

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

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Sh. Ramandeep Singh Ahluwalia, (9464500405)

Ward No. 18, Street No. 2,

Kartar Nagar, Amloh Road,

Khanna -141401,

District Ludhiana.

.....Appellant

Vs

Public Information Officer,

O/o Deputy Commissioner,

Mini Secretariat,

Ludhiana.

First Appellate Authority,

O/o Commissioner,

Patiala Division,

1-A, Baradari Garden,

Patiala.

..... Respondents

Appeal Case No. 887 of 2020

(Video Conference/phone Proceedings)

Present:- Sh. Ramandeep Singh Ahluwalia, appellant, on phone.

Sh. Gurmeet Singh, Sr. Asstt on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 21.9.2020.

2. The representative of the respondents states that the matter providing the security cover has already been referred to the Assistant Inspector General of Police, CID Wing, Ludhiana with a copy to the Commission, Principal Secretary Home and Additional Director General of Police, Security-cum-Chairman State Level Committee. A copy of the letter dated 29.10.2020 sent to the Commission, is taken on record. In view of the action taken so far which was conveyed telephonically to the appellant by the Commission, the case is adjourned.

3. To come up on 21.1.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana /cisco webex.

sd

(Suresh Arora)

Dated: 6.11.2020

Chief Information Commissioner,
Punjab.

CC

Sh.

Addl. Director General of Police (Security)

-cum-Chairman State Level Committee,

Police Headquarter,

Mohali

(Registered)

To look into the matter and take appropriate action as per Law at the earliest. Copy of the letter received from the Deputy Commissioner, District Ludhiana is sent with this order.

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Sh. Jasbir Singh,
Village - Bholapur, Jhabewal,
Post Office Ramgarh,
District Ludhiana. M : 9888296107

..Appellant

Vs

Public Information Officer,
O/o Minister,
Health and Family Welfare Department, Pb.,
Chandigarh.

First Appellate Authority
O/o Minister,
Health and Family Welfare, Pb.,
Chandigarh.

....Respondents

Appeal Case No. 2411 of 2020

(Video Conference/Cisco Webex/Phone proceedings)

Present:- Sh. Jasbir Singh, appellant.
Sh. Harjot Singh, Sr. Asstt 9915543005 o/o N.H.M on behalf of the respondents.

ORDER

The RTI application is dated 16.6.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 20.7.2020 and second appeal was filed in the Commission on 2.9.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The representative of the respondents states that complete information as available on record concerning the RTI application has been provided. A letter submitted by the respondents bearing No. 56831 dated 5.11.2020 along with the annexure in this regard, is taken on record. However, the appellant states that he has received the same concerning the Ludhiana district but he has made the complaint regarding Amritsar and Patiala also, the information of which is being sought regarding the poor quality of PPE Kits and Mask as per the news item published in Punjab Kesri dated 20.5.2020.

3. Accordingly, the respondent-Public Information Officer o/o the National Health Mission is directed to submit the response regarding the poor quality of PPE Kits and Mask used in Amritsar and Patiala as has been mentioned in para 2 above before the next date of hearing and in case no enquiry has been conducted then the specific reply be given to the appellant with a copy to the Commission.

4. To come up on 10.12.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

sd/

Dated: 6.11.2020

(Suresh Arora)

Chief Information Commissioner,
Punjab.

CC
Public Information Officer
o/o Deptt of Health & Family Welfare,
National Health Mission,
PRAYAS Building 5th Floor, Sector 38,
Chandigarh.

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Sh. Jasbir Singh,
Village - Bholapur, Jhabewal,
Post Office Ramgarh,
District Ludhiana.M : 9888296107

....Appellant

Vs

Public Information Officer,
O/o Deputy Commissioner,
Ludhiana.

First Appellate Authority
O/o Deputy Commissioner,
Ludhiana.

....Respondents

Appeal Case No. 2413 of 2020

(Video Conference/Cisco Webex/Phone proceedings)

Present:- Sh. Jasbir Singh, appellant.
Sh. Munish Kumar, S.O. 7508732655 and Sh. Amardeep Singh, Clerk o/o the
Regional Transport Authority, Ludhiana on behalf of the respondents.

ORDER

The RTI application is dated 15.6.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 20.7.2020 and second appeal was filed in the Commission on 2.9.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The representative of the respondents states that there is no record in the office concerning the enquiry report conducted by Sh. Damanjeet Singh Mann and action taken on the report which is being sought by the appellant. However, the appellant states that he has received the response from the office of the Regional Transport Authority, Ludhiana. Furthermore, the appellant states that he has sought the information from the office of the Deputy Commissioner, District Ludhiana so he may be directed to supply the same.

