



Sh.Gurpreet Singh, S/o Sh.Surinder Singh,
Village Hussainpura, P/O Badhochi.Kalan
Tehsil & Distt Shri Fatehgarh Sahib.

Appellant.

Versus

Public Information Officer,
O/o DC,
Distt. Shri. Fatehgarh Sahib.

First Appellate Authority,
O/o Addl, DC,
Distt. Shri. Fatehgarh Sahib.

...Respondent

Appeal Case No. 1795 of 2018

Present: Sh.Gurpreet Singh as Appellant
Sh. Rajinder Singh, Panchayat Secretary for the Respondent

ORDER:

The case was first heard on 20.08.2018. The respondent was absent. The Commission received a letter diary No.16039 dated 06.8.2018 from the PIO, DDPO Fatehgarh Sahib vide which the PIO-DDPO has transferred the RTI to BDPO, Sirhind, instructing them to provide the information directly to the appellant.

The PIO was directed to provide the information to the appellant within 15 days and be present on the next date of hearing. The PIO was also directed to explain the reasons for not providing the information within the time prescribed under the RTI Act.”

The case was again heard on **26.09.2018**. The appellant informed that he has not received the information. Sh.Rajinder Singh, Panchayat Secretary was present. The respondent pleaded that he has just joined the seat as the earlier dealing person Sh.Tajinder Singh has been transferred. The respondent further assured to send the information within 10 days. The PIO was directed to provide the information and send compliance report to the Commission. Sh.Rajinder Singh was also directed to explain the reasons for delay in providing the information on an affidavit.

The case again came up for hearing on **19.11.2018**. Sh.Iqbal Singh, Panchayat Secretary o/o BDPO Sirhind was present. The respondent present has pleaded that he has received the RTI application recently and assured to provide the information within 10 days. The PIO, BDPO Sirhind was given one more opportunity to provide the information to the appellant within 10 days and be present personally on the next date of hearing along with explanation for delay in providing the information on an affidavit.

The case was again heard on **15.01.2019**. The appellant informed that no information has been provided to him. The PIO was absent on 4th consecutive hearing and preferred to not abide by the order of the Commission. Taking a serious view of the scant regard shown by the PIO towards the RTI Act, the PIO-BDPO Sirhind was issued **show cause notice under section 20 of the RTI Act** and the PIO was directed to file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

Appeal Case No. 1795 of 2018

The commission also directed the PIO to provide the information to the appellant within 10 days and send a compliance report to the Commission.

The case was last heard on **11.03.2019**. The appellant informed that the information has not been provided so far. The respondent Sh.Rajinder Singh appeared late and pleaded that since the earlier BDPO has been transferred and new BDPO has recently joined, the case be adjourned for the next date. The respondent further assured to provide the information within 15 days.

The case was adjourned and the PIO was directed to appear personally on the next date of hearing and submit reply to the show cause notice on an affidavit. The PIO was also directed to provide the information within 15 days and send a compliance report to the Commission.

The case was last heard on **06.05.2019**. The respondent present pleaded that the information has been provided to the appellant. The appellant informed that he has received the information but still there is some discrepancy.

In the hearing on 15.01.2019, the PIO-BDPO Sirhind was issued a show cause notice under section 20 of the RTI Act for not providing the information within the time prescribed under the RTI Act, and directed to file an affidavit in this regard. The PIO was also directed to provide the information within 10 days and send a compliance report to the Commission.

In the hearing on 11.03.2019, Sh.Rajinder Singh, Panchayat Secretary appeared late and pleaded that since the earlier BDPO has been transferred and new BDPO has recently joined, the case be adjourned.

During this hearing, it came to the notice that the BDPO Sirhind had transferred the RTI application to Sh.Rajinder Singh, Panchayat Secretary-cum-PIO Gram Panchayat, Hussainpura, Block Sirhind under section 6(3) of the RTI Act vide letter dated 08.02.2018 with a direction to provide the information to the appellant. Now the responsibility lies on the Panchayat Secretary-cum-PIO Gram Panchayat, Hussainpura.

