

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



REGISTERED

Sat Narain Bansal,

127, Phulkian Enclave,

District Patiala – 147 004

Versus

Public Information Officer,

o/o Chief Administrator,

PUDA, PUDA Bhawan, Sector- 62,

District Mohali.

First Appellate Authority,

o/o Chief Administrator PUDA,

District Mohali.

Appeal Case No. 1316 of 2020 (Video Conference Proceedings)

PRESENT:

Sat Narain Bansal (Appellant) 97791-89592

Sarla Devi, ADO (for the Respondent) 79737-74668

Gagandeep Singh, Clerk (for the Respondent)

ORDER:

(To be read in continuity with earlier orders on 11.9.2020 and 5.11.2020)

1. The RTI application is dated **15.10.2019** vide which the appellant has sought information **regarding proposals received from BDA, Bathinda in the matter of PUDA Enclave Budhlada and the action taken by the Chief Administrator PUDA etc.,** as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **15.12.2019** and second appeal was filed in the Commission on **21.5.2020** under Section 19 of the Right to Information Act, 2005. The case was last heard on **5.11.2020**.

2. Both parties are present through Video Conference facility at the office of the Deputy Commissioner, Patiala. The respondent PIO, represented by Sarla Devi, ADO and Gagandeep Singh, Clerk, have stated that the complete information has been given to the appellant first on 30.2.2020 and subsequent updated on 4.1.2020. The information was sent by both Speedpost and via Whatsapp. It is notable that this RTI application was first submitted on 15.10.2019 and has taken close to 15 months for the information finally supplied to the appellant.

3. The respondents however, pleaded that the information pertained to BDA and that the RTI application was transferred to BDA on 29.10.2019 which was within the stipulated 30 day period. They have also stated that the appellant was duly informed about the transfer of his RTI application.

Contd. ...2

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Appeal Case No. 1316 of 2020 (Video Conference Proceedings)

4. However, on enquiring, the respondents have admitted that the information (file) that has now been provided to the appellant is, and has been, in the custody of PUDA Mohali all along. It is plainly evident that the RTI application was incorrectly transferred to the BDA, thereby causing the appellant to suffer avoidable harassment.

5. In view of the above, this Commission, exercising its powers under Section 19 of the RTI Act, awards a **Compensation of Rs. 10,000.00 (Rupees Ten Thousand only) to the appellant, Sat Narain Bansal**. This is to be paid by the Public Authority, in this instance the office of the Chief Administrator PUDA, PUDA Bhawan, Sector-62, Mohali, by way of a crossed cheque / demand draft, before the next hearing.

6. It must be noted that the Compensation of Rs. 10,000/- is to be paid by PUDA, and **must not under any circumstance**, be deducted from the salary or pensionary benefits of the respondent PIO or any other official. It is this Commission's considered view that the inordinate delay in addressing this RTI application, is the result of a collective failure of this public authority and not the onus of the PIO alone.

5. **Next hearing on 19.3.2021 at 11.00 am through Video Conference Facility in the office of Deputy Commissioner, Patiala for compliance.**

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
7.1.2021

Cc: Chief Administrator, PUDA, for information and necessary action.

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REGISTERED

Ramesh Kumar,

S/o Jaila Ram,

Village ThehBanera,

Tehsil Guhla, District Kaithal – 136034

Versus

Public Information Officer,

o/o Senior Superintendent of Police,

Block-B, Mini Secretariat,

District Patiala.

First Appellate Authority,

o/o Director General of Police Punjab,

Chandigarh.

Appeal Case No. 4281 of 2019 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

ASI Hakam Singh (for the Respondent) 94643-92733

ORDER:

(To be read in continuity with earlier orders on 5.2.2020, 30.7.2020, 11.9.2020, and 5.11.2020)

1. The RTI application is dated **3.8.19** vide which the appellant has sought **information regarding the final action by the DGP on the Chief Minister's Letter No. 717 dated 10.5.19 as well as the action on the appellant's own letter to the DGP on 1.5.19 etc.,** as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **12.9.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **5.11.2020**.

2. The appellant is absent but has written to the Commission in a letter received on 31.12.2020 that the complete information has still not supplied by the respondent PIO. Despite being directed at two past hearings on 11.9.2020 and 5.11.2020, the respondent PIO, represented by ASI Hakam Singh, has failed / refused to comply this Commission's directions to send / submit a copy of the information supplied to the appellant, to this Commission. In view of the continuing refusal by the respondent PIO to comply with this Commission's directions, the respondent PIO-cum-SSP Patiala is herewith issued a Show Cause Notice.

Contd....2

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Appeal Case No. 4281 of 2019 (Video Conference Proceedings)

3. The respondent PIO is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20(1) of RTI Act, 2005, for causing wilful delay/denial of the information requested by the appellant as far back as on **3.8.2019**.

“In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) proviso there to, 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*.”

4. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

5. Next hearing on 19.3.2021 at 11.00 am through Video Conference Facility in the office of Deputy Commissioner, Patiala.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

7.1.2021

Cc: Director General of Police, Punjab Police Headquarters, Sector 9, Chandigarh, for information.

