

# PUNJAB STATE INFORMATION COMMISSION

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

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## REGISTERED

**Sukhchain Singh,**  
Sonam Mohalla, Fatehgarh Churian,  
Tehsil Batala,  
District Gurdaspur.

Versus

**Public Information Officer,**

o/o EO, Nagar Council,  
Fatehgarh Churian,  
Tehsil Batala,  
District Gurdaspur.

**First Appellate Authority,**

o/o Deputy Director  
Department of Local Government  
Amritsar.

## Appeal Case No. 2415 of 2019

Present:

Sukhchain Singh (Appellant) 94635-18565

Ramesh Kumar, Inspector (for the Respondent) 98141-95196

ORDER:

*(To be read in continuity with earlier orders on **22.8.19**, **26.9.19**, and **8.11.19**)*

1. The RTI application is dated **10.4.19** vide which the appellant has sought information 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 **4.7.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **8.11.19**.

2. Both parties are present. The respondent PIO who was issued a Show Cause notice and directed to appear in person at the last hearing on 8.11.19, has wilfully ignored this Commission's directions, also forsaking the opportunity to be heard in person. Instead, he has once again deputed Ramesh Kumar, his subordinate inspector at the Municipal Council Fatehgarh Churian. Also, in the interim, the respondent PIO-cum-Executive Officer, Bhupinder Singh has made no move to supply the information requested by the appellant in his RTI application.

3. This Commission takes a very serious view of the respondent PIO's conduct in continuously ignoring its orders.

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**Order:** Keeping all the facts of the case in mind, this is a fit case to invoke Section 20 of RTI Act and impose a penalty on the respondent PIO. Section 20(1), which reads as under:

*“Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub Section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty Rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed Twenty Five Thousand Rupees;*

*Provided that the Central Public Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him;*

*Provided that the Central Public Information Officer or State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:*

*Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer or State Public Information Officer, as the case may be.”*

The onus and responsibility lie on the PIO to ensure the transmission of the complete information to the appellant. The PIO, **Bhupinder Singh**, Executive Officer Municipal Council, Fatehgarh Churian is hereby held guilty for not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request and for repeated and wilful defiance of the Punjab State Information Commission's orders.

A **penalty of Rupees Five Thousand (Rs. 5,000.00)** is hereby imposed upon the PIO, **Bhupinder Singh**, Executive Officer Municipal Council Fatehgarh Churian, which be deducted from his salary in two monthly instalments and deposited in the Punjab Government Treasury under head **“0070-Other Administrative Services-60-other Services-800-Other Receipts-86-Fees Under the Right to Information Act.”** The PIO **Bhupinder Singh** is directed to duly inform the Commission of the compliance of these orders by producing a copy of the challan at the next hearing of this appeal case.

4. This Commission also notes with distress that the appellant has been made to literally run from pillar to post and subjected to substantial harassment. Besides making multiple visits to the office of the Municipal Council at Fatehgarh Churian, the appellant has had to undertake numerous trips from his home in Batala to attend hearings of this appeal case at the State Information Commission in Chandigarh.

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5. In view of the harassment and detriment caused to the appellant, **Sukhchain Singh**, this Commission deems it appropriate to award a **compensation of Rupees Six Thousand (Rs. 6000.00)**. This is to be paid by the Public Authority EO, Nagar Council, Fatehgarh Churian, Tehsil Batala, District Gurdaspur, within 15 days of receiving this order.

6. Meanwhile, the respondent PIO is advised to furnish the requested information to the appellant as early as feasible, with intimation to this Commission.

7. A copy of this order be sent to the **Deputy Director, Department of Local Government**, Punjab, for information and necessary action.

8. **Next hearing on 20.2.2020 at 11:00 am.**

Sd/-  
**(ASIT JOLLY)**  
State Information Commissioner

Chandigarh  
Dated: 9.1.2020

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**Sukhchain Singh,**  
Sonam Mohalla, Fatehgarh Churian,  
Tehsil Batala,  
District Gurdaspur.

Versus

**Public Information Officer,**  
o/o Deputy Commissioner  
Gurdaspur.  
**First Appellate Authority,**  
o/o Deputy Commissioner,  
Gurdaspur.

## **Appeal Case No. 2421 of 2019**

Present:

Sukhchain Singh (Appellant) 94635-18565.

Sarabjit Singh Multani, Junior Assistant (for the Respondent) 88378-58108

ORDER:

*(To be read in continuity with earlier orders on 22.8.19, 26.9.19, and 8.11.19)*

1. The RTI application is dated **5.8.17** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **12.2.19**, and second appeal was filed in the Commission on **4.7.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **8.11.19**.

2. The appellant is present. The respondent PIO represented by Sarabjit Singh Multani, Junior Assistant from the office of D.C., Gurdaspur, visited the Commission, a day before this hearing, on 8.1.2020 and submitted a reply stating that the requested information was given to the appellant by hand on 20.12.19. The respondent also submitted a statement signed by the appellant that he has received the requested information and is satisfied with it.