3. Accordingly, Public Information Officer o/o the Regional Transport Authority, District Ludhiana is directed to place on record the copy of letter written to the appellant in this regard and he assured that the same will be sent to the Commission for record.

4. Also the Public Information Officer o/o the Deputy Commissioner, District Ludhiana is directed to submit the response/supply the information to the appellant before the next date of hearing under intimation to the Commission.

5. The Public Information Officer o/o the Regional Transport Authority, District Ludhiana is exempted from further appearance in this case as he has given the satisfactory reply to the appellant, copy of which has been supplied to the appellant in this regard and according to the appellant, he has received the same. Copy of the letter sent to the Commission, is taken on record.

6. To come up on 10.12.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana /cisco webex.

Dated: 6.11.2020

sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Daulat Ram,
VPO - Dhut Kalan,
Distt Hoshiarpur. M : 9417395346

..Appellant

Vs

Public Information Officer,
O/o Block Development and Panchayat Officer,
Bhunga, Distt Hoshiarpur.

First Appellate Authority
O/o District Development and Panchayat Officer,
Hoshiarpur.

....Respondents

Appeal Case No. 2069/2020
(Cisco Webex proceedings)

Present:- Sh. Daulat Ram, appellant.
Sh. Mohit Kumar, APO 9815473511 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 23.9.2020.

2. The appellant states that incomplete information is being supplied by the respondents and there are so many discrepancies in the provided information the details of which has been sent to the Commission, which is taken on record. He further requests to direct the respondent-Public Information Officer to supply the same.

3. After going through the submissions made by the appellant the record regarding MANREGA is checked online at www.narega.nic.in by the office from which it has transpired that the information related to the MANREGA is available online. The office also downloaded the mustroll from the concerned website, as has been pointed out by the appellant, bearing No. 902, 1123, 1351, 1657 and 2041 which **are sent with this order**. As far as the submission of the appellant concerning the non availability of the photo on the job card, it is a fact as per the website that the photo is not available on the website although there is a column on the website regarding the photo of the job card holder.

4. **A copy of the order along with the submissions made by the appellant is sent to the Joint Development Commissioner, Punjab to look into the matter and take appropriate action under the Law.**

5. Also the appellant is advised to go through the website www.narega.nic.in and download the documents related to the MANREGA. As far as the mustrolls are concerned that are being sent with this order. He is also advised to point out deficiencies, if any, to the respondent-Public Information Officer before the next date of hearing under intimation to the Commission.

6. To come up on 8.12.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Hoshiarpur/cisco webex.

sd/

Dated: 6.11.2020

(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC

Joint Development Commissioner (By name) Registered
Vikas Bhawan, Sector 62,
Mohali

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Sh. Varinder Singh S/o Sh. Darshan Singh,
R/o VPO - Rajewal,
Tehsil Khanna-141401. M : 9463176280

Appellant

Vs

Public Information Officer,
O/o Block Development and Panchayat Officer,, Khanna,
Distt Ludhiana.

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

....Respondents

AC No. 2095 of 2020

(Video Conference/Cisco Webex/Phone proceedings)

Present:- Sh. Varinder Singh, appellant.
Ms Anuradha, Supdt 9855445179 and Sh. Narinder Singh, Panchayat
Secretary on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 18.9.2020.

2. The appellant states that the respondents are not providing the complete information with regard to his RTI application. However, the representative of the respondents states that the information comprising 61 pages i.e. whatever available on record has been supplied. A copy of the letter bearing No. 2032 dated 21.9.2020 sent by the respondents to the appellant with a copy to the Commission, which is taken on record. The representative of the respondents further states that the appellant has been apprised by sending the letters along with the proceeding of the panchayat and jamabandi that the Sub Divisional Magistrate, Khanna has been written for further necessary action. In addition, the representative of the respondents states that the appellant may inspect the official record concerning the RTI application with which the appellant agreed to. Accordingly, with the mutual understanding the date of inspection has been fixed as 17.11.2020 at 11.00 AM in the office of the Block Development and Panchayats Officer, Khanna.

3. Therefore, the appellant is advised to visit the office of the respondent-Public Information Officer and get the record inspected concerning the RTI application and the respondent-Public Information Officer is bound to show the concerned record to the appellant on the said date and time, and also provide the documents in case identified by the appellant.

4. To come up on 8.12.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana /cisco webex.

Dated: 6.11.2020

sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Varinder Singh S/o Sh. Darshan Singh,
R/o VPO - Rajewal,
Tehsil Khanna-141401.M : 9463176280



....Appellant

Vs

Public Information Officer,
O/o Block Development and Panchayat Officer, Khanna,
Distt Ludhiana.

