

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Lt. Gen J. S. Dhillon,
B-22/207, Tagore Nagar,
PO Model Town,
Hoshiarpur-146001(Punjab)
(M : 9876117621)

Appellant

Vs

Public Information Officer
O/o The Registrar,
Sant Baba Bhag Singh University,
Jalandhar(Punjab)

First Appellate Authority
O/o The Vice Chancellor,
Sant Baba Bhag Singh University,
Jalandhar(Punjab)

Respondents

Appeal Case No. 4795 of 2023

Present : Lt. Gen J. S. Dhillon, the appellant, in person.
i) Sh. Anit Kumar, Registrar-cum-PIO, in person ;
ii) Sh. Shiv Kumar, Advocate with authority letter, on behalf of respondent.

ORDER

This case was earlier fixed for hearing on 30.08.2023 but the hearing could not be held due to administrative reasons. Thereafter, the case was allocated to the Bench, which is fixed for hearing today i. e. 03.04.2024.

2. The RTI application is dated 10.11.20219 vide which the appellant sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority on 20.07.2021 and Second appeal has been received in the Commission on 26.07.2023 under Section 19 of the Right to Information Act, 2005.

3. The respondent submits that the respondent University is not a public authority as it is not owned, controlled or substantially financed directly or indirectly by the appropriate Government and it does not fall within the definition of public authority as defined under Section 2 (h) of the RTI Act, which provides ;

"public authority" means any authority or body or institution of self-government established or constituted—

- (a) *by or under the Constitution;*
- (b) *by any other law made by Parliament;*

Contd...2/-



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- (c) *by any other law made by State Legislature;*
- (d) *by notification issued or order made by the appropriate Government, and includes any -*
 - (i) *body owned, controlled or substantially financed;*
 - (ii) *non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government;*

4. He further submits that the appellant is demanding the information in a proforma, which does not come under the definition of "information as the RTI Act provides access to all information that is available and existing. Section 2 (f) and 2 (j), which provides as follows :

- 2 (f) : *"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;*
- 2 (j) : *"right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—*
 - (i) *inspection of work, documents, records;*
 - (ii) *taking notes, extracts or certified copies of documents or records;*
 - (iii) *taking certified samples of material;*
 - (iv) *obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;*



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5. Further, he submits that if a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non available information and then furnish it to an applicant.

6. Furthermore, the respondent submits that the information sought comprising third party information and Section 8 (1) (j) provides as under ;

“information which relates to personal information the disclosure of which has no 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.”

7. The respondent also categorically mentioned the judgment passed by the Hon'ble Supreme Court of India in Civil Appeal nos. 6454 of 2011 in a case ; Central Board of Secondary Education and another versus Aditya Bandhopadhyay & Ors. and the relevant portion of the same is as under :

“35 : At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required



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to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non- available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act."

" 37 : The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information, that is information importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be



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allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be whatever converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritizing 'information furnishing', at the cost of their normal and regular duties."

8. He further referred the judgment passed by the Hon'ble Supreme Court of India in a Special Leave Petition no. (Civil) 27734 of 2012 : Girish Ramchandra Deshpande V/s Central Information Commissioner and Others and the relevant portion of the same is as under :

"The performance of an employer/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner can not claim those details as a matter of right."

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9. In addition, he further referred to an office memorandum dated 10.07.2008 issued by the Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training and the relevant portion of the same is as under:

It has been observed that some people under the Right to Information Act, 2005 request the Public Information Officers (PIO) to cull out information from some document(s) and give such extracted information to them. In some cases, the applicants expect the PIO to give information in some particular proforma devised by them on the plea that sub-section (9) of Section 7 provides that an information shall ordinarily be provided in the form in which it is sought. It need be noted that the sub-section simply means that if the information is sought in the form of photocopy, it shall be provided in the form of photocopy and if it is sought in the form of a floppy, it shall be provided in that form subject to the conditions given in the Act etc. It does not mean that the PIO shall re-shape the information.

2. According to section 2(f) of the Act 'information' means 'any material in any form'. A citizen, under the Act, has a right to get 'material' from a public authority which is held by or under the control of that public authority. The right includes inspection of work, documents, records; taking notes, extracts or certified copies of documents or records; taking certified samples of material; taking information in the form of diskettes, floppies, tapes video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device. Careful reading of the definition of 'information' and 'right to information' makes it clear that a citizen has a right to get the material, inspect the material, take notes from the material, take extracts or certified copies of the material, take samples of the material, take the material in the form of diskettes etc. The PIO is required to supply such material to the citizen who seeks it. The Act, however, does not require the Public Information Officer to deduce some conclusion from the 'material' and supply the 'conclusion' so deduced to the applicant. The PIO is required to

supply the 'material' in the form as held by the public authority and is not required to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

3. Contents of this OM may be brought to the notice of all concerned.



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10. However the appellant submits that there is a larger public interest involved and the directions may be issued to the respondent PIO to supply the information.

11. After deliberations with both the parties, the respondent PIO is directed to place on record :

- i) A copy of the Bye-Laws/Regulations governing the working of the respondent University.
- ii) An affidavit clearly bringing out whether government has any share capital in the respondent University or has the Government given any financial assistance directly or indirectly to the University, and if so, the quantum of assistance received.
- iii) An affidavit, whether there are any Government nominee(s) as Director/Member in the Governing Body of the respondent University, and if so, their numbers alongwith their names and designations.
- iv) A copy of the sanction/permission given by the Government of Punjab, if any, to establish the Sant Baba Bhag Singh University alongwith its terms and conditions.

