

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



FINAL ORDER

Rohit Sharma, Advocate,
Chamber No.320, Lawyers Chambers,
2nd Floor, District Courts,
Bathinda.

Versus

Public Information officer,
o/o Executive Engineer, I.B., Canal,
Division Jawaharke, Mansa.

Complaint Case No. 1190 of 2021 (Video Conference Proceedings)

PRESENT:

(Complainant) Absent

Jagmeet Singh, PIO-cum-XEN (for the Respondent) 98880-48090

ORDER:

(To be read in continuity with earlier orders on 17.3.2022)

1. The complainant, **Rohit Sharma**, filed this RTI application dated **17.6.2021** and sought information **regarding Measurement Books**, from the PIO o/o **XEN, IB Canal Division, Jawaharke, Mansa**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **1.10.2021**. The case was last heard on **17.3.2022**.

2. The complainant is absent. The respondent PIO-cum-XEN, Mansa Division, IB, Jawaharke, District Moga, has, as directed by the Commission vide Order of 17.3.2022, submitted an affidavit regarding the status of the MB cited in the RTI application. Said affidavit also details the action initiated regarding the same. The respondent PIO has attributed the delay in addressing this RTI application to the time taken to trace out the aforesaid MB, which was sought at point no. 3 of the RTI application. The rest of the information as confirmed by the complainant, has already been furnished.

3. There is no cause for any further intervention by the Commission and this Complaint Case is hereby **Disposed of**.

Sd-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
9.6.2022

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FINAL ORDER

Rohit Sharma, Advocate,
Chamber No.320, Lawyers Chambers,
2nd Floor, District Courts,
Bathinda.

Versus

Public Information officer,
o/o Executive Engineer, I.B., Canal,
Division Jawaharke,
Mansa.

Complaint Case No. 1191 of 2021 (Video Conference Proceedings)

PRESENT:

(Complainant) Absent

Jagmeet Singh, PIO-cum-XEN (for the Respondent) 98880-48090

ORDER:

(To be read in continuity with earlier orders on 17.3.2022)

1. The complainant, **Rohit Sharma**, filed this RTI application dated **17.6.2021** and sought information **regarding the “cut breach” of Ghuman Distributary and Maur Distributary**, from the PIO o/o **XEN, IB Canal Division, Jawaharke, Mansa**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **1.10.2021**. The case was last heard on **17.3.2022**.

2. The complainant is absent. The respondent PIO-cum-XEN, Mansa Division, IB, Jawaharke, District Moga, has, as directed by the Commission vide Order of 17.3.2022, submitted an affidavit regarding the status of the MB cited in the RTI application. Said affidavit also details the action initiated regarding the same. The respondent PIO has attributed the delay in addressing this RTI application to the time taken to trace out the aforesaid MB. The rest of the information as confirmed by the complainant, has already been furnished.

3. There is no cause for any further intervention by the Commission and this Complaint Case is hereby **Disposed of**.

Sd-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
9.6.2022

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FINAL ORDER

Gurjit Singh,
S/o Sh. Gurdev Singh,
Giana, Tehsil Talwandi Sabo,
District Bathinda.

Versus

Public Information officer,
o/o Executive Engineer, Mansa Division,
I.B. Jawahar Ke, Mansa.

Complaint Case No. 697 of 2021 (Video Conference Proceedings)

PRESENT:

Gurjit Singh (Complainant) 94631-38069
Jagmeet Singh, PIO-cum-XEN (for the Respondent) 98880-48090

ORDER:

(To be read in continuity with earlier orders on 4.3.2022)

1. The complainant, **Gurjit Singh**, filed this RTI application dated **30.3.2021** and sought information **regarding the action taken on an application by Amrinder Singh S/o Sh. Gursewak Singh and Sukhmander Singh S/o Sh. Gurbax Singh,** from the PIO o/o **Executive Engineer, Mansa Division, I.B Jawahar Ke**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **7.6.2021**. The case was last heard on **4.3.2022**.