3. There is no further cause for action and this appeal case is herewith **CLOSED**.

Sd/-  
**(ASIT JOLLY)**  
State Information Commissioner

Chandigarh  
Dated: 9.1.2020

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## REGISTERED

**Sukhchain Singh,**  
Sonam Mohalla, Fatehgarh Churian,  
Tehsil Batala,  
District Gurdaspur.

Versus

**Public Information Officer,**  
o/o Executive Officer,  
Municipal Council, Fatehgarh Churian.

**Public Information Officer,**  
o/o Sub Divisional Magistrate,  
Batala, District Gurdaspur.

**First Appellate Authority,**  
o/o Sub Divisional Magistrate,  
Batala, District Gurdaspur.

## Appeal Case No. 2776 of 2019

### **Present:**

Sukhchain Singh (Appellant) 94635-18565  
Rajwinder Kaur, PIO-Cum-Superintendent (Respondent) 95560-37037  
Ramesh Kumar, Inspector (for the Respondent) 98141-95196

### **ORDER:**

*(To be read in continuity with earlier orders on **28.8.19**, **26.9.19**, and **8.11.19**)*

1. The RTI application is dated **12.4.19** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **13.7.19**, and second appeal was filed in the Commission on **31.7.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **8.11.19**.

2. Both parties are present. The respondent PIO-cum-Superintendent, Rajwinder Kaur, has submitted a reply to the Show Cause Notice issued by this Bench on 8.11.19. The respondent has also orally stated that the information is in the custody of the Municipal Council at Fatehgarh Churian, where the PIO-cum-Executive Officer, Bhupinder Singh, has been consistently refusing to cooperate or respond to this RTI request.

3. Under the circumstances, this Commission has no option but to implead the Executive Officer, Fatehgarh Churian, Bhupinder Singh and direct him to be present in person at the next hearing.

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4. Taking a very serious view of his questionable conduct, the respondent PIO-Cum-Executive Officer, Fatehgarh Churian, Bhupinder Singh, 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 **12.4.19**.

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*.

5. This Commission also notes with distress that the appellant has been made to literally run from pillar to post and subjected to substantial harassment. Besides making multiple visits to the offices of the Municipal Council at Fatehgarh Churian and Sub Divisional Magistrate at Batala, the appellant has had to undertake numerous trips from his home in Batala to attend hearings of this appeal case at the State Information Commission in Chandigarh.

6. In view of the harassment and detriment caused to the appellant, **Sukhchain Singh**, this Commission deems it appropriate to award a **compensation of Rupees Six Thousand (Rs. 6000.00)**. This is to be paid by the Public Authority EO, Nagar Council, Fatehgarh Churian, Tehsil Batala, District Gurdaspur, within 15 days of receiving this order.

7. Meanwhile, the respondent PIO-cum-Executive Officer Municipal Council Fatehgarh Churian is advised to furnish the requested information to the appellant as early as feasible, with intimation to this Commission.

8. A copy of this order be sent to the **Deputy Director, Department of Local Government**, Punjab, for information and necessary action.

9. **Next hearing on 20.2.2020 at 11:00 am.**

Sd/-  
**(ASIT JOLLY)**  
State Information Commissioner  
Chandigarh  
Dated: 9.1.2020

cc: Deputy Director Local, Department of Local Government, Amritsar.

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**Sukhchain Singh,**  
S/o Sh. Ajit Singh,  
Sonam Mohalla,  
Ward No. 11, Fatehgarh Churian,  
Tehsil Batala, District Gurdaspur.

Versus

**Public Information Officer,**  
o/o Personal Department,  
(PCS Branch), Civil Secretariat,  
Punjab, Chandigarh.

**First Appellate Authority,**  
o/o Chief Secretary, To Government Punjab,  
Personal Department, Civil Secretariat, Punjab, Chandigarh.

## **Appeal Case No. 3631 of 2019**

Present:

Sukhchain Singh (Appellant) 94635-18565

Manoj Garg, Senior Assistant (for the Respondent) 94643-51751

ORDER:

1. The RTI application is dated **20.5.17** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on 19.7.17 and second appeal was filed in the Commission on **26.9.19** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **9.1.20**.

2. Both parties are present. The respondent PIO, represented at this hearing by Manoj Garg, Senior Assistant, submitted that a reply was sent to the appellant on 24.7.17 stating that the matter pertaining to his RTI application was under investigation and information could not be furnished to him.

3. This Commission however, notes that the aforesaid reply was sent to the appellant more than two years ago, in 2017. Unfortunately, the respondent PIO has not bothered to determine the present status of the above mentioned "investigation", which could well be complete by now.

4. Under the circumstances, this Commission directs the respondent PIO to bring all the original record pertaining to this RTI request to the next hearing of this appeal case.