Since the application was transferred to the Panchayat Secretary-cum-PIO Gram Panchayat, the PIO-Gram Panchayat submitted a reply to the show cause. The reply, however did not justify the enormous delay in providing the information.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, the PIO-Panchayat Secretary, Gram Panchayat, Hussainpura was held guilty for not providing the information on, and a penalty of **Rs.10,000/-** was hereby imposed upon the PIO, Panchayat Secretary, Gram Panchayat, Hussainpura which was to be deposited in the Govt. Treasury. The PIO, Panchayat Secretary, Gram Panchayat, Hussainpura was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

Further, the Commission was of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act, and the PIO was directed to pay an amount of **Rs.5000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO was directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

The PIO was again directed to provide rest of the information and send a compliance report to the Commission.

Hearing dated 02.07.2019:

The respondent has brought a demand draft of Rs.5000/- and handed over to the appellant. The appellant has received the same. The appellant however, pleaded that some information is still pending. The PIO is directed to complete the information.

Regarding the deposit of penalty, the respondent informed that the BDPO has directed the concerned accountant to deduct the amount from the salary of the respondent for the month of June and to deposit the same in the Govt. Treasury.

The PIO is directed to produce a copy of challan justifying the deposit of the penalty in the Govt Treasury.

To come up for compliance on **20.08.2019 at 11.00 AM.**

Chandigarh
Dated: 02.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to 1. The PIO, DDPO Sri Fatehgarh Sahib

2. The PIO- BDPO Sirhind

3. PIO-Panchayat Secretary, Gram Panchayat, Hussainpura



Sh. Harbans Singh, S/o Sh.Chunni Lal,
Kothi No-1, Ward No-1, Near SD School,
FatehgarhChurian, Distt.Gurdaspur.

...Appellant.

Versus

Public Information Officer,
Commissioner, Nagar Nigam,
Amritsar.

First Appellate Authority,
Director, Local Govt,
Sector-35, Chandigarh.

...Respondent

Appeal Case No. 1397 of 2018

Present: None for the Appellant
Sh.D.P.Verma, Sr Assistant O/o Director, Local Govt, Pb, Chandigarh for
the Respondent

ORDER:

This order should be considered in continuation to the previous order.

Facts of the Case-

- 1) That the appellant Sh.Harbans Singh filed an RTI application on 18.08.2017 seeking information regarding name, address of the owner of Kothi No.144, Green Field Avenue, Majitha Road Amritsar alongwith map and ownership documents.
- 2) That the information was not provided within the stipulated time under section 7 of the RTI Act, after which the appellant filed the first appeal on 04.10.2017 with the First Appellant Authority which instructed the PIO to provide the information vide letter dated 12.12.2017.
- 3) That on not getting the information, the appellant filed a second appeal with the State Information Commission, which first came up for hearing on 27.06.2018.
- 4) That on the date of the hearing (27.06.2018), both the parties were absent, the case was adjourned for 25.07.2018.
- 5) That on the date of hearing (25.07.2018), the appellant informed that he has not received the information. Sh.D.P.Verma, Sr.Assistant from the office of Director, Local Govt. Punjab, Chandigarh was present. The PIO was absent. The PIO was directed to provide the information within 10 days and explain the reasons for not attending to the RTI application in accordance with the RTI Act.
- 6) That on the next date of hearing, which was held on **28.08.2018**, Ms.Harpreet Kaur, Building Inspector-cum-APIO (deemed PIO as per her letter dated 03.10.2017 sent to the appellant) appeared and pleaded that since the appellant had not submitted a valid identity proof, which is mandatory, she had filed the RTI application. Regarding the deemed PIO's claim that the information is third party, even though the PIO did nothing to invoke the provisions of section 11(1) of the RTI Act. The Commission found the PIO's replies on both the accounts vague and wishy-washy since the matter had already

been adjudicated before the First Appellate Authority, the appellant has submitted his ID proof and the third party was an after thought. The PIO was directed to send a notice to the third party for their submission as well as explain the reasons for the delay in handling the RTI application.