12. That it is pertinent to mention the judgement passed by the Hon'ble Supreme Court of India in case titled as Thalappalam Service Coop. Bank Ltd. vs State of Kerala, (2013), in which it was held that :-

" BURDEN TO SHOW:

40. *The burden to show that a body is owned, controlled or substantially financed or that a non-government organization is substantially financed directly or indirectly by the funds provided by the appropriate Government is on the applicant who seeks information or the appropriate Government and can be examined by the State Information Commission or the Central Information Commission as the case may be, when the question comes up for consideration. A body or NGO is also free to establish that it is not owned, controlled or substantially financed directly or indirectly by the appropriate Government."*



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13. Since, the onus to prove that respondent school is a public authority lies upon the appellant, therefore, he is directed to make the submissions, if any, in this regard to take the matter to its logical end.

14. Also, the respondent is directed to make the submissions, if any, and establish that it is not owned, controlled or substantially financed directly or indirectly by the appropriate Government as mentioned herein.

15. The appellant is called upon to adduce evidence in support of his contention that the respondent institute is public authority within the meaning under Section 2 (h) of the RTI Act, 2005. He is also directed to be prepared for deliberation especially on the following points :

- I) Whether the respondent University is 'Public Authority' under the provisions of the RTI Act, 2005. If yes, then ;
 - i) Whether information sought comes under Section 2 (f) and 2 (g) ;
 - ii) Whether he is asking opinion or information ;
 - iii) Whether he is putting query or asks the information ;
 - iv) Whether he is asking explanation/reasons/information ;
 - v) Whether he is asking the personal information ;
 - vi) Whether he is asking voluminous information ;
 - vii) Can the information be supplied in Performa as has been sought by the appellant.

16. With this, the case is **adjourned to 23rd May, 2024 at 11:30 A. M. for hearing.**

Date :3rd April, 2024

R

(Inderpal Singh)
Chief Information Commissioner
Punjab

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Sh. Ram Kumar,
S/o Late Sh. Shadi Ram,
C/o SCO No 30, 1st Floor,
Phase 1, (Sector 55),
S.A.S. Nagar (Mohali) -160055 (Punjab)

..Appellant

Vs

- i) **Public Information Officer**
O/o The Punjab State Information Commission,
Chandigarh
- ii) **Public Information Officer**
o/o The Governor of Punjab,
Punjab Raj Bhawan, Chandigarh

First Appellate Authority
O/o The Chief Secretary
to Government of Punjab
(Admn. Reforms-1 Branch),
Punjab Civil Secretariat, Chandigarh

..Respondent(s)

Appeal Case No. 4804 of 2023

Present : Sh. Abhishek Sharma, on behalf of the appellant with authority letter.
i) Sh. Abhinav Garg, Senior Assistant office of Governor of Punjab ;
ii) Sh. Sudhir Kumar, Section Officer-cum-PIO office of State Information Commission, in person.

ORDER

This order may be read with reference to the order dated 08.09.2023.

2. Earlier, the case was heard by Sh. Suresh Arora, Chief Information Commissioner, who has demitted the office on 25.09.2023. Thereafter the case was allocated to this Bench, which is fixed for hearing today i. e. 03.04.2024.

3. The respondent office of Governor of Punjab submits that a reply in this case has already been sent to the appellant through registered post. He has also submitted a copy of the same, which is taken on record and a copy of the same is handed over to the representative of the appellant during the course of hearing.

Contd...2/-

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Appeal Case No. 4804 of 2023

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4. Sh. Abhishek Sharma representative of the appellant placed on record a copy of an authority letter, which is taken on record. He further submits that the appellant has received a copy of the reply.
5. After detailed deliberations with both the parties, the respondent PIO is directed to place on record a copy of the registered post's receipt vide which a reply was sent to the appellant. Also, the appellant is directed to appear on the next date of hearing for deliberations.
6. Sh. Sudhir Kumar on behalf of the Commission is present and hereby directed to remain present on the next date of hearing for assistance to meet the ends of justice.
7. With this, the case is **adjourned to 10th July, 2024 at 11:30 A. M. for hearing.**

Date :3rd April, 2024
R

(Inderpal Singh)
Chief Information Commissioner
Punjab

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Sh. Ajit Singh

S/o Sh. Tarlok Singh
H. No. 289, New Patel Nagar,
Nabha, Distt. - Patiala(Punjab)
(M.-9464533987)

.. Appellant

Vs

- i) **Public Information Officer**
O/o The District Education Officer(EE)
Sangrur(Punjab)
- ii) **Public Information Officer**
O/o The District Education Officer(Sec.)
Patiala (Punjab)

First Appellate Authority

O/o The District Education Officer(EE)
Sangrur(Punjab)

.. Respondents

Appeal Case No. 3380 of 2019

Present : Sh. Ajit Singh, the appellant, in person.
i) Sh. Karan, Clerk office of D.E.O.(Elem.), Sangrur ;
ii) Sh. Harjit Singh, Senior Assistant office of D.E.O.(Sec.), Patiala.

ORDER

This order may be read with reference to the order dated 29.08.2023.

