

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Madhya Marg, Sector 16, Chandigarh.

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Sh Jagdeep Singh, S/o Sh. Pritam Singh,
Village-Hera, Tehsil-Raikot,
Distt.- Ludhiana.

.....Appellant

Vs

Sh. Gurdeep Singh,
Public Information Officer,
-cum- Panchayat Secretary,
Gram Panchayat, Village-Hera,
c/o Block Development and Panchayats Officer
Tehsil-Raikot,
Distt.- Ludhiana.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Mini Secretariat,
District- Ludhiana.

Public Information Officer,
Block Development and Panchayats Officer,
Block Raikot,
District Ludhiana

Sh. Gurmit Singh, Panchayat Secretary
c/o Block Development and Panchayats Officer,
Block Sudhar,
Ludhiana

.....Respondents

Appeal Case No. 3235 of 2019

Present:- Sh. Jagdeep Singh, appellant in person.
Sh. Gurdeep Singh, PIO on behalf of the respondents.

ORDER

This order may be read with the previous order dated 19.11.2019.

2. The appellant states that the record pertaining to the year 2013 to 2015 has not been received and the bills relating to the period 2016 and 2017 are incomplete when it is compared with the cash book. The respondent-PIO states that he has provided the complete information i.e. whatever record is in the custody of him or the sarpanch and he further states that the complete record pertaining to the year 2013 to 2018 has not been received from Sh. Gurmit Singh, earlier Panchayat Secretary, who was the custodian of the record. The letter submitted by the respondent-PIO in this regard is taken on record.

3. As per the submissions of both the parties and the record available on the case file, the directions are issued to the respondent – PIO to file an affidavit in this regard to the Commission with a spare copy to the appellant that the complete copy of record he or the Sarpanch is having,

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has been provided to the appellant and no other record is available in his custody before the next date of hearing. Also, as per the order dated 22.10.2019, the respondent-PIO has not brought the cheque/DD in favour of the appellant amounting to Rs.5000/- to be given as compensation. Accordingly, the District Development and Panchayats Officer, Ludhiana is directed to ensure that the compensation cheque/draft as stated above must be brought on the next date of hearing and also to ensure the recovery of penalty amount from the salary of the respondent PIO and intimate the Commission.

4. Shri Gurmit Singh, former Panchayat Secretary, Gram Panchayat Village Hera, Tehsil Raikot is impleaded as necessary party in this case to provide the copy of the record relating to the RTI application.

5. To come up on 19.12.2019 at 11.00 AM at Chandigarh

Dated:5.12.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC: **The Director,
Rural Development and Panchayats, Punjab,
Vikas Bhawan,
Sector 62, Mohali**

The Deputy Commissioner(by name),

Ludhiana: It has come to the notice of the Commission that public interest is suffering for not handing over the charge by Shri Gurmit Singh, former Panchayats Secretary c/o Block Development and Panchayats Officer, Sudhar Block, Ludhiana to the present Panchayat Secretary, Shri Gurdeep Singh.

For information and necessary action.

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Sh Jodhpal Singh, S/o Sh. Major Singh,
Village-Hera, Tehsil-Raikot,
Distt.- Ludhiana.

.....Appellant

Vs

Sh. Gurdeep Singh,
Public Information Officer,
-cum- Panchayat Secretary,
Gram Panchayat, Village-Hera,
c/o Block Development and Panchayats Officer
Tehsil-Raikot,
Distt.- Ludhiana.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Mini Secretariat,
District- Ludhiana.

Public Information Officer,
Block Development and Panchayats Officer,
Block Raikot,
District Ludhiana

Sh. Gurmit Singh, Panchayat Secretary
c/o Block Development and Panchayats Officer,
Block Sudhar,
Ludhiana

.....Respondents

Appeal Case No. 3236 of 2019

Present:- Sh. Jodhpal Singh, appellant in person.
Sh. Gurdeep Singh, PIO on behalf of the respondents.

ORDER

This order may be read with the previous order dated 19.11.2019.

2. The appellant states that the record pertaining to the year 2013 to 2015 has not been received and the bills relating to the period 2016 and 2017 are incomplete when it is compared with the cash book. The respondent-PIO states that he has provided the complete information i.e. whatever record is in the custody of him or the sarpanch and he further states that the complete record pertaining to the year 2013 to 2018 has not been received from Sh. Gurmit Singh, earlier Panchayat Secretary, who was the custodian of the record. The letter submitted by the respondent-PIO in this regard is taken on record.