- 7) That on the next date of hearing which was held on 26.09.2018, the PIO was absent yet again without intimating the commission. Also, no information had been sent to the appellant, who was present at the hearing. Given the continuous defiance, the deemed PIO, Ms.Harpreet Kaur was finally '**Show Caused**' under section 20 of the RTI Act as to why a penalty should not be imposed for dereliction in handling this particular RTI application. The PIO was also directed to file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies. The PIO was also directed to provide part information i.e. the names of the property holders but not the maps as asked in the application within seven days.
- 8) That the case came up for further hearing on 19.11.2018. The deemed PIO was yet again absent. The PIO was again provided with an opportunity to reply to the show cause notice and directed to be present personally before the Commission for the next date of hearing. On the same day, the Chief Commissioner, Nagar Nigam Amritsar was also directed to ensure compliance of the order of the Commission and also to ensure the presence of the PIO before the Commission alongwith reply to the show cause.
- 9) That the case again came up for hearing on **15.01.2019**. The appellant was absent and vide email informed that the information had not been provided. The APIO-cum-deemed PIO Ms.Harpreet Kaur was yet again absent despite the orders of the commission to be present. She was given one more opportunity to be present before the Commission on the next date of hearing along with a reply to the show cause. The Chief Commissioner, Nagar Nigam, Amritsar was also directed to ensure the presence of the PIO before the Commission on the next date of hearing alongwith reply to the show cause.
- 10) That the case came up for hearing again on **11.03.2019**. The appellant vide email informed that the information has not been provided. The appellant also pleaded that he has been harassed by not providing the information after a lapse of more than one year, the PIO be panelized and suitable compensation be given to the appellant for unnecessary harassment and delay in providing the information.

The PIO was absent on 4th consecutive hearing and nor replied to the show cause. Keeping all the facts of the case in mine, the APIO-Harpreet Kaur(deemed PIO in this case) was found 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 willful defiance of the Punjab State Information Commission's orders, a penalty of **Rs.25, 000/-** was hereby imposed upon Ms.Harpreet Kaur, APIO-cum-deemed PIO, O/o Commissioner, Nagar Nigam, Amritsar which be deposited in the Govt. Treasury. The APIO-cum-deemed PIO, Ms.Harpreet Kaur O/o Commissioner, Nagar Nigam, Amritsar was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

The PIO was again directed to provide part of the information i.e. the names of the property holders only to the appellant within a week and send a compliance report to the Commission.

- 11) That the case was last heard on **06.05.2019**. The PIO was again absent nor had sent any compliance report to the Commission. The PIO was granted one last opportunity to comply with the earlier order of the Commission which still stands and send a compliance report of the order by producing a copy of the challan justifying the deposition of the penalty in the Govt. Treasury. The PIO was also directed to be present on the next date of hearing otherwise the Commission will be constrained to issue warrants under section 18(3) of the RTI Act.

The case has come up for hearing today. The PIO is again absent nor has sent any compliance report to the Commission. Sh.D.P.Verma, Sr.Assistant from the office of Director, Local Govt. Pb Chandigarh is present who informed that Ms.Harpreet Kaur has been transferred from Amritsar and now posted at Moga and that they have already directed the Commissioner, MC Moga and Ms.Harpreet Kaur, Building Inspector (Techical), MC Moga vide letter dated 30.05.2019 for compliance of the Commission's order.

Keeping the above-mentioned facts of the case, it is clear that the PIO is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission the Information Commission is empowered to issue warrants to Under Section 18(3) of the RTI Act. Aailable Warrant of Ms.Harpreet Kaur, Building Inspector (Techical), MC Moga (earlier APIO-cum-deemed PIO, O/o Commissioner, Nagar Nigam, Amritsar) is hereby issued through Senior Superintendent of Police, Moga for his presence before the Commission on 29.01.2019.

The present PIO-MC Amritsar is also directed to provide the information to the appellant within 15 days of receipt of this order.

To come up for further hearing on **28.08.2019 at 11.00 AM**.