2. Earlier this case was heard by Sh. Suresh Arora, Chief Information Commissioner who has demitted the office and thereafter the case was listed for hearing today i.e. 3.4.2024. Relevant portion of the order dated 29.08.2023 is reproduced below:-

“This order may be read with reference to the previous order dated 22.10.2020 vide which the case was disposed of and closed. But the appellant filed the civil writ petition against the orders passed by the Commission and the relevant portion of the orders of the Hon’ble Punjab and Haryana High Court, Chandigarh is as follows:-

“Learned counsel for the petitioner after arguing for some time realising that the affidavit relied upon by the respondent does not redress his grievance, seeks permission to withdraw the present petition with liberty to approach the State Information Commission.”

Accordingly, the case was fixed for hearing on 10.8.2023 but due to administrative reasons the case could not be heard and further fixed for hearing today.”



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Appeal Case No. 3380 of 2019

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2. *The representative of the respondents office of the District Education Officer, (EE) Sangrur sent a copy of the letter bearing No. 241 dated 13.12.2019 mentioning that vide letter No. 248 dated 2.5.2018 the original file related to enquiry was sent to the District Education Officer, (SE) Patiala as per the telephonic directions of the then District Education Officer, Ms Kamal Kumar District Education Officer, (SE), Patiala additional charge Circle Education Officer, Patiala Circle, Nabha. He also submits that nothing is available in their office related to the enquiry of Smt. Archna Mahajan, Principal DIET Nabha, Patiala. The Public Information Officer o/o the District Education Officer, (SE) Patiala already submitted an affidavit along with the report of the dealing assistant that the said information is not available on the office. Also, an affidavit has been filed by the Public Information Officer cum Superintendent o/o District Education Officer, (EE) Sangrur that the said information is not available in the office.*
3. *Smt. Gurmeet Kaur Superintendent now retired o/o District Education Officer, (SE) Patiala has sent the written submissions that she has already retired on 30.4.2023 from the service. Accordingly, she is exempted from further appearance in this case.*
4. *None is present on behalf of the Public Information Officer o/o the District Education Officer, (SE), Patiala. Video Conference Facility was introduced for the convenience of general public and for government officials. Viewing the attitude in dealing with the RTI application by the respondent in a casual manner, Sh. Tara Singh Supdt -cum- Public Information Officer, is, thus, issued a show cause notice to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay/denial of the information to the RTI applicant and to show*

Contd...3/-



Appeal Case No. 3380 of 2019

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cause why a compensation under section 19(8) of the RTI Act,2005, may not be paid to the appellant for causing willful delay/denial of the information for detriment suffered by him.

In addition to the written reply, the Public Information Officer is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take a note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the next date, it will be presumed that he has nothing to say and the Commission will proceed ex-parte.

5. *Also, Smt. HarinderKaur, District Education Officer, (SE), Patiala is directed to remain present on the next date of hearing for the deliberations of the case as the record related to the on going enquiry has been misplaced by the office according to the affidavits filed by the office of the District Education Officer, (EE) Sangrur and District Education Officer, (SE) Patiala.”*

3. The appellant submits that he has sought the information regarding action-report on a complaint filed against Ms. Archana Mahajan, Principal, DIET, Nabha, which was marked by the then Secretary School Education, Punjab, to the District Education Officer(Elem.) Sangrur to enquire into the matter. He further submits that he has attended the enquiry number of times but till date no outcome has been given to him. Therefore he has filed the present RTI application.

4. However, the representative of the respondents O/o the District Education Officer (Elementary) Sangrur submits that the original record pertaining to the sought information has already been transferred to the District Education Officer (SE), Patiala and the appellant has already been apprised with the same on 03.07.2019 as per his RTI application filed on 24.06.2019.

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Appeal Case No. 3380 of 2019

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5. The respondent office of the District Education Officer (Sec.), Patiala submitted the documents and a copy of the same is handed over to the appellant during the course of hearing. After the perusal of the same, the appellant submits that the respondents are supplying the documents, which they have already supplied in this case, a year ago and is not satisfied with the same. He further clarified that he may be provided the action taken with regard to the complaint filed against Ms. Archana Mahajan, Principal, DIET, Nabha, which was marked by the then Secretary School Education, Punjab, to the District Education Officer (Elem.) Sangrur to enquire. Thereafter, the respondent is unable to give satisfactory reply.

6. Also, a show cause notice was issued to Sh. Tara Singh, Supdt cum Public Information Officer o/o the District Education Officer (SE), Patiala but neither he is present nor he has filed the reply regarding show cause notice issued to him. Further, inspite of issuing a show-cause notice to Sh. Tara Singh, Superintendent to appear in the Commission and instead of Sh. Tara Singh, one Sh. Harjit Singh is present before the Commission, which shows carelessness, intentional and willful absence from the Commission. One last opportunity is granted to him to file the reply regarding show cause notice issued to him in this case failing which the decision will be taken ex-parte on merit.

7. Also, a reply has already been received from Sh. Deen Dayal Sharma, Superintendent cum Public Information Officer o/o District Education Officer (Elementary) Sangrur with regard to Show cause notice issued to him and the decision on the same will be taken on the next date of hearing.

8. Also, the appellant is directed to send the complete documents related to the complaint/enquiry to take the matter to its logical end.

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Appeal Case No. 3380 of 2019

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9. Also, Ms. Baljinder Kaur Kardey, the District Education Officer, (E.E.) Sangrur is directed to place on record, the complete details/documents showing that the receipt of the enquiry file by Smt Kamal Kumari District Education Officer, Patiala additional charge Circle Education Officer, Patiala Circle, Nabha and in case no documentary evidence is available on record then an affidavit, duly sworn, be filed on or before the next date of hearing failing which a stringent action will be taken against the erring officials. The same has also been conveyed to Sh. Karan, Clerk office of D.E.O.(Elem.), Sangrur, who is present, during the course of hearing.