2. Both parties are present. As per his reply to the Show Cause Notice issued to the respondent PIO, received vide Diary No. 12300 Dated 8.6.2022, a Committee was formed to fix responsibility to missing record because of which the information to the complainant was delayed/denied. Said Committee has recommended administrative action as per PS Rules against the custodian of said record, Sh. Maghar Singh, ARC, Retired, following which, the PIO-cum-EO, has written to the concerned Superintendent Engineer vide Letter No. 408 Dated 25.5.2022, that a charge sheet be issued the aforesaid officer.

3. In view of the respondent's reply to the Show Cause Notice, the Commission is of the view that this case has been addressed adequately. There is no further cause for action and this Complaint is accordingly **Disposed of**.

Sd-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
9.6.2022

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FINAL ORDER

Gurjit Singh,
S/o Sh. Gurdev Singh,
Giana, Tehsil Talwandi Sabo,
District Bathinda.

Versus

Public Information officer,
o/o Executive Engineer, Mansa Division,
I.B. Jawahar Ke, Mansa.

Complaint Case No. 708 of 2021 (Video Conference Proceedings)

PRESENT:

Gurjit Singh (Complainant) 94631-38069
Jagmeet Singh, PIO-cum-XEN (for the Respondent) 98880-48090

ORDER:

(To be read in continuity with earlier orders on 4.3.2022)

1. The complainant, **Gurjit Singh**, filed this RTI application dated **30.3.2021** and sought information regarding an application dated 26.5.2015, from the PIO o/o **Executive Engineer, Mansa Division, I.B Jawahar Ke**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **7.6.2021**. The case was last heard on **4.3.2022**.

2. Both parties are present. At the last hearing on 4.3.2022, a Show Cause Notice was issued to the respondent PIO, wherein, he was asked to explain in writing as to why the RTI application was so delayed. As per his reply to said Show Cause Notice, received vide Diary No. 12299 Dated 8.6.2022, the respondent PIO detailed the action initiated to fix responsibility for the missing record/file. The respondent PIO has also informed the Commission that the office of Senior Superintendent of Police, Mansa, has also been contacted for the registration of the DDR/FIR in the matter of the missing file.

3. The respondent PIO is directed to send a copy of the said letter to the Commission. In view of the above, this RTI application has been adequately addresses. This Complaint Case is accordingly **Disposed of**.

Sd-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
9.6.2022

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REGISTERED FINAL ORDER

Gurjit Singh,
S/o Sh. Gurdev Singh,
Giana, Tehsil Talwandi Saboo,
District Bathinda.

Versus

Public Information officer,
o/o Executive Engineer, Mansa Division,
I.B. Jawahar Ke, Mansa.

Complaint Case No. 709 of 2021 (Video Conference Proceedings)

PRESENT:

Gurjit Singh (Complainant) 94631-38069
Jagmeet Singh, PIO-cum-XEN (for the Respondent) 98880-48090

ORDER:

(To be read in continuity with earlier orders on 4.3.2022)

1. The complainant, **Gurjit Singh**, filed this RTI application dated **6.4.2021** and sought information regarding an application Dated 25.2.2021, from the PIO o/o **Executive Engineer, Mansa Division, I.B Jawahar Ke**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **7.6.2021**. The case was last heard on **4.3.2022**.

2. Both parties are present. At the last hearing on 4.3.2022, the PIO-cum-XEN, Jagmeet Singh, stated that the information was handed over to the complainant in person. The complainant however, contended that he has not received any information. The respondent PIO was directed to send a copy of the reply given to the complainant along with Letter No. 3107 Dated 18.6.2022, along with appended information, to the Commission. The respondent PIO has sent a copy of aforesaid letter but no information is appended to it and nor is there anything by way of proof that the information was actually received by the complainant.