Chandigarh
Dated: 02.07.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : 1. **The Chief Commissioner,**
Nagar Nigam, Amritsar

2. **Ms.Harpreet Kaur, Building Inspector,**
Municipal Corporation, Moga

**BAILABLE WARRANT OF PRODUCTION
BEFORE
SHRI KHUSHWANT SINGH
STATE INFORMATION COMMISSIONER, PUNJAB
AT CHANDIGARH**

In case: Harbans Singh V/s Public Information Officer, Commissioner,
Nagar Nigam, Amritsar

APPEAL CASE NO. 1397 OF 2018

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing :28.08.2019

To

**The Senior Superintendent of Police,
Moga.**

Whereas Ms.Harpreet Kaur, Ms.Harpreet Kaur, Building Inspector (Techical), MC Moga (earlier APIO-cum-deemed PIO, O/o Commissioner, Nagar Nigam, Amritsar) has failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to Ms.Harpreet Kaur, Building Inspector (Techical), MC Moga (earlier APIO-cum-deemed PIO, O/o Commissioner, Nagar Nigam, Amritsar) to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on **28.08.2019 at 11.00 AM.**

**Chandigarh
Dated: 02.07.2019**

**(Khushwant Singh)
State Information Commissioner**

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - sicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh.Rajinder Kumar,
Q No-35-L, I.T.I Staff Colony,
Talwara

... Appellant

Versus

Public Information Officer,
SDO, PSPCL,
Sub Division, Haryana,
Distt.Hoshiarpur.

First Appellate Authority,
SDO, PSPCL,
Sub Division, Haryana,
DisttHoshiarpur.

...Respondent

Appeal Case No. 3594 of 2018

Present: None for the Appellant
None for the Respondent

Order: The case was first heard on **04.02.2019**. The respondent present pleaded that since the information is 3rd party, it cannot be provided. Having gone through the RTI application, the Commission directed the PIO to provide information regarding points 2. Rest of the points to be adjudicated at the next date of hearing.

The case was last heard on **27.02.2019**. The respondent informed that the information regarding point-2 has been provided. Regarding information on point-1, the respondent denied the information stating that the information is 3rd party and it cannot be provided.

To provide an opportunity to the 3rd party under section 19(4) of the RTI Act, Sh.Baljinder Singh was impleaded as a party to the case and Sh.Baljinder Singh was directed to appear before the Commission on the next date of hearing if he wanted to plead the case. The PIO was also directed to provide information regarding point-4 to the appellant.

The case was last heard on **06.05.2019**. The respondent pleaded that 3rd party has not given his consent to part with the information. Sh.Baljinder Singh was absent. Sh.Baljinder Singh, was given one more opportunity to appear before the Commission on the next date of hearing and plead his case otherwise the Commission will decide the case ex-parte.

Hearing dated 02.07.2019:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Hoshiarpur. Since both the parties are absent, in the interest of justice, one more opportunity is granted and the case is adjourned.

To come up for further hearing on **03.09.2019 at 11.00 AM** through video conference facility available in the **office of DC Hoshiarpur**. The copies of the order be sent to both the parties **through registered post**.

Chandigarh
Dated: 06.05.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to Sh.Baljinder Singh S/o Sh.Hari Singh Saini,
Village Bassi Mudda, P.O.Baghpur,(Hoshiarpur)

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
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Sh. Harpal Singh, S/o Sh Arjan Singh.
Village Zahadpur, P.O Jaito, Sarja,
Tehsil Batala, Distt Gurdaspur.

... Appellant

Versus

Public Information Officer,
O/o Tehsildar, Batala,
Distt Gurdaspur

First Appellate Authority,
O/o Tehsildar, Batala,
Dist Gurdaspur.

...Respondent

Appeal Case No. 216 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The case was last heard on 29.04.2019 through video conference facility available in the office of DC Gurdapur. The respondent present pleaded that the information has been provided to the appellant. The appellant was not satisfied and stated that information is neither provided from the office of Tehsildar nor is it certified by the Tehsildar. The respondent stated that appellant had filed RTI Application with the office of Tehsildar Batala which transferred the same to BDPO Batala and the information was collected from the office of Tehsildar and sent to the appellant.

