect and peruse the information furnished for any deficiencies.
3. The respondent PIO represented, by Harpreet Singh, ASI, has submitted attested copy of the requested information which was sent to the appellant on 16.11.19. Notably, a copy of the aforesaid information was also submitted to the Commission at the last hearing on 18.11.19.
4. At the last hearing of this appeal case, this Commission had requested the appellant to collect the information (submitted to the Commission by the respondent). She has, however, neither collected the information nor requested that it be sent by Registered Post. However, in light of her request for an adjournment, this Commission grants her one more hearing. The respondent PIO is however, exempted from attending.

5. **Next hearing on 31.1.20 at 11.00 am.**

Sd/-
(ASIT JOLLY)
State Information Commissioner
Chandigarh
4.12.19

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Barinder Singh,
s/o Bhupinder Singh,
Saraf Ghati Bazaar,
Patti, District Tarn Taran.

Versus

Public Information Officer,
o/o Deputy Director Local Government,
Amritsar.

Complaint Case No. 664 of 2019

PRESENT:
(Complainant) Absent
(Respondent) Absent

ORDER:
(To be read in continuity with earlier orders on **6.9.19** and **16.10.19**)

1. The complainant, **Barinder Singh**, filed this RTI application dated **26.4.19** and sought **information pertaining to the ownership of certain land holdings etc.** When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **29.7.19**. The case was last heard on **16.10.19**.

2. Both parties are absent. The respondent PIO, in a letter dated 15.11.19, sought exemption from disclosure, contending that the requested information pertains to third parties. However, this Commission is of the view that the information that appellant's RTI application seeks, is merely ownership of specific properties within the Municipal Council Patti area. Such information cannot be withheld as "third party information."

3. The respondent PIO is directed to furnish the information before the next hearing. Meanwhile, if there is any objection from the owners of the aforesaid properties, they too will be given an opportunity to be heard in person at the next hearing of this case.

4. **Next hearing on 31.1.20 at 11.00 am.**

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
4.12.19

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Shyamsunder Bagui,
#116, MS Enclave, Dhakoli,
Zirakpur – 160104

Versus

Public Information Officer,
o/o Municipal Council,
Zirakpur.

Complaint Case No. 675 of 2019

PRESENT:

(Complainant) Absent

Sarabjeet Singh, Building Inspector (for the Respondent) 98724-68485

ORDER:

(To be read in continuity with earlier orders on 11.9.19 and 16.10.19)

1. The complainant, **Shyamsunder Bagui**, filed this RTI application dated **13.5.19** and sought **information by way of the building plans of two houses behind his own**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **6.8.19**. The case was last heard on **16.10.19**.
2. The complainant is absent without intimation to this Commission. The respondent PIO, represented by Sarabjeet Singh, Building Inspector, has submitted that the information was given to the complainant by hand on 1.11.19. The PIO, as directed at the last hearing, has also submitted a common written reply in CC 675 & 676, stating that the information was delayed owing to shortage of staff at M.C., Zirakpur.
3. There is no further cause for action and this appeal case is herewith, **CLOSED**.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh
4.12.19

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Shyamsunder Bagui,
#116, MS Enclave, Dhakoli,
Zirakpur – 160104

Versus

Public Information Officer,
o/o Municipal Council,
Zirakpur.

Complaint Case No. 676 of 2019

PRESENT:

(Complainant) Absent

Sarabjeet Singh, Building Inspector (for the Respondent) 98724-68485

ORDER:

(To be read in continuity with earlier orders on 11.9.19 and 16.10.19)

1. The complainant, **Shyamsunder Bagui**, filed this RTI application dated **13.5.19** and sought **information regarding the action taken on two complaints**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **6.8.19**. The case was last heard on **16.10.19**.
2. The complainant is absent without intimation to this Commission. The respondent PIO, represented by Sarabjeet Singh, Building Inspector, as directed at the last hearing, has submitted a common written reply in CC 675 & 676, stating that the information was delayed owing to shortage of staff at M.C., Zirakpur.
3. The Commission notes that despite the directions at the last hearing, the respondent PIO has not submitted this in the form of an Affidavit. However, in view of the fact that the complainant is satisfied, the Commission overlooks the respondent's failure to comply as a first misdemeanor.
4. There is no further cause for action and this appeal case is herewith, **CLOSED**.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh
4.12.19

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Girdhari Lal Goyal,

19, Aman Colony, Near Phatak No.22,
Patiala 147001

Versus

Public Information Officer,

o/o Deputy Secretary,
o/o Principal Secretary,
Food, Civil Supplies and Consumer Affairs, Punjab,
Chandigarh.

Complaint Case No. 682 of 2019

PRESENT:

Girdhari Lal Goyal (Complainant)
(Respondent) Absent

ORDER:

(To be read in continuity with earlier orders on 12.9.19 and 16.10.19)

1. The complainant, **Girdhari Lal Goyal**, filed this RTI application dated **9.3.19** and sought **information by way of the departmental seniority list dating back to 2001 etc.** When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **6.8.19**. The case was last heard on **16.10.19**.

2. The respondent is absent without intimation to this Commission but has sent a written reply (dated 27.11.19) stating that the requested record could not be located despite his best efforts, including letters to all Superintendents of the Punjab Civil Secretariat, Punjab Civil Secretariat-2, all the private secretaries / private assistants attached with all officers, to check their office record and search the relevant files.

3. However, contending that the respondent is deliberately withholding the information, the complainant cited a news item published on page 8 of the Indian Express newspaper of 4.12.19, which according to him, suggests that the requested record is not lost.

4. Under the circumstances this Commission has no other option but to direct respondent PIO to submit an affidavit to this Commission stating that the record pertaining to Seniority list of Food Supply Officers Memo No. 15/56/2000-2E1/2452-53 dated: 27.3.2001, is missing and not available in the department.

5. **Next hearing on 31.1.20 at 11.00 am.**

Sd/-

(ASIT JOLLY) (ASIT JOLLY)

State Information Commissioner

Chandigarh
4.12.19

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Baldev Kumar,
s/o Surjeet Ram,
1789, Near Shiv Mandir, Sector-11, College Colony,
Derabassi, District Mohali.

Versus

Public Information Officer,
o/o Senior Superintendent of Police,
Mohali.

Complaint Case No. 690 of 2019

PRESENT:

Baldev Kumar (Complainant) 94173-04320
Dharam Paul, Head Constable (for the Respondent) 94630-52621

ORDER:

(To be read in continuity with earlier order on 18.10.19)

1. The complainant, **Baldev Kumar**, filed this RTI application dated **6.2.19** and sought information from the PIO o/o **Senior Superintendent of Police, Mohali**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **8.8.19**. The case was last heard on **18.10.19**.
2. Both parties are present. The respondent PIO, represented by Head Constable Dharam Paul, submitted that the requested information has been supplied to the complainant. The complainant has also stated that he has received and is satisfied with the information. However, at the last hearing, the respondent PIO was directed to submit a written explanation enumerating reasons as to why such long delay in addressing the RTI application but he has failed to do that.
3. The respondent PIO is directed to submit a written explanation within the next 10 days of receiving this order, failing which, penal action could be initiated against him under the RTI Act 2005. The complainant is however, exempted from the appearance at the next hearing.
4. **Next hearing on 31.1.20 at 11.00 am for compliance.**

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
4.12.19