10. It is also a fact on record that the respondent Public Information Officer o/o the District Education Officer, (SE), Patiala filed an affidavit that the record related to the sought information is not available in the office. Mere submissions made by the office that the record is not available are not satisfactory. It is also a fact that the District Education Officer (SE) Patiala was directed vide order dated 29.8.2023, mentioned herein, to remain present on the next date of hearing but he is absent without intimation.

11. One last opportunity is granted to Sh. Sanjeev Sharma, the District Education Officer (SE) Patiala to remain present alongwith the relevant office record, failing which the punitive action will be initiated on the next date of hearing for willful defiance of the order of the Commission. The same has been conveyed to Sh. Harjit Singh, Senior Assistant office of D.E.O.(Sec.), Patiala during the course of hearing. As such, a copy of this order is being sent to him **through the Director, Public Instructions (SE) Punjab, Chandigarh, who will ensure the presence of the present District Education Officer, (SE), Patiala, Public Information Officer o/o the District Education Officer, (SE) Patiala and Sh. Tara Singh, Supdt o/o the District Education Officer, (SE) Patiala failing which he will be directed to remain present in person, on the next date of hearing.**

12. Keeping in view the submissions made by the parties and going through the case file, the respondent District Education Officer, (SE) Patiala is directed to file the following before the next date of hearing to take the matter to its logical end.

1. Day to day file noting/correspondence with regard to the missing of file like lodging a FID/DDR ;
2. Responsibility fix/action taken, in this regard, if any ;

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Appeal Case No. 3380 of 2019

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3. Name and designations of the PIOs from the date of receipt of the RTI application ;
 4. Name and designations along with Officer In-charge of the custodian of the record ; and
 5. To bring the original record related to CWP 18939 of 2018 and No. 4527 of 2018 ;
13. With this, the case is **adjourned to 30th May, 2024 at 11:30 A. M. for hearing.**

Date :3rd April, 2024
R

(Inderpal Singh)
Chief Information Commissioner
Punjab

- CC :
- i) The Director,
Public Instructions (Sec.) Pb.,
Vidya Bhawan, P.S.E.B. Complex,
Sector 62,S.A.S. Nagar (Mohali) (Punjab)
 - ii) Ms. Baljinder Kaur Kardey,
District Education Officer(Elem.)
Sangrur(Punjab)
 - iii) Sh. Sanjeev Sharma
O/o The District Education Officer(Sec.)
Patiala (Punjab)
 - iv) Sh. Deen Dayal Sharma,
Superintendent-cum-Public Information Officer
O/o District Education Officer(Elem.)
Sangrur(Punjab)
 - v) Sh. Tara Singh,
Superintendent-cum-Public Information Officer
O/o the District Education Officer (SE),
Patiala(Punjab)

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Ms. Jagroop Kaur

D/o Late Sh. Rajinder Singh,
VPO - Paddi Jagir,
Tehsil - Phillaur,
Distt. - Jalandhar(Punjab)

... Appellant

Versus

Public Information Officer

O/o Civil Hospital,
Jalandhar(Punjab)

First Appellate Authority

O/o Civil Hospital,
Jalandhar(Punjab)

... Respondent

Appeal Case No. 1525 of 2021

Present : None on behalf of the appellant.
None on behalf of the respondent.

ORDER

This order may be read with reference to the order dated 24.08.2023.

2. Earlier, the case was heard by Sh. Suresh Arora, Chief Information Commissioner, who has demitted the office on 25.09.2023. Thereafter the case was allocated to this Bench, which is fixed for hearing today i. e. 03.04.2024.

3. The appellant is absent without intimation. Also none is present on behalf of the respondent and also no intimation in this regard has been received from the respondent PIO.

4. An opportunity is granted to the appellant to remain present on the next date of hearing and in any compelling circumstances, she may authorize any person to attend the hearing on her behalf.

5. Also, the respondent PIO is directed to remain present on the next date of hearing for deliberations.

4. With this, the case is **adjourned to 29th May, 2024 at 11:30 A. M. for hearing.**

Date :3rd April, 2024

R

(Inderpal Singh)
Chief Information Commissioner
Punjab

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Sh. Sunil

S/o Sh. Krishan Lal,
Flat No. 244, D2 Tower,
Penta Homes, Zirakpur,
Distt. S. A. S. Nagar (Mohali) – 140603 (Punjab)
(M : 9569806826)

... Appellant

V/s

Public Information Officer,

O/o The Deputy Commissioner,
S. A. S. Nagar (Mohali) (Punjab)

First Appellate Authority,

O/o The Deputy Commissioner,
S. A. S. Nagar(Mohali) (Punjab)

..Respondents

Appeal Case No. 2880 of 2023

Present : Sh. Sunil, the appellant in person.
Sh. Sham Sundar, Superintendent and Ms. Karamjeet Kaur, Senior Assistant on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 12.07.2023, vide which the case was fixed for hearing on 18.08.2023 but the hearing could not held on the said date due to administrative reasons. Thereafter the case was allocated to this Bench, which is fixed for hearing today i. e. 03.04.2024.