Having gone through the information and hearing both the parties, the Commission directed the respondent to inform total number of ponds in the village, highlight the same and provide the information duly certified by BDPO under the RTI Act. The information be provided within 10 days.

Hearing dated 02.07.2019:

The case has come up for hearing today through video conference facility available in the office of DC Gurdapur. The respondent is absent. The appellant is absent. The appellant has informed telephonically that he has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated 02.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Simranjit Singh, S/o ShJagdish Singh,
93/2,Adarsh Nagar, Jalandhar

Versus

Appellant.

Public Information Officer,
O/o Jalandhar Development Authority,
Jalandhar.

First Appellate Authority,
O/o Jalandhar Development Authority,
Jalandhar.

...Respondent

Appeal Case No. 3673 of 2018

Present: Sh.Simranjit Singh as the Appellant
Sh.Chander Shekhar, O/o JDA for the Respondent

Order: The case was first heard on **04.20.2019**. The respondent present pleaded that the information regarding point 1 has been provided and since the information sought regarding other points is not clear, it cannot be provided.

Having gone through the RTI application and the reply of the PIO, the Commission directed the appellant to clarify for which vehicle the information is being sought as well as to specify the period from which day and year, the information is being sought.

The case was again heard on **27.02.2019** through video conference facility available in the office of the Deputy Commissioner, Jalandhar. The appellant informed that he has specified the vehicle and period from which the information is being sought. The respondent pleaded that the appellant has provided the date today only. The PIO was directed to provide the information within 5 days and send a compliance report to the Commission.

The case was last heard on **06.05.2019**. Since both the parties were absent, the case was adjourned.

Hearing dated 02.07.2019:

The case has come up for hearing today through video conference facility available in the office of the Deputy Commissioner, Jalandhar.

The appellant claims that no information has been provided. The respondent has denied the information stating that the information sought by the appellant is in personal interest and not in the public interest. The appellant says that he has sought the information regarding vehicles authorized for official use.

Having gone through the entire case, I take my attention to section 4(2) of the RTI Act which states; it shall be a constant endeavor of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

Appeal Case No. 3673 of 2018

Section 2 (f) that defines the meaning of information clearly describes logbooks as information and the above argument herewith further takes me to Section 19(8)(a)(iii) of the RTI Act, which empowers the Central Information Commission or State Information Commission to require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including by publishing certain information or categories of information,

Under the powers vested in this section, I hereby direct the PIO to upload the information regarding vehicles, log book, fuel expenses as well as kilometers covered and provide the information to the appellant as per earlier order which still stands.

To come up for further hearing on **03.09.2019 at 11.00 AM** through video conference facility available in the office of the Deputy Commissioner, Jalandhar Copies of the order be sent to the parties ***through registered post.***

Chandigarh
Dated: 02.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Simranjit Singh, S/o Sh Jagdish Singh,
93/2, Adarsh Nagar, Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o Jalandhar Development Authority,
Jalandhar.

First Appellate Authority,
O/o Jalandhar Development Authority,
Jalandhar.

...Respondent

Appeal Case No. 653 of 2019

PRESENT: Sh.Simranjit Singh as the Appellant
Sh.Chander Shekhar, O/o JDA for the Respondent

ORDER:

The case was last heard on 13.05.2019. The respondent was absent. The Commission received a letter diary No.8586 on 25.04.2019 from the PIO stating that since the information sought by the appellant was not specific and that the appellant was asked vide letter dated 10.01.2019 to clarify for which area/site the information is required, but the appellant has not responded to their query.

Having gone through the RTI application, the appellant was asked to make this RTI application more specific to enable the PIO to send desired reply. The PIO was directed to look at this clarification once submitted and provide the information.

Hearing dated 02.07.2019:

The case has come up for hearing today through video conference facility available in the office of Deputy Commissioner, Jalandhar. The respondent present pleaded that the appellant has not clarified the information sought.

The appellant is directed to specify the information and the PIO is directed to provide the information as per earlier order which still stands.