3. The complainant was present, states that he has now received the information, which was sent to him by Registered Post and received on 6.4.2022. The requested information as per above has been delayed about 11 months consequent of which, the complainant Sh. Gurjit Singh, has suffered much harassment and detriment. The Commission deems it fit to award compensation to the complainant of the harassment and detriment against to him.

4. In view of the harassment and detriment caused to the appellant, **Sh. Gurjit Singh**, this Commission deems it appropriate to award a **compensation of Rupees Five Thousand (Rs. 5,000.00)**. This is to be paid vide a crossed cheque / demand draft, by the Public Authority, in this instance, the Executive Engineer, Mansa Division, I.B. Jawahar Ke, Mansa, within 15 days of receiving this order. Proof of payment is to be submitted to this Commission.

Contd. ...2

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Complaint Case No. 709 of 2021 (Video Conference Proceedings)

5. A copy of this Order be sent to Registry Branch for follow up of compliance. This Complaint Case is hereby **Disposed of**.

Sd-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
9.6.2022

Cc: Deputy Registrar, Punjab State Information Commission, for compliance.

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FINAL ORDER

Lakhvir Kumar,
S/o Sh. Jaspal Ram,
President Punjab Society Against Corruption and Crime Branch,
Village Gandhwan, Tehsil Phagwara, District Kapurthala.

Versus

Public Information Officer,
o/o Executive Engineer (C),
Punjab Mandi Board,
Sangrur.

First Appellate Authority,
o/o Chief Engineer (North),
Punjab Mandi Board,
Punjab Mandi Bhawan,
Sector 65-A, SAS Nagar (Mohali)

Appeal Case No. 1446 of 2021 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

Parminder Singh, PIO-cum-XEN (Respondent) 98557-15399

ORDER:

(To be read in continuity with earlier orders on 5.1.2022 and 6.4.2022)

1. The RTI applications are dated **31.12.2020** vide which the appellant has sought information **regarding the allotment of tenders from 1.4.2021 to 31.12.2020**, as enumerated in his RTI applications. First Appeal was filed with the First Appellate Authority (FAA) on **1.2.2021** and Second Appeal was filed in the Commission on **18.3.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard on **6.4.2022**.

2. The appellant is absent without intimation for the third successive hearing. At the last hearing on 6.4.2022, the respondent PIO was directed to intimate the appellant by Registered Post advising him to collect the information from the office of XEN, Punjab Mandi Board, Sangrur. The Commission's Order was complied vide Letter No. 1336 Dated 6.4.2022, but as per the respondent, said letter was returned with the comment that "House Locked". An attempt was to contact the appellant on the Mobile Number given on his RTI application. The said Mobile Number was stated as "out of service".

3. In view of the above, the Commission deems it fit to **Dispose of** this Appeal.

Sd-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
9.6.2022

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FINAL ORDER

Iqbal Mohd.,
Babha Road, Near Eidgah Quila,
Rehmatgarh, Malerkotla.

Versus

Public Information officer,
o/o Divisional Forest Officer, Sangrur.
First Appellate Authority,
o/o Conservator of Forests, South Circle,
Patiala.

Appeal Case No. 4078 of 2021 (Video Conference Proceedings)