2. The appellant submits that he has sought the information regarding the refund of E-Registration fee of Receipt No. PB1235163346561 amounting to Rs. 42,500/-. He further submits that the respondent refunded the partial amount i.e. Rs.17,113/- . He further submits that no status has been given by the respondent regarding the refund of remaining amount i.e. Rs. 25387/-. The appellant further submitted the written arguments in this regard, which is taken on record. Also, a copy of the same is handed over to the respondent during the course of hearing. The respondent further submitted that a letter was issued to the Punjab Infrastructure Development Board etc. to refund the remaining amount to the appellant.

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Appeal Case No. 2880 of 2023

3. After hearing both the parties, the respondent PIO, is directed to submit a copy of the letter written to the authority concerned to refund the remaining amount i.e. Rs. 25387/- along with its receipt of the concerned department. Also, the respondent PIO is directed to remain present for arguments as per the submissions made by the appellant.
4. Both the parties are directed to remain present for deliberations on the next date of hearing. In case of absence of any party, the case will be decided on merit, ex-parte.
5. With aforesaid directions, matter is adjourned for further hearing on **16.05.2024 at 11:30 A.M.** at Chandigarh.

Date :03.04.2024
G

(Inderpal Singh)
Chief Information Commissioner
Punjab

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Sh. Jagtar Singh,

S/o Sh. Balvir Singh,
House No 2028, Sector 66,
S.A.S. Nagar (Mohali) (Punjab) -160062
(M : 9463064909)

..Appellant

Vs

Sh. Kuldeep Singh Bath

Public Information Officer,

O/o The Director,
Public Instructions (Elem.) Pb.,
Vidhya Bhawan, P.S.E.B. Complex,
Sector 68, S.A.S. Nagar (Mohali) (Punjab)

First Appellate Authority

O/o The Director,
Public Instructions (Elem.) Pb.,
Vidhya Bhawan, P.S.E.B. Complex,
Sector 68, S.A.S. Nagar (Mohali) (Punjab)

..respondent(s)

Appeal Case No. 4683 of 2023

Present : Sh. Jagtar Singh, the appellant in person.
Ms. Neha Gupta, Senior Assistant, O/o DPI (Elem.) (9780568393) and Ms.
Kulwant Kaur, Steno, O/o DEO (Elem) on behalf of the respondents.

ORDER

This order may be read with reference to the order dated 11.09.2023. Earlier, the case was heard by Sh. Suresh Arora, Chief Information Commissioner, who has demitted the office on 25.09.2023. Thereafter the case was allocated to this Bench, which is fixed for hearing today i. e. 03.04.2024.

2. The appellant submits that he has sent a legal notice u/s 80 CPC through his Advocate Sh. Sandeep Handa, Faridkot on 11.12.2021 and requested the documents related to the same from the PIO, O/o The Secretary, School Education, Punjab, Mohali who have informed that the said notice has already been sent to the Director, Public Instructions (Elementary), Mohali. However, the respondent contended that the same information has been sought by the appellant in a different case from the District Education Officer (Elementary), Mohali and the said office has already supplied the action taken to the appellant. Also, a copy of the same is handed over to the appellant in a separate case filed by the appellant. Further, she submits that

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Appeal Case No. 4683 of 2023

the legal notice in original has already been sent to the District Education Officer (Elementary), Mohali vide letter dated 02.03.2022. Thereafter the appellatant shows his dissatisfaction and requested that complete action day to day taken by the respondent Director, Public Instructions (Elementary), Mohali with regard to the legal notice may be supplied to him.

3. After hearing both the parties, directions are issued to the respondent PIO to provide a copy of the reply given to the appellatant or his Counsel with regard to the legal notice given u/s 80 CPC. Respondent, Ms. Neha Gupta, further confirmed that Sh. Kuldeep Singh Bath, is a concerned PIO in this case. Also, the respondent PIO is directed to remain present on the next date of hearing along with the original file related to the sought information.

4. Also, Ms. Kulwant Kaur, Steno O/o DEO (Elementary) is directed to remain present on the next date of hearing.

5. With aforesaid directions, matter is adjourned for further hearing on **10.07.2024 at 11:30 A.M.** at Chandigarh.

Date :03.04.2024
G

(Inderpal Singh)
Chief Information Commissioner
Punjab

CC:

Ms. Kulwant Kaur, Steno
O/o DEO (Elementary), Punjab
Mohali

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Sh. Jagtar Singh,
S/o Sh. Balvir Singh,
House No 2028, Sector 66,
S. A. S. Nagar (Mohali) (Punjab)-160062.
(M : 9463064909)

..Appellant

Vs

Sh. Tarlochan Singh
Public Information Officer-cum-Superintendent,
O/o The Secretary
to Government of Punjab,
Deptt. of School Education,
Education Branch-5,
Punjab Civil Secretariat-2, Chandigarh

First Appellate Authority
O/o The Secretary
to Government of Punjab,
Deptt. of School Education,
Punjab Civil Secretariat-2, Chandigarh

..respondent(s)

Appeal Case No. 4686 of 2023

Present : Sh. Jagtar Singh, the appellant in person.
None on behalf of the respondents.

ORDER

This order may be read with reference to the order dated 11.09.2023. Earlier, the case was heard by Sh. Suresh Arora, Chief Information Commissioner, who has demitted the office on 25.09.2023. Thereafter the case was allocated to this Bench, which is fixed for hearing today i. e. 03.04.2024.