To come up for further hearing on **03.09.2019 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Jalandhar. The orders be sent to both the parties **through registered post.**

Chandigarh
Dated 02.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Diyal Singh, S/o Sh Balwant Singh,
R/o village Chak Bajira, Tehsil Jalalabad,
Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o Tehslidar, Jalalabad,
Distt Fazilka.

First Appellate Authority,
O/o SDM, Jalalabad,
Distt Fazilka

...Respondent

Appeal Case No. 536 of 2019

PRESENT: Sh.Dayal Singh as the Appellant
Sh.Amandeep Singh, ASM O/o Tehsildar, Jalalabad for the Respodent

ORDER:

The case was last heard on **08.05.2019**. The respondent present pleaded that the available information has been provided to the appellant on points 2 & 3 and since the information regarding point-1 is available with the concerned banks/societies, they have written a letter on 11.12.2018 to them for providing the information. PIO was directed to provide whatever the information about this point is available with the public authority and send a compliance report to the Commission

The appellant was absent and vide email requested for hearing through video conference facility in the office of DC, Fazilka.

Hearing dated 02.07.2019:

The case has come up for hearing today through video conference facility available in the office of Deputy Commissioner, Fazilka. The respondent pleaded that the information has been provided to the appellant. The appellant has received the same and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated 02.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Simranjit Singh S/o Sh jagdish Singh,
93/2, Adarsh Nagar, Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o Jalandhar Development Authority,
Jalandhar.

First Appellate Authority,
O/o Jalandhar Development Authority,
Jalandhar.

...Respondent

Appeal Case No. 440 of 2019

PRESENT: Sh.Simranjit Singh as the Appellant
Sh.Chander Shekhar, O/o JDA for the Respondent

ORDER:

The case was last heard on 08.05.2019. The appellant informed that the PIO has not provided the information. The respondent was absent. The PIO had denied the information stating that the information sought by the appellant from the year 2014 is not maintained in the format as desired by the applicant and the compilation of the same would result in misappropriate diversion of resources, as such the information cannot be provided as per section 7(9) of the RTI Act.

Having gone through the reply of the PIO, the Commission observed that the PIO has invoked section 7(9) without citing the reasons that why it would result in diversion of resources. The PIO was directed to submit reply with solid reasoning for denial of this information. The Administration Branch of the JDA was impleaded in the case and directed to provide the information on points 3,4 & 8. The points 2, 5,6&7 stands resolved.

Hearing dated 02.07.2019:

The case has come up for further hearing today through video conference facility available in the office of Deputy Commissioner, Jalandhar. The respondent pleaded that the information regarding points-3, 4 & 8 has been provided to the appellant vide letter dated 13.06.2019. The appellant is not satisfied and informed that the PIO has not provided the information as sought in the RTI application.

PIO is directed to provide complete information on points-3,4 & 8 within 10 day and send a compliance report to the Commission.

With the above order, the case is **disposed off and closed.**

Chandigarh
Dated 02.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Naresh Gumber,
B-1864, Kailash Nagar, Street NO-4-E,
Tehsil & dist Fazilka.

... Appellant

Versus

Public Information Officer,
O/o MC,
Fazilka.

First Appellate Authority,
O/o MC,
Fazilka

...Respondent

Appeal Case No. 504 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The case was last heard on **08.05.2019**. The order is reproduced hereunder:

“The appellant through RTI application dated 02.11.2018 has sought information on 20 points regarding recruitment of employees in MC Fazilka other departments under the control of MC from 01.01.2006 on contract basis, regular basis, daily wage basis etc. and other information concerning the office of MC Fazilka. The appellant was not satisfied with the reply of the PIO dated 07.12.2018 whereby the PIO denied the information stating that the information sought contains more than 500 words and cannot be provided as per Punjab Govt Notification dated 03.07.2017, after which the appellant filed first appeal before the First Appellate Authority on 13.12.2018 which took no decision on the appeal.

The respondent is absent. The plea of the PIO is rejected and the PIO is directed to provide the information as per RTI Act before the next date of hearing. If the information is voluminous, the PIO to raise and send break-up of the fee involved in providing the information. The PIO to provide information after the deposit of fee.”