3. As per the submissions of both the parties and the record available on the case file, the directions are issued to the respondent – PIO to file an affidavit in this regard to the Commission with a spare copy to the appellant that the complete copy of record he or the Sarpanch is having,

Contd..P/2

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has been provided to the appellant and no other record is available in his custody before the next date of hearing. Also, as per the order dated 22.10.2019, the respondent-PIO has not brought the cheque/DD in favour of the appellant amounting to Rs.5000/- to be given as compensation. Accordingly, the District Development and Panchayats Officer, Ludhiana is directed to ensure that the compensation cheque/draft as stated above must be brought on the next date of hearing and also to ensure the recovery of penalty amount from the salary of the respondent PIO and intimate the Commission.

4. Shri Gurmit Singh, former Panchayat Secretary, Gram Panchayat Village Hera, Tehsil Raikot is impleaded as necessary party in this case to provide the copy of the record relating to the RTI application.

5. To come up on 19.12.2019 at 11.00 AM at Chandigarh

Dated:5.12.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC: **The Director,
Rural Development and Panchayats, Punjab,
Vikas Bhawan,
Sector 62, Mohali**

The Deputy Commissioner(by name),

Ludhiana: It has come to the notice of the Commission that public interest is suffering for not handing over the charge by Shri Gurmit Singh, former Panchayats Secretary c/o Block Development and Panchayats Officer, Sudhar Block, Ludhiana to the present Panchayat Secretary, Shri Gurdeep Singh.

For information and necessary action.

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Shri Satinder Singh Soni,
H.No. 21 E, Rama Estate,
Near Dayal Bagh Gurudwara.
Ambala Cantt.

....Appellant

Vs

Public Information Officer,
o/o Chief Secretary to Govt. Of Punjab,
Punjab Civil Secretariat, Chandigarh.

First Appellate Authority,
o/o Chief Secretary to Govt. Of Punjab,
Punjab Civil Secretariat, Chandigarh.

The Public Information Officer,
o/o Principal Secretary to Govt. Of Punjab,
Department of Higher Education and Languages,
Punjab Civil Secretariat, Chandigarh.

..Respondents

Appeal Case No. 3376 of 2019

Present:- Shri Satinder Singh, appellant
Ms Pushpa Rani, Superintendent and Shri Davinder Kumar, Sr. Asstt on behalf of the respondents.

ORDER

This order may be read with the previous order dated 18.11.2019.

2. The General Administration (Coordination Branch) has sent a letter dated 22.11.2019 stating that the application of Shri Satinder Singh Soni has been transferred to the Department of Higher Education, which is taken on record. The PIO of Higher Education Department submits the copy of letter dated 5.12.2019 (copy of which is also taken on record) and the copy of the same is provided to the appellant during the hearing and the appellant shows his satisfaction from the provided information pertaining to Point No. 1 of the RTI application. The appellant further submits that he has also asked for the inspection of file and the respondent-PIO of High Education Department agrees to it. With the mutual understanding the time of inspection has been fixed as 13.12.2019 at 3.00 P.M. and both the parties have exchanged their mobile number in case of any change, during the hearing.

3. Since the complete information has been provided to the entire satisfaction of the appellant and also the respondents agreed to the request of the appellant for inspection of files pertaining to the RTI application. As per the submissions of the appellant, the case is disposed of and closed. However, the liberty is granted to the appellant that in case of defiance of order of inspection, he may approach the Commission within one month from the issue of this order.

Dated: 5.12.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Shri Parminder Singh,
s/o Shri Bhajan Singh
Village gharuan, Tehsil Kharar,
District Mohali.

....Appellant

Vs

Public Information Officer,
o/o Block Development and Panchayats Officer,
Kharar, Mohali

First Appellate Authority,
o/o District Development and Panchayats Officer
Mohali.

..Respondents

Appeal Case No. 3470 of 2019

Present: Shri Parminder Singh, appellant
Shri Jagmohan Singh, Panchayat Secretary on behalf of the respondents.

ORDER

This order may be read with the previous order dated 18.11.2019.