5. **Next hearing on 20.2.2020 at 11:00 am.**

Sd/-  
**(ASIT JOLLY)**  
State Information Commissioner

Chandigarh  
Dated: 9.1.2020



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**Manjeet Singh,**  
s/o Sohan Singh.  
# 388/3, Dhandholian Road,  
Patiala.

Versus

**Public Information Officer,**  
o/o Secretary,  
Regional Transport Authority (RTA),  
Patiala.

**First Appellate Authority,**  
o/o State Transport Commissioner,  
Punjab, Chandigarh.

## **Appeal Case Nos. 2451 to 2456 of 2019** (heard together)

Present:  
(Appellant) Absent  
(Respondent) Absent

ORDER:  
(To be read in continuity with earlier orders on **22.8.19, 26.9.19, and 8.11.19**)

1. These six RTI applications are dated **18.3.19** vide which the appellant has sought information 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 **9.7.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **8.11.19**, wherein the respondent PIO was directed to make an assessment of how many pages the requested information will amount to and inform this Commission within 10 days. This was to assist the Commission in forming a view on whether fulfilling this RTI request would amount to a disproportionate diversion of public resources.

2. Both parties are absent, but have informed the Commission of their inability to attend this hearing. The respondent PIO has appended copy of a summons from a judicial court requiring him to attend a hearing. Under the circumstances, this Commission grants both parties one more opportunity to be heard before these appeal cases are disposed of.

3. **Next hearing on 20.2.2020 at 11.00 am.**

Sd/-  
**(ASIT JOLLY)**  
State Information Commissioner

Chandigarh  
Dated: 9.1.2020



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**Gurbax Singh,**  
Village Bholapur,  
Jhabewal, PO Ramgarh,  
District Ludhiana.

Versus

**Public Information Officer,**  
o/o Secretary, Regional Transport Authority,  
Gurdaspur.

**First Appellate Authority,**  
o/o State Transport Commissioner,  
Punjab, Chandigarh.

## **Appeal Case No. 2472 of 2019**

PRESENT:

(Appellant) Absent

Sourav Gupta, Accountant (for the Respondent) 70180-13144

ORDER:

*(To be read in continuity with earlier orders on **22.8.19**, **26.9.19**, and **8.11.19**)*

1. The RTI application is dated **2.5.18** vide which the appellant has sought information 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 **10.7.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **8.11.19**.

2. The appellant is absent without any intimation. The respondent PIO, represented at this hearing by Accountant, Sourav Gupta, has submitted a reply to this Commission's order of 18.11.19, along with copy of letter sent to the appellant on 18.12.19 informing him of details of two websites – [www.parivahan.gov.in](http://www.parivahan.gov.in) and [www.sarathi.gov.in](http://www.sarathi.gov.in) - where the information he sought in his RTI application, can be accessed.

3. There is no further cause for action and this appeal case is herewith **CLOSED**.

Sd/-

**(ASIT JOLLY)**

State Information Commissioner

Chandigarh

Dated: 9.1.2020

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**Manjit Singh,**  
# 2877, Phase-7,  
S.A.S. Nagar,  
Mohali.

Versus

**Public Information Officer,**  
o/o Station House Officer, Phase-8,  
Police Station,  
S.A.S. Nagar,  
Mohali.

## **Complaint Case No. 398 of 2019**

### PRESENT:

Harminster Singh (for the Complainant) 94644-39765  
Beant Singh, ASI (for the Respondent) 96922-00164

### ORDER:

1. The complainant, **Manjit Singh**, filed this RTI application dated **26.5.16** and sought **information pertaining to FIR No.124 dated 13.12.06 etc.**, as enumerated in his RTI application. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **24.4.19**. Notice was issued to the parties for first hearing in the Commission on **9.1.20**.

2. Both parties are present. The complainant is represented by his lawyer Harminster Singh. The respondent PIO, represented at this hearing by ASI, Beant Singh, contended that the Police Station Phase-8, Mohali, did not receive copy of the original RTI application since it was filed on 26.5.16.

3. This RTI application has been pending for close to four years, during which, the conduct of the respondent PIO has been very evidently designed to deny or delay handing over the information requested by the complainant. This Commission notes with certain distress that a similar contention of not having received the RTI Application, was put forth by the respondent PIO at an earlier hearing of this complaint case before former State Information Commissioner Sh. Yashvir Mahajan, on 15.10.19.

4. The respondent PIO making the same claim at today's hearing, is clearly in conflict with the fact that SIC Yashvir Mahajan had then directed the respondent to procure a copy of the Original RTI application from the Commission's records.

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5. A fresh copy of the RTI application was handed over to ASI Beant Singh at this hearing, with the direction that the respondent PIO-cum-SHO Police Station Phase 8, Mohali, be present in person at the next hearing of this complaint case. He must be in possession of all the original record pertaining to this RTI application. Any dereliction will invite serious penal consequences.

6. **Next hearing on 7.2.2020 at 11:00 am.**

Sd/-

**(ASIT JOLLY)**

State Information Commissioner

Chandigarh

Dated: 9.1.2020