2. The appellant submits that the directions may be given to the respondent PIO to supply the complete information.

3. However, none is present on behalf of the respondent PIO. Viewing the attitude in dealing with the RTI application by the respondent in a casual manner, Sh. Tarlochan Singh, Superintendent -cum- Public Information Officer, is, thus, issued a show cause notice to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to a maximum of Rs.25,000/- till the complete information is furnished, be not imposed under

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Appeal Case No. 4686 of 2023

Section 20(1) of RTI Act, 2005 on him for causing willful delay/denial of the information to the RTI applicant and to show cause why a compensation under section 19(8) of the RTI Act,2005, may not be paid to the appellant for causing willful delay/denial of the information for detriment suffered by him.

In addition to the written reply, the Public Information Officer is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take a note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the next date, it will be presumed that he has nothing to say and the Commission will proceed ex-parte.

4. A copy of this order is being sent to Sh. Kamal Kishore Yadav, IAS, Secretary to Government of Punjab, Department of School Education, Punjab Civil Secretariat-2, Chandigarh to ensure the presence of PIO and supply the complete information in this case before the next date of hearing..

5. With aforesaid directions, matter is adjourned for further hearing on **10.07.2024 at 11:30 A.M.** at Chandigarh.

Date :03.04.2024
G

(Inderpal Singh)
Chief Information Commissioner
Punjab

CC:

Sh. Kamal Kishore Yadav, IAS
The Secretary
to Government of Punjab,
Deptt. of School Education,
Punjab Civil Secretariat-2, Chandigarh

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Sh. B.B. Rampal (Er. Retd. SE (CDC),
S/o Late Sh. Tek Chand Rampal,
R/o # 1001, Sector 2, Panchkula.

..Appellant

Vs

Public Information Officer,
O/o The Principal Secretary
to Government of Punjab,
Department of Personnel
(PP-1 Branch), Chandigarh.

Public Information Officer
o/o The Secretary
to Government of Punjab.
Deptt. of Public Works (PWD B&R)
Punjab Civil Secretariat-2, Chandigarh.

First Appellate Authority
O/o The Principal Secretary
to Government of Punjab,
Department of Personnel
(PP-1 Branch), Chandigarh

..respondent(s)

Appeal Case No. 4698 of 2023

Present : Sh. B.B. Rampal, the appellant in person.
Sh. Inderpal Singh, Senior Assistant (PP-1 Branch), Sh. Navjot Singh, Senior Assistant and Sh. Ashwani Bansal, Senior Assistant, O/o The Principal Secretary to Govt. of Punjab, Department of Public Works on behalf of the respondents.

ORDER

This order may be read with reference to the order dated 21.09.2023. Earlier, the case was heard by Sh. Suresh Arora, Chief Information Commissioner, who has demitted the office on 25.09.2023. Thereafter the case was allocated to this Bench, which is fixed for hearing today i. e. 03.04.2024.

2. The appellant submits that he has sought the similar information in Appeal Case No. 4514 of 2023 from the other branch i.e. PP-2 Branch but in the said branch the diary register as well as the documents related to the Chief Secretary meeting are not available now the same stand is being taken by the PP-1 branch that the file related to the sought information is not traceable. He further submits that the Public Works Department has already informed the reference vide which the advice was taken from the Personnel Department to enable the



Appeal Case No. 4698 of 2023

respondent to trace the file. Also, the representative of the respondent (Public Works Department) informed that the said reference has already been sent to the PP-1 branch. During the last hearing, the PIO PP-1 Branch was directed to trace the file else file an affidavit, duly sworn, before the next date of hearing but neither the respondent supplied the information nor any affidavit has been received from the PIO. Also, no satisfactory response is given by the respondent in this regard.

3. It is also appropriate to mention the relevant portion of the order in which the appellant sought the similar information from the PIO, O/o Principal Secretary, Department of Personnel, PP-2 Branch, which is as follows:

Appeal case No. 4514 of 2023

“The appellant sought the following information:

‘Attested copy of proceedings of the meeting held on 12.07.2006 under the Chairmanship of Chief Secretary to Govt. Punjab, to discuss the similarly situated case of Er. B. B. Rampal, XEN, PWD (B&R) and action taken on thereafter, alongwith complete office correspondence and Noting file in pursuant to correspondence resting with your Department letter no. 12/24/04-5PP2 dated 14.07.2006 endorsed vide No. 12/24/05-5PP2/10361 dated 14.07.2006.’

The appellant submits that the respondent department misplaced an important file which consists of proceeding of the meeting, held on 12.07.2006 under the Chairmanship of Chief Secretary to Government of Punjab to discuss similarly situated cases including the appellant. He also submits that there is a set procedure to send the file to the Record Section and in case, the file was not consigned to the record then how the respondents are submitting the report that the record is not available in the Record Room of the Punjab Civil Secretariat.



Appeal Case No. 4698 of 2023

The respondent submits that the file is not traceable and nothing can be supplied. However, on asking the respondent, he is unable to clarify whether any FIR/DDR was lodged in this regard. It is also a fact on record that the respondent shows their inability to provide the information as the record concerning the RTI application has been misplaced. Also the First Appellate Authority passed the decision on 06.06.2023 and the relevant portion of the same is reproduced below:

ਅਪੀਲ ਕਰਤਾ ਸ੍ਰੀ ਬੀ.ਬੀ.ਰਾਮਪਾਲ, ਪੰਚਕੂਲਾ ਵਲੋਂ ਪੱਤਰ ਮਿਤੀ 13-03-2023 ਰਾਹੀਂ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਸੂਚਨਾ ਮੰਗੀ ਗਈ ਸੀ :-

Attested copy of proceedings of meeting held on 12.7.2006 under the Chairmanship of Chief Secretary to Government of Punjab, to discuss the similarly situated case of Er. B.B. Rampal, XEN, PWD(B&R) and action taken on thereafter along with complete office correspondence and Noting file in pursuant to correspondence resting with your Department letter No. 12.824/2004-5PP2 dated 14.07.2006 endorsed vide No. 12/24/2005-5PP2/10361 dated 14.07.2006.