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

Public Information Officer By name Registered
o/o the Sub Divisional Magistrate,
Khanna, District Ludhiana

Public Information Officer
o/o Tehsildar Khanna,
Khanna,
District Ludhiana

....Respondents

Appeal Case No. 2094 of 2020 & Appeal Case No. 2096 of 2020
(Video Conference/Cisco Webex/Phone proceedings)

Present:- Sh. Varinder Singh, appellant.
Sh. Gurpreet Singh, Clerk o/o Tehsildar Khanna, Ms Anuradha, Supdt
9855445179 and Sh. Narinder Singh, Panchayat Secretary on behalf of the
respondents.

ORDER

This order may be read with reference to the previous order dated 18.9.2020.

2. The appellant states that the respondents are not providing the complete information with regard to his RTI application. However, the representative of the respondents from the office of the Block Development and Panchayats Officer states that the information whatever available on record has been supplied to the appellant. A copy of the letter bearing No. 2023 dated 16.9.2020 sent by the respondents to the appellant with a copy to the Commission, which is taken on record. The representative of the respondents further states that the appellant has been apprised by sending the letters along with the proceeding of the panchayat and jamabandi that the Sub Divisional Magistrate, Khanna has been written for further necessary action. Since, the office of the Block Development and Panchayats Officer has written to the Sub Divisional Magistrate, Khanna and in both the cases the appellant, sought information and the parties remained the same, therefore, both the cases are clubbed.

3. The representative of the respondents on behalf of the Tehsildar Khanna states that a letter has been sent to the Sub Divisional Magistrate, Khanna for further necessary action. A copy of the letter bearing No. 514 dated 20.10.2020 has been received in the Commission, which is taken on record. As the appellant has sought the information as per his RTI application from the Public Information Officer o/o the Sub Divisional Magistrate, Khanna therefore, he is directed to file the reply/supply the action taken, if any, before the next date of hearing to the appellant with a copy to the Commission.

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Appeal Case No. 2094 of 2020 &

Appeal Case No. 2096 of 2020

-2-

To come up on 8.12.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

Dated:6.11.2020

sd
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Ajmer Singh s/o Sh. Mola Ram,
r/o Andana Tehsil Munak,
District Sangrur.



....Appellant

Vs

Public Information Officer
o/o District Development and Panchayats Officer,
Mini Secretariat,
Sangrur.

First Appellate Authority
o/o Addl. Deputy Commissioner (D)
Administrative Complex,
Sangrur.

....Respondent

Complaint Case No. 284 of 2020

Present:- Sh. Ajmer Singh, complainant on phone.
Sh. Dimple, Panchayat Secretary 9872809191, in person on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 14.10.2020.

2. The respondent-Panchayat Secretary states that he has brought the original record for inspection of the complainant concerning his RTI application except the copies of the bank pass book/statement from 1.1.2019 to 1.7.2019. He also submits the copy of information duly signed along with the forwarding letter, which is taken on record. He also submits the reply of the show cause notice issued to him, which is taken on record. However, the complainant states that the respondents are not providing the complete information so that he can be harassed.

3. After hearing both the parties, the information supplied by the respondent is sent with this order along with the forwarding letter written to the complainant with an advice to go through the same and point out deficiency, if any, before the next date of hearing to the respondents with a copy to the Commission. Also the Panchayat Secretary- Sh. Dimple is directed to supply a copy of the bank pass book/statement from 1.1.2019 to 1.7.2019 to the complainant before the next date of hearing and he assured that the same will be supplied to him before the next date of hearing. Sh. Dimple orally states that his wife was not well so he could not submit the reply of the show cause notice issued to him and submits the unconditional apologies for the same. He also submits the copy of a written reply of the show cause notice along with an annexure, which is taken on record. Show cause notice was also issued to Sh. Narbhinder Singh, District Development and Panchayats Officer. In compliance his reply has already been received in the Commission. Therefore, the decision regarding show cause notice issued to Sh. Narbhinder Singh, District Development and Panchayats Officer and Sh. Dimple, Panchayat Secretary will be taken on the next date of hearing.

4. It is also a fact on record that a show cause notice was issued to Sh. Shavinder Singh, Block Development and Panchayats Officer. Block Andana at Munak-cum-deemed Public Information Officer. As the complainant has sought the information from the

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Complaint Case No. 284 of 2020

-2-

District Development and Panchayats Officer, Sangrur since the custodian of the record was directly working under the control of Sh. Shavinder Singh, Block Development and Panchayats Officer, he was called being the deemed-Public Information Officer. He was present during the hearing on 24.6.2020 and assured that the complete information will be supplied to the complainant before the next date of hearing and requested for the adjournment of the case. So the case was adjourned to 14.7.2020. But due to administrative reasons the case was further adjourned to 13.8.2020. During the hearing on 13.8.2020, due to non providing of information and the conduct of the respondent deemed-Public Information Officer compelled the Commission to issue him a formal show cause notice which was served to Sh. Shavinder Singh, Block Development and Panchayats Officer on 13.8.2020 as to why action under Section 20(1) of the RTI Act 2005 should not be taken against him and he was also provided an opportunity to file his written reply and also make use of opportunity of personal hearing under the principles of natural justice. A show cause notice was sent to Sh. Shavinder Singh, Block Development and Panchayats Officer through registered post and the case was adjourned to 2.9.2020.