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REGISTERED

Ramesh,

S/o Jala Ram,

Village Theh Banhera Ka Tha, Guhla,

District Kaithal, Haryana – 136 034

Versus

Public Information Officer,

o/o Senior Superintendent of Police,

Patiala.

First Appellate Authority,

o/o Senior Superintendent of Police,

Patiala.

Appeal Case No. 1068 of 2020 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

ASI Hakam Singh (for the Respondent) 94643-92733

ORDER:

(To be read in continuity with earlier orders on 11.9.2020 and 5.11.2020)

1. The RTI application is dated **2.12.2019** vide which the appellant has sought information **regarding FIR No. 72/8.3.1997 at Police Station Sadar, Patiala u/s 279, 337, 304a and 427,** as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **20.1.2020** and second appeal was filed in the Commission on **11.3.2020** under Section 19 of the Right to Information Act, 2005. The case was last heard on **5.11.2020**.

2. The appellant is absent without intimation. Despite being directed at the last hearing on 5.11.2020, the respondent PIO, represented by ASI Hakam Singh, has failed/refused to comply this Commission's directions to send/submit copy of the information supplied to the appellant, to this Commission. In view of the continuing refusal by the respondent PIO to comply with this Commission's directions, the respondent PIO-cum-SSP, Patiala is herewith issued a Show Cause Notice.

3. The respondent PIO is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing wilful delay/denial of the information requested by the appellant as far back as on **2.12.2019**.

Contd. ...2

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Appeal Case No. 1068 of 2020 (Video Conference Proceedings)

“In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) proviso there to, 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*.”

4. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

5. Next hearing on 19.3.2021 at 11.00 am through Video Conference Facility in the office of Deputy Commissioner, Patiala.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

7.1.2021

Cc: Director General of Police, Punjab Police Headquarters, Sector 9, Chandigarh, for information.

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REGISTERED

Jarnail Singh,

S/o Thakar Singh,

23/14, Anand Nagar-B, Tipri,

Patiala – 147001

Versus

Public Information Officer,

o/o Senior Superintendent of Police,

Block B, Patiala.

First Appellate Authority,

o/o Inspector General of Police, Patiala Zone, Patiala.

Appeal Case No. 1208 of 2020 (Video Conference Proceedings)

PRESENT:

Jarnail Singh (Appellant) 93560-41329

ASI Hakam Singh (for the Respondent) 94643-92733

ORDER:

(To be read in continuity with earlier orders on 11.9.2020 and 5.11.2020)

1. The RTI application is dated **23.11.2019** vide which the appellant has sought information **regarding action taken on his letter No. 2024/C.R.M.-P.P-18 647/C.C-3 dated 16.10.2018 to SSP, Headquarter, Patiala,** as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **13.2.2020** and second appeal was filed in the Commission on **23.3.2020** under Section 19 of the Right to Information Act, 2005. The case was last heard on **5.11.2020**.

2. Both parties are present through Video Conference facility at the office of the Deputy Commissioner, Patiala. The respondent also failed to comply with this Commission's directions of 5.11.2020 to arrange for an inspection of the record by the appellant. The appellant has stated here that he had visited the office of respondent on the date designated by this Commission but the respondent PIO, represented by ASI Hakam Singh, was not present and therefore he could not conduct the inspection. In view of the refusal by the respondent PIO to comply with this Commission's directions, the respondent PIO-cum-SSP, Patiala is herewith issued a Show Cause Notice.

3. The respondent PIO is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing wilful delay/denial of the information requested by the appellant as far back as on **23.11.2019**.

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Appeal Case No. 1208 of 2020 (Video Conference Proceedings)

“In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) proviso there to, 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*.”

4. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

5. Next hearing on 19.3.2021 at 11.00 am through Video Conference Facility in the office of Deputy Commissioner, Patiala.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

7.1.2021

Cc: Director General of Police, Punjab Police Headquarters, Sector 9 Chandigarh, for information.

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Harvinder Singh,

S/o Labh Singh,

Varaich Colony, Tehsil Samana, District Patiala.

Versus

Public Information Officer,

o/o Senior Superintendent of Police,

Patiala.

First Appellate Authority,

o/o Inspector General of Police,

Patiala Range, Patiala.

Appeal Case No. 1466 of 2020 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

ASI Hakam Singh (for the Respondent) 94643-92733

ORDER:

(To be read in continuity with earlier orders on 11.9.2020 and 5.11.2020)

1. The RTI application is dated **7.2.2020** vide which the appellant has sought information **regarding certified copies of all documents and action taken on UID No. 1668084 dated: 4.10.2019 and UID No. 1663806,** as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **29.4.2020** and second appeal was filed in the Commission on **10.6.2020** under Section 19 of the Right to Information Act, 2005. The case was last heard on **5.11.2020**.

2. The appellant is absent without intimation. As directed at the last hearing on 5.11.2020 the respondent PIO, represented by ASI Hakam Singh, stated that the affidavit from the respondent PIO-cum-SSP was sent to the appellant and was received by him on 25.11.2020. A copy of the same has also been received in this Commission via email, but it is not legible.