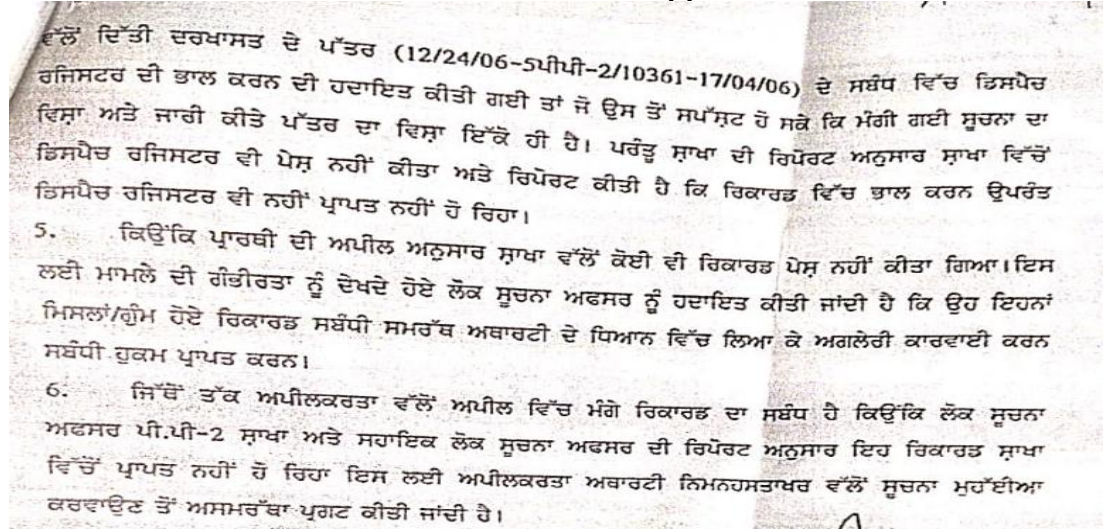
2. ਸ੍ਰੀ ਬੀ.ਬੀ.ਰਾਮਪਾਲ ਵਲੋਂ ਆਰ.ਟੀ.ਆਈ ਐਕਟ 2005 ਅਧੀਨ ਮੰਗੀ ਸੂਚਨਾ ਲੋਕ ਸੂਚਨਾ ਅਧਿਕਾਰੀ-ਕਮ-ਸੁਪਰਡੈਂਟ ਪ੍ਰੋਜੈਕਟ ਵਿਭਾਗ ਪੀ.ਪੀ-2 ਸ਼ਾਖਾ ਵਲੋਂ ਪ੍ਰਾਰਥੀ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਗਿਆ ਕਿ ਮੰਗੀ ਸੂਚਨਾ ਕਾਫੀ ਪੁਰਾਣੀ ਹੈ ਅਤੇ ਰਿਕਾਰਡ ਵਿੱਚ ਉਪਲਬਧ ਨਹੀਂ ਹੋ ਰਹੀ। ਇਸ ਲਈ ਸੂਚਨਾ ਮੁਹੱਈਆ ਕਰਵਾਉਣ ਤੋਂ ਅਸਮਰੱਥਾ ਪ੍ਰਗਟ ਕੀਤੀ ਗਈ।

3. ਇਸ ਉਪਰੰਤ ਪ੍ਰਾਰਥੀ ਵਲੋਂ ਪੱਤਰ ਮਿਤੀ 21-04-2023 ਰਾਹੀਂ ਅਪੀਲ ਦਾਇਰ ਕੀਤੀ ਗਈ ਜਿਸ ਸਨਮੁੱਖ ਅਪੀਲਕਰਤਾ ਵਲੋਂ ਮੰਗੀ ਸੂਚਨਾ ਬਾਰੇ ਸ਼ਾਖਾ ਨੂੰ ਰਿਕਾਰਡ ਦੀ ਭਾਲ ਕਰਕੇ ਰਿਕਾਰਡ ਪੇਸ਼ ਕਰਨ ਲਈ ਕਿਹਾ ਗਿਆ। ਪਰੰਤੂ ਸ਼ਾਖਾ ਵਲੋਂ ਸੂਚਿਤ ਕੀਤਾ ਗਿਆ ਹੈ ਕਿ ਰਿਕਾਰਡ ਦੀ ਭਾਲ ਅਤੇ ਇਸ ਤੋਂ ਇਲਾਵਾ ਇਸ ਰਿਕਾਰਡ ਸਬੰਧੀ ਰਿਕਾਰਡ ਸ਼ਾਖਾ ਤੋਂ ਇਹਨਾਂ ਮਿਸਲਾਂ ਸਬੰਧੀ ਰਿਪੋਰਟ ਪ੍ਰਾਪਤ ਕੀਤੀ ਗਈ ਜਿਸ ਸਨਮੁੱਖ ਇਹ ਮਿਸਲ ਰਿਕਾਰਡ ਸ਼ਾਖਾ ਵਿੱਚੋਂ ਵੀ ਪ੍ਰਾਪਤ ਨਹੀਂ ਹੋਈਆਂ।