5. On the next date of hearing a request bearing No. 1266 dated 2.9.2020 was received from the office of the Block Development and Panchayats Officer, Andana at Munak (Sangrur) that the Block Development and Panchayats Officer, Sh. Shavinder Singh is ill and unable to attend the hearing. Therefore, he has requested for the adjournment of the case. After accepting the request of the respondent's office of Block Development and Panchayats Officer, the case was adjourned by giving the last opportunity to Sh. Shavinder Singh, Block Development and Panchayats Officer to file the reply of the show cause notice issued to him and directions to supply the complete information to the complainant before the next date of hearing and the case was adjourned to 14.10.2020. During the hearing the Block Development and Panchayats Officer Sh. Shavinder Singh remained absent and did not submit the reply of the show cause notice issued to him.

6. Even though taking the lenient view, one more opportunity was granted to the Block Development and Panchayats Officer Sh. Shavinder Singh to file the reply with regard to show cause notice issued to him along with the directions to the parties to remain present along with the original record at Chandigarh and the case was adjourned to 6.11.2020.

7. During the hearing on 6.11.2020, Sh. Shavinder Singh, Block Development and Panchayats Officer, Andana at Munak remained absent without intimation on the one hand and no reply has been filed by him for consideration regarding the show cause notice issued to him on the other.

8. Since the responsibility to ensure the timely supply of information to the complainant lies upon the deemed-Public Information Officer, Shri Shavinder Singh, Block Development and Panchayats Officer, Block Andana at Munak is hereby held guilty for not providing the information on time as prescribed under Section 7 of the RTI Act, 2005 and for repeated and wilful defiance of the Commission's orders to file the reply of the show cause notice issued to him. He has also not availed the opportunity of personal hearing which was offered to him while issuing the show cause notice.

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Complaint Case No. 284 of 2020

-3-

9. Such kind of failure on the part of Sh. Shavinder Singh, Block Development and Panchayats Officer is totally unacceptable. It is pertinent to mention here that RTI Act has been enacted to ensure participative nature of management between the public & the public authorities and also to know as to what is happening behind the closed doors with regard to the governance affairs of the public authorities and their functioning.

10. After giving thoughtful consideration and due perusal of the facts of the case and the material available on record, I have come to the conclusion that he has failed to perform his duty as per the mandate of the RTI Act, which requires the public servant to ensure due transparency and accountability in its functioning. It has also come out that he has not only failed to perform his duty at his own level but also has shown his casual approach in complying with the explicit order of the Commission.

11. It has been further established from his conduct that he has failed to make an effort to provide the information even after getting formal show cause notice from the Commission. This speaks volumes as to how much respect & regard he has in his mind to the provisions of the RTI Act, which mandates that all public authorities will ensure that the RTI Act, 2005 is duly implemented by them, whenever any citizen approaches the public authority to get any public information for which they have right to ask for as per the provisions of RTI Act. In view of the facts mentioned herein, I am of the considered view that Shri Shavinder Singh, Block Development and Panchayats Officer, Block Andana at Munak should be penalised for his negligence in discharge of his statutory duty prescribed under the RTI Act.

12. All his failure makes me believe that his sheer neglect to perform his duties will be met only after he is duly taken to task as per the provisions of the RTI Act. Under these circumstances, I am left with no other option but to recommend a disciplinary action against Sh. Shavinder Singh, Block Development and Panchayats Officer, Block Andana at Munak, Sangrur. Therefore, the Financial Commissioner, Rural Development & Panchayat Deptt., Pb. is directed to inform the Commission after taking the disciplinary action against the erring officer.

13. To come up on 15.12.2020 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Sangrur/cisco webex.

sd/

Dated: 6.11.2020

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Encl: a/a

CC

Financial Commissioner (by name) Registered
Government of Punjab,
Rural Development & Panchayat Deptt.,
Vikas Bhawan, Sec-62, Mohali

To look into the matter personally and
ensure compliance of this order.

PUNJAB STATE INFORMATION COMMISSION

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The Director (By name)

Registered

-do-

Rural Development & Panchayat Deptt.,

Vikas Bhawan, Sector 62,

Mohali

District Development and Panchayats Officer, (By name) (Registered)

-do-

Mini Secretariat,

Sangrur.

Sh. Shavinder Singh,

Registered

Block Development and Panchayats Officer

Block Andana at Munak, District Sangrur