Hearing dated 02.07.2019:

The case has come up for hearing today through video conference facility available in the office of Deputy Commissioner, Fazilka. Both the parties are absent. The Commission has received an email from the PIO vide which the PIO has informed that the information has been provided to the appellant and the appellant has received the same. The PIO has also attached an acknowledgement of the appellant having received the information.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated 02.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
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Sh Thakar Dass, S/o Sh Guranditta Mal,
R/o Village Diwan Khera, Tehsil Abohar,
Distt Fazilka..

....Appellant

Versus

Public Information Officer,
O/o SDM, Abohar,
Distt Fazilka.

First Appellate Authority,
O/o DC,
Fazilka.

...Respondent

Appellant Case No. 3474 of 2018

Present: Sh.Thakar Dass as Appellant
Sh.Ram Rattan, Suptd.-cum-PIO O/o SDM Abohar for the Respondent

ORDER:

The case was first heard on **09.01.2019**. The respondent present brought some information and handed over to the appellant. The appellant received the same. The respondent further pleaded that the remaining information shall be provided to the appellant. The appellant pleaded that he had filed RTI application in the month of April whereas the respondent is providing the information after a delay of 9 months.

The PIO was directed to explain the reasons for delay in providing the information on an affidavit. If there is any other official involved in the delay, that person to appear and explain the reasons.

The case was again heard on **27.02.2019** through video conference facility available in the office of the Deputy Commissioner, Fazilka. The respondent present pleaded that the information has already been provided to the appellant during the last hearing. The respondent further informed that as per order of the Commission, remaining information was sent to the appellant vide letter dated 11.01.2019. The appellant was not satisfied with the information. The appellant further informed that the information has been provided after a period of 9 months.

Having gone through the record, the Commission found that the RTI application has been replied to the best possible extent. However, the Commission observed that there has been an enormous delay of nine months in providing the information, the PIO-SDM Abohar was issued a **show cause notice and the** PIO was directed to file reply on an affidavit.

The case was last heard on **06.05.2019**. The respondent was absent vide email sought adjournment being on election duty. The case was adjourned.

Hearing dated 02.07.2019:

The case has come up for further hearing today through video conference facility available in the office of the Deputy Commissioner, Fazilka. The respondent present informed that the information has been provided to the appellant.

Appellant Case No. 3474 of 2018

Regarding delay in providing the information, the respondent pleaded that the RTI application was marked to the concerned clerk Sh.Bhupinder Singh on 23.04.2018 for providing the information and again asked vide letters dated 14.05.2018 & 26.07.2018 for taking necessary action and to provide the information to the appellant. However, since he took no action on the RTI application, the information was delayed. After conducting an enquiry, action has been taken against Sh.Bhupinder Singh and he has been transferred and charge sheeted.

The PIO however, has not brought any appropriate reply to the show cause. The PIO is given one more opportunity to file an appropriate reply to the show cause notice on an affidavit and be present on the next date of hearing.

To come up for further hearing on **03.09.2019 at 11.00 AM**. through video conference facility available in the office of the Deputy Commissioner, Fazilka. The order be sent to both the parties **through Registered Post**.

Chandigarh
Dated: 02.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Thakar Dass, S/o Sh Guranditta Mal,
R/o Village Diwan Khera, Tehsil Abohar,
Distt Fazilka..

...Appellant

Versus

Public Information Officer,
O/o SDM, Abohar,
Distt Fazilka.

First Appellate Authority,
O/o DC,
Fazilka.

...Respondent

Appellant Case No. 3475 of 2018

Present: Sh.Thakar Dass as Appellant
Sh.Ram Rattan, Suptd.-cum-PIO O/o SDM Abohar for the Respondent

ORDER:

The case was first heard on **09.01.2019**. The respondent present brought some information and handed over to the appellant. The appellant received the same. The respondent further pleaded that the remaining information shall be provided to the appellant. The appellant pleaded that he had filed RTI application in the month of April whereas the respondent is providing the information after a delay of 9 months.