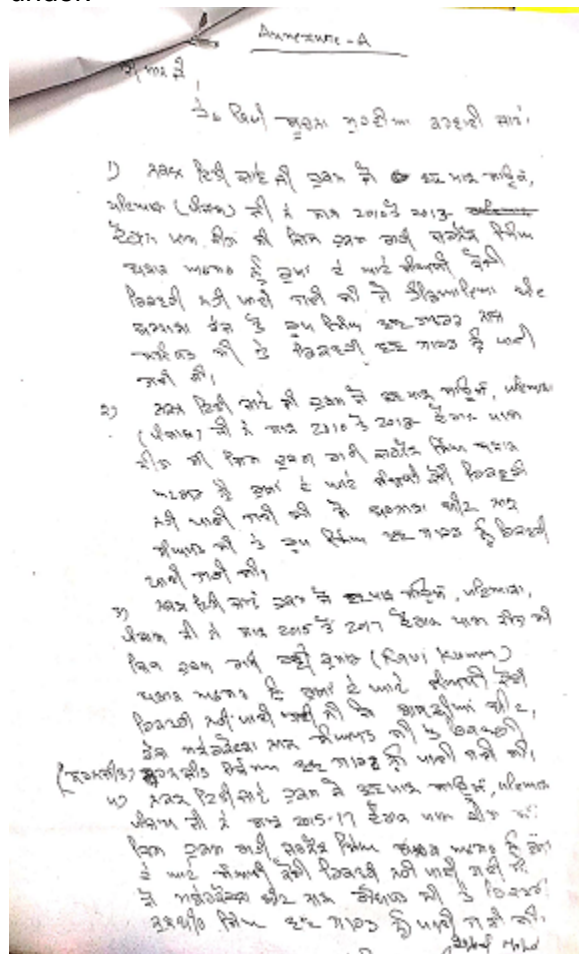
PRESENT:

(Appellant) Absent

Karamjit Kaur, Superintendent (for the Respondent) 98147-09045

ORDER:

1. The RTI application is dated **9.11.2020** vide which the appellant has sought information as under:-



Contd....2

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Appeal Case No. 4078 of 2021 (Video Conference Proceedings)

as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **7.4.2021** and Second Appeal was filed in the Commission on **8.9.2021** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **9.6.2022**.

2. The appellant is absent. The respondent PIO, in a reply to the appellant vide Letter No. 341 Dated 16.12.2020, denied the requested information as per Section 8(1)(j) of the RTI Act 2005, which reads as under

“Information which relates to personal information the disclosure of which has not relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information, which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.”

3. In reply to this Commission's Notice of Hearing, the respondent PIO vide Letter No. 574 Dated 8.2.2022, has repeated her contention stated in Letter No. 341 Dated 16.12.2020, citing the Hon'ble Supreme Court of India Decision dated 13.11.2019 in Civil Appeal No. 10044 of 2010 Titled *Central Public Information Officer, Supreme Court of India Vs Subhash Chandra Agarwal*. The relevant portion is as under:

“Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive.”

4. In view of the above, the respondent PIOs decision is upheld. This Appeal Case is accordingly **Disposed of**.

Sd-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
9.6.2022

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FINAL ORDER

Rajinder Kumar Sharma,
VPO Raisar,
Barnala-148101.

Versus

Public Information officer,
o/o Divisional Forest Officer,
Sangrur.
First Appellate Authority,
o/o Conservator of Forests,
South Circle,
Patiala.

Appeal Case No. 5513 of 2021 (Video Conference Proceedings)

PRESENT:

Rajinder Kumar Sharma (Appellant) 94635-12563
Karamjit Kaur, Superintendent (for the Respondent) 98147-09045

ORDER:

1. The RTI application is dated **19.5.2021** vide which the appellant has sought information **regarding Tree Guards in Forest Division, Sangrur**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **27.9.2021** and Second Appeal was filed in the Commission on **6.12.2021** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **9.6.2022**.
2. Both parties are present. As per the respondent PIO, the appellant was requested vide Letter No. 97 Dated 28.5.2021, to deposit the requisite fees of copying i.e. Rs. 1,478/- and postal charges of Rs. 450/- to receive the requested information. The appellant has however, not deposited the requisite fees or insists that he wants to inspect the record and take only the information that he has requested in his RTI application.
3. The respondent PIOM represented by Karamjit Kaur, Superintendent, is directed to arrange an inspection of record by the appellant on 6.7.2022. The appellant is to be provided duly attested copies of the requested documents only after he deposit the requisite fees.
4. This Appeal Case is accordingly **Disposed of**.

Sd-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
9.6.2022