2. The representative of the respondents states that the complete information has been provided to the appellant as per his RTI application. Whereas, the appellant states that the detailed information has not been provided like all copies of proceedings register, bills, MB, UC, bank statement and estimates etc. and he requests for the same.

3. After consideration of the replies of both the parties, the respondents are directed to provide the complete information before the next date of hearing and the appellant is advised to go through the same and point out the deficiencies in the provided information.

4. To come up on 7.1.2020 at 11.00 AM at Chandigarh.

Dated: 5.12.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Hari Singh

s/o Sh. Harbans Singh,

VPO Tara Singh, Wan,

Tehsil Patti,

District Tarn Taran

....Appellant

Vs

Public Information Officer,

o/o Block Development and Panchayats Officer,

Valtoha, District Tarn Taran.

Public Information Officer,

o/o District Development and Panchayats Officer,

Valtoha, District Tarn Taran

First Appellate Authority,

Additional Deputy Commissioner (Development)

District Tarn Taran.

....Respondents

Appeal Case No. 2585 of 2019

Present:-

Shri Hari Singh, appellant

None on behalf of the respondents.

ORDER

This order may be read with the previous order dated 5.12.2019 vide which Shri Ranjit Singh, Junior Engineer explained that the bills relating to the grant of Rs.12.00 lacs which were received by the Gram Panchayat for laying pipe line were prepared in advance in the name of the companies who supplied the material by Sh. Lal Singh BDPO valtoha and the same must be available with his office. Accordingly, Shri Lal Singh, Block Development and Panchayat Officer, Valtoha, District Tarn Taran was impleaded as necessary party.

2. Viewing the absence of the respondents seriously, the Public Information Officer- Shri Lal Singh, Block Development and Panchayats Officer, Valtoha, District Tarn Taran are, thus, 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 a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 for causing willful delay/denial of the information to the RTI applicant and why the compensation be not awarded to the information-seeker 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.

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3. Also the directions are issued to the respondents to take appropriate action on the RTI application of the appellant before the next date of hearing.

4. To come up on 7.1.2020 at 11.00 AM at Chandigarh.

Dated:5.12.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC: Financial Commissioner(by name),
Rural Development and Panchayats Deptt.
Vikas Bhawan,
Sector 62,
Chandigarh

For information please.

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Smt. Daljit Kaur,
r/o Dhulkot Road,
Dashmesh Nagar,
Ahmedgarh,
District Sangrur.

..Complainant

Vs

Public Information Officer,
o/o Tehsildar Raikot,
Raikot,
District Ludhiana.

.. Respondent

Complaint Case No. 839 of 2019

Present:- Shri Sukhdeep Singh Buttar on behalf of the complainant.
Shri Jaswinder Singh Tiwana, Tehsildar, Raikot and Shri Bhupinder Singh, Tehsildar
on behalf of the respondents.

ORDER

This order may be read with the previous order dated 19.11.2019.

2. Shri Jaswinder Singh Tiwana, Tehsildar Raikot is present and submit the copy of the office order dated 7.3.2018 along with the copy of affidavit, which is taken on record. He submits that the Public Information Officer is Naib Tehsildar, Raikot i.e. Shri Talwinder Kumar as per the order dated 7.3.2018 and he further submits that he joined the office on 7.10.2019 as Tehsildar Raikot. Further, he submits that he is not aware of any letter regarding this case but received the letter dated 19.11.2019. In addition to it, he submits that as he is not the present Public Information Officer, hence, the show cause notice issued to him be withdrawn.

3. Shri Bhupinder Singh, Tehsildar submits that he joined as Tehsildar Raikot on 8.7.2019 and on 19.7.2019 he proceeded on Ex-India Leave and during the intervening period he was transferred as Tehsildar Ahmedgarh and taken the charge on 1.10.2019 as Tehsildar Ahmedgarh and request for the withdrawal of the show cause notice.

4. The appellants states that he is not satisfied from the information so provided by the respondents. However, the representative of the respondents brought to the notice of the Commission that action has already been taken and there is a confusion to the complainant relating to the information as sought by the appellant. He further requests that they have brought the complete record and the representative of the complainant can inspect the record so that their is no confusion. Accordingly, with the mutual understanding, the representative of the complainant is given time to go through the files of the respondents during the hearing.