The PIO was directed to explain the reasons for delay in providing the information on an affidavit

The case was last heard on **27.02.2019** through video conference facility available in the office of the Deputy Commissioner, Fazilka. The respondent present pleaded that the information has already been provided to the appellant during the last hearing. The appellant was not satisfied and informed that the PIO vide his letter dated 18.10.2018 had denied the information stating that the information sought was in question form. The appellant further informed that the information has been provided after a period of 9 months.

Having gone through the RTI application and hearing both the parties, the Commission found that the RTI application had been replied to the best possible extent. However, the Commission observed that there had been enormous delay of nine months in providing the information. The PIO-SDM Abohar was issued a **show cause notice and the** PIO was directed to file an affidavit in this regard

The case was last heard on **06.05.2019**. The respondent was absent and vide email sought adjournment being on election duty. The case is adjourned. The PIO was directed to comply with the earlier order which still stands.

Hearing dated 02.07.2019.

The case has come up for further hearing today through video conference facility available in the office of the Deputy Commissioner, Fazilka. The respondent present informed that the information has been provided to the appellant.

Appellant Case No. 3475 of 2018

Regarding delay in providing the information, the respondent pleaded that the RTI application was marked to the concerned clerk Sh.Bhupinder Singh on 23.04.2018 for providing the information and again asked vide letters dated 14.05.2018 & 26.07.2018 for taking necessary action and to provide the information to the appellant. However, since he took no action on the RTI application, the information was delayed. After conducting an enquiry, action has been taken against Sh.Bhupinder Singh and he has been transferred and charge sheeted.

The PIO however, has not brought any appropriate reply to the show cause. The PIO is given one more opportunity to file an appropriate reply to the show cause notice on an affidavit and be present on the next date of hearing.

To come up for further hearing on **03.09.2019 at 11.00 AM.** through video conference facility available in the office of the Deputy Commissioner, Fazilka. The order be sent to both the parties **through Registered Post.**

Chandigarh
Dated: 02.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Sarvan Kumar, S/o Sh.Ranvir Kumar,
VPO Kullar, Tehsil Abohar, Distt.Fazilka.

....Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Govt. of Pb, Power Department,
Sec-9, Mini Secretariat, Chandigarh

First Appellate Authority,
O/o Principal Secretary,
Govt. of Pb, Power Department,
Sec-9, Mini Secretariat, Chandigarh.

...Respondent

Appellant Case No. 4092 of 2019

Present: None for the Appellant
Sh.Dharamvir, Sr.Asstt., PSPCL Patiala and Sh.Abhimanyu, Sr Asstt., O/o
Principal Secretary, Power Deptt. Pb Chandigarh for the Respondent

ORDER: The case was last heard on **12.03.2019**. The respondent present pleaded that since the information relates to the office of Chairman-cum-Managing Director, PSPCL Patiala, they have already transferred the RTI application to them vide letter dated 10.07.2018.

Respondent from PSPCL was absent. The PIO-Chairman-cum-Managing Director, PSPCL Patiala was directed to look at the RTI application which was transferred by the PIO-Principal Secretary, Govt of Punjab, Power Department on 10.07.2018 and provide the information before the next date of hearing. The PIO-PSPCL was also directed to be present on the next date of hearing.

The appellant was absent and asked for hearing through video conferencing at Fazilka. The case was adjourned. The PIO was directed to be present at Chandigarh.

The case was last heard on **06.05.2019**. Since both the parties were absent, the case is adjourned. The PIO was directed to comply with the earlier order which still stands.

Hearing dated 02.07.2019:

The respondent present pleaded that the information has been sent to the appellant vide letter dated 12.06.2019 and again on 01.07.2019 and a copy of the same is submitted to the Commission. The appellant is absent and has not pointed out any discrepancies in the information.

Having gone through the RTI application and the information provided by the PIO, I find that the information has been sufficiently provided and no further course of action is required.

The case is **disposed off and closed**.

Chandigarh
Dated: 02.07.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-Chairman-cum-Managing Director,
PSPCL Patiala