3. The respondent PIO is directed to submit copies of the appellant's receiving, postal receipt and a legible copy of the affidavit, to this Commission at the earliest.

4. Next hearing on 19.3.2021 at 11.00 am through Video Conference Facility in the office of Deputy Commissioner, Patiala.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

7.1.2021

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Ashwani Kumar,
S/o SatparkashSood,
Ward No. 2, Thana Road,
Bhadson, Tehsil Nabha,
District Patiala

Versus

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

First Appellate Authority,
o/o Inspector General of Police,
Patiala Range,
District Patiala.

Appeal Case No. 1692 of 2020 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

ASI Hakam Singh (for the Respondent) 94643-92733

ORDER:

(To be read in continuity with earlier orders on 11.9.2020 and 5.11.2020)

1. The RTI application is dated **26.11.2019** vide which the appellant has sought information **regarding complaint filed vide letter No. 329/C/18/Reader/304/A-5 dated 27.7.2018; the ADGP's letter No. 6276 dated 16.7.2018; Enquiry No. 3935/OP dated 11.9.2019; and Case No.74/14 PS,** as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **11.1.2020** and second appeal was filed in the Commission on **26.6.2020** under Section 19 of the Right to Information Act, 2005. The case was last heard on **5.11.2020**.

2. The appellant is absent without intimation. The respondent PIO, represented by ASI Hakam Singh, was directed to send the information (15 pages) to the appellant with a copy to this Commission. However, no copies have been received in the Commission.

3. The respondent PIO is once again directed to send a copy of the information supplied to the appellant and a copy of receiving to this Commission at the earliest. Failure to comply will invite a strict penalty as per RTI Act 2005.

4. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

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Appeal Case No. 1692 of 2020 (Video Conference Proceedings)

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

5. Next hearing on 19.3.2021 at 11.00 am through Video Conference Facility in the office of Deputy Commissioner, Patiala.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

7.1.2021

PUNJAB STATE INFORMATION COMMISSION

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Jarnail Singh,
S/o Atma Singh,
Village Jalal Khara, PO Sular,
District Patiala.

Versus

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

Complaint Case No. 108 of 2020 (Video Conference Proceedings)

PRESENT:

(Complainant) Absent

ASI Hakam Singh (for the Respondent) 94643-92733

ORDER:

(To be read in continuity with earlier orders on 5.11.2020)

1. The complainant, **Jarnail Singh**, filed this RTI application dated **17.12.2019** and sought information **regarding action taken on the application dated 6.6.2019 bearing Diary No.53,** from the PIO. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **24.1.2020**. The case was last heard on **5.11.2020**.

2. The complainant is absent without intimation. The respondent PIO, represented by ASI Hakam Singh, was directed at the last hearing on 5.11.2020 to submit a copy of the postal receipt for the information sent to the complainant on 6.7.2020. He has however, failed to comply.

3. The respondent PIO is given one final opportunity to comply with the directions of this Commission. Failure to comply will invite strict penalty as per RT Act 2005.

4. **Next hearing on 19.3.2021 at 11.00 am through Video Conference Facility in the office of Deputy Commissioner, Patiala.**

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
7.1.2021

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Labh Singh,
S/o Surjit Singh,
105-D, Deep Nagar,
District Patiala.

Versus

Public Information Officer,
o/o Additional Superintendent Engineer Civil Works,
Punjab State Power Corporation Limited (OSPCL)
Patiala.

Complaint Case No. 246 of 2020 (Video Conference Proceedings)

PRESENT:

Labh Singh (Complainant) 94632-95103

Akshit Bansal, Assistant Engineer (for the Respondent) 96461-24154

ORDER:

(To be read in continuity with earlier orders on 11.9.2020 and 5.11.2020)

1. The complainant, **Labh Singh**, filed this RTI application dated **11.2.2020** and sought information **regarding construction work 66 KV, dated 20.1.2017 to 11.2.2020**, from the PIO o/o **Additional Superintendent Engineer PSPCL, Patiala**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **16.3.2020**. The case was last heard on **5.11.2020**.

2. Both parties are present through Video Conference facility at the office of the Deputy Commissioner, Patiala. The respondent PIO is represented at this hearing by Akshit Bansal, Assistant Engineer. At the last hearing on 5.11.2020 the respondent had stated that the information (82 pages) were sent to the complainant vide Letter No. 1846 dated 27.10.2020. The complainant, also present at this hearing, stated that the information is deficient as it does not fully address his queries.

3. Following deliberations at this hearing, the respondent PIO is directed to supply: 1] Store requisition forms pertaining to complainant's RTI application; and 2] a notarised affidavit addressing each point of the RTI application and clearly stating what information has been provided and what information is not available in the record.

4. The original affidavit be sent to the complainant by registered post. A copy of the postal receipt and the affidavit be submitted to this Commission.

Contd. ...2

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Complaint Case No. 246 of 2020 (Video Conference Proceedings)

5. **Next hearing on 19.3.2021 at 11.00 am through Video Conference Facility in the office of Deputy Commissioner, Patiala.**

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
7.1.2021