5. After going through the files by the representative of the complainant he shows his complete satisfaction, and requests for the issue of the copy of FARAD for which the representative of the respondents states that the same will be provided to the complainant before the next date of hearing.

Contd..P/2

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6. As per the submissions of the representative of the respondents i.e. Shri Bhupinder Singh, Tehsildar and Shri Jaswinder Tiwana, Tehsildar as enumerated above, the show cause notice is hereby withdrawn.

7. Viewing the absence of the present Public Information Officer, Shri Jatinder Kumar, Naib Tehsildar, Raikot—seriously, the PIO is, thus, 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 a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on his for causing willful delay/denial of the information to the RTI applicant.

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.

8. After going through the replies of the respondents and submissions of the complainant, the directions are issued to the respondents to provide the copy of FARAD before the next date of hearing.

9. To come up on 17.12.2019 at 11.00 AM at Chandigarh.

Dated:5.12.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Smt. Daljit Kaur,
r/o Dhulkot Road,
Dashmesh Nagar,
Ahmedgarh,
District Sangrur.

..Complainant

Vs

Public Information Officer,
o/o Sub Divisional Magistrate,
Raikot,
District Ludhiana.

.. Respondent

Complaint Case No. 559 of 2019

Present:- Shri Sukhdeep Singh Buttar on behalf of the complainant.
Shri Jaswinder Singh Tiwana, Tehsildar, Raikot and Shri Bhupinder Singh, Tehsildar
on behalf of the respondents.

ORDER

This order may be read with the previous order dated 19.11.2019.

2. Shri Jaswinder Singh Tiwana, Tehsildar Raikot is present and submit the copy of office order dated 7.3.2018 along with the copy of affidavit, which is taken on record. He submits that the Public Information Officer is Naib Tehsildar, Raikot i.e. Shri Talwinder Kumar as per the office order dated 7.3.2018 and he further submits that he joined the office on 7.10.2019 as Tehsildar, Raikot. Further, he submits that he is not aware of any letter regarding this case but received the letter dated 19.11.2019. In addition, he submits that as he is not the present Public Information Officer, hence, the show cause notice issued to him be withdrawn.

3. Shri Bhupinder Singh, Tehsildar submits the letter dated 2.12.2019 and explained that he joined as Tehsildar Raikot on 8.7.2019 and on 19.7.2019 he proceeded on Ex-India Leave and during the intervening period, he was transferred as Tehsildar Ahmedgarh and taken the charge on 1.10.2019 and request for the withdrawal of the penalty imposed.

4. The appellants states that he is not satisfied from the information so provided by the respondents. However, the representative of the respondents brought to the notice of the Commission that action has already been taken and there is a confusion to the complainant relating to the information as sought by the appellant. He further requests that they have brought the complete record and the representative of the complainant can inspect the record so that their is no confusion. Accordingly, with the mutual understanding, the representative of the complainant is given time to go through the files of the respondents during the hearing.

5. After going through the files by the representative of the complainant he shows his complete satisfaction, and requests for the issue of the copy of FARAD for which the representative of the respondents states that the same will be provided to the complainant before the next date of hearing.

Contd..P/2

-2-

6. As per the submissions of the representative of the respondents i.e. Shri Jaswinder Singh Tiwana, Tehsildar as enumerated above, the show cause notice to him, is hereby withdrawn and the penalty imposed upon Shri Bhupinder Singh, presently, Tehsildar, Ahmedgarh is also withdrawn

7. As Shri Jagsir Singh was posted as Naib Tehsildar, Raikot-cum- Public Information Officer at the time of RTI application, and viewing the absence of the present Public Information Officer, Shri Jatinder Kumar, Naib Tehsildar, Raikot—seriously, both the PIOs are, thus, 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 a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 upon them for causing willful delay/denial of the information to the RTI applicant.

In addition to the written reply, the PIOs are 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. They may take note that in case, they do not file their written reply and do not avail themselves of the opportunity of personal hearing on the date fixed, it will be presumed that they have nothing to say and the Commission shall proceed to take further proceedings against them ex parte.

8. After going through the replies of the respondents and submissions of the complainant, the directions are issued to the representatives of the respondents to provide the copy of FARAD before the next date of hearing.

9. To come up on 17.12.2019 at 11.00 AM at Chandigarh.

Dated:5.12.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.