4. ਉਪਰੋਕਤ ਸਥਿਤੀ ਨੂੰ ਵਿਚਾਰਦੇ ਹੋਏ ਨਿਮਨਹਸਤਾਖਰ ਵਲੋਂ ਸ਼ਾਖਾ ਨੂੰ ਮਿਸਲ ਸਬੰਧੀ ਰਿਕਾਰਡ ਰਜਿਸਟਰ ਵਿੱਚ ਕੀ. ਇੰਦਰਾਜ. ਦਰਜ. ਹੈ ਬਾਰੇ ਸਪੱਸ਼ਟੀਕਰਨ ਮੰਗਿਆ ਗਿਆ ਅਤੇ ਰਿਕਾਰਡ ਰਜਿਸਟਰ ਦੀ ਕਾਪੀ ਪੇਸ਼ ਕਰਨ ਲਈ ਆਦੇਸ਼ ਦਿੱਤੇ ਗਏ। ਲੋਕ ਸੂਚਨਾ ਅਭਿਵਰ ਵਲੋਂ ਪੇਸ਼ ਕੀਤੇ ਗਏ ਰਿਕਾਰਡ ਰਜਿਸਟਰ ਦੀ ਵਟਕਾਪੀ ਅਨੁਸਾਰ ਮਿਸਲ 12/24/04-5ਪੀਪੀ-2 ਅਤੇ 12/24/05-5ਪੀਪੀ-2 ਦੋਨੋਂ ਹੀ ਸ਼ਾਖਾ ਵਿੱਚ ਮੌਜੂਦ ਹੋਈਆਂ ਚਾਹੀਦੀਆਂ ਹਨ ਕਿਉਂਕਿ ਰਿਕਾਰਡ ਰਜਿਸਟਰ ਵਿੱਚ ਇਹਨਾਂ ਨੰਬਰਾਂ ਦੇ ਅੱਗੇ ਮਿਸਲ ਰਿਕਾਰਡ ਸ਼ਾਖਾ ਨੂੰ ਭੇਜਣ ਬਾਰੇ ਸੀ ਨਿਸ਼ਚਿਤ ਕਰਨ ਸਬੰਧੀ ਕੋਈ ਇੰਦਰਾਜ ਦਰਜ ਨਹੀਂ ਹੈ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਸ੍ਰੀ ਬੀ.ਬੀ.ਰਾਮਪਾਲ



Appeal Case No. 4698 of 2023



From the perusal of the order of the First Appellate Authority, mentioned herein, it has transpired that there is no mention in the record register that either the file has been sent to the record room or has been destroyed. More so he has also written that concerned files should have in two branches. Further, he has written that even the despatch register is not available in the branch relating to the sought information.

Therefore, a copy of this order is being sent to Ms. Shruti Singh, IAS, Secretary to Government of Punjab, Department of Personnel to fix responsibility and appropriate action be taken regarding misplacement of an important file related to the sought information, mentioned above under the rules. She is further directed to submit the action taken report in this regard before the next date of hearing.

During the last hearing, an adjournment was given to the respondent on his request to trace the file or to file an affidavit, duly sworn, in this regard but no such affidavit has been filed by the respondent PIO. One last opportunity is being given to the respondent PIO to place on record the action taken upto date with regard to the misplacement of file from the date of passing the order by First Appellate Authority on 06.06.2023 or supply the sought information, failing which the punitive action will be initiated on the next date of hearing.



Appeal Case No. 4698 of 2023

One last opportunity was granted to the respondent PIO to trace the file and in case the same is not available then directions are hereby given to file an affidavit, duly sworn before or on the next date of hearing, failing which the decision will be taken on merits”.

4. Since, the respondent is unable to give satisfactory reply regarding the misplacement of an important file related to the Chief Secretary's meeting, which should have been in two branches of the Personnel Department as per the order of the FAA, therefore, a copy of this order is being sent to Ms. Shruti Singh, IAS, Secretary to Government of Punjab, Department of Personnel to fix responsibility and appropriate action be taken regarding misplacement of an important file related to the sought information, mentioned above under the rules. She is further directed to submit the action taken under the rules and to lodge a FIR/DDR in this regard on or before the next date of hearing.
5. During the last hearing, an adjournment was given to the respondent on his request to trace the file or to file an affidavit, duly sworn, in this regard but no such affidavit has been filed by the respondent PIO. One last opportunity is being given to the respondent PIO to place on record the action taken upto date with regard to the misplacement of file from the date of passing the order by First Appellate Authority on 01.08.2023 or supply the sought information, failing which the punitive action will be initiated on the next date of hearing. Also, the respondent PIO is directed to file an affidavit as was directed during the last hearing.
6. Respondent PIO, O/o The Principal Secretary to Govt. of Punjab, Department of Public Works is exempted from further appearance in this case.
7. Both the cases are listed for hearing on the same date i.e. **27.06.2024 at 11:30 A.M.**

Date :03.04.2024

G

CC :

Ms. Shruti Singh , IAS
Secretary to Government of Punjab,
Department of Personnel,
Pb. Civil Secretariat - 1, Chandigarh

(Inderpal Singh)
Chief Information Commissioner
Punjab