**PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGRH**

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**Emaiil:psic22@punjabmail.gov.in**

Dr. Harsimran Singh, Asstt. Prof. (EYE)

Govt. Medical College & Rajindra Hospital,

Patiala -147001 Appellant

Versus

Public Information Officer,

O/o Vice Chancellor,

Baba Farid University of Health

Sciences, Sadiq Road, Faridkot

First Appellate Authority

O/o Registrar,

Baba Farid University of Health

Sciences, Sadiq Road,

Faridkot Respondents

**APPEAL CASE NO.3523/2017 (Life & Liberty)**

Date of RTI application : 29.09,.2017

Date of First Appeal : 25.10.2017

Date of Order of FAA : 17.10.2017

Date of 2nd Appeal/complaint :29.11.2017

**Present:** Dr. Harsimran Singh, Appellant in person.

Adv. Ashish Rawal, Counsel for the Respondents.

**ORDER**

The facts that are relevant to take the things in perspective are mentioned hereunder:

The appellant says that he has been falsely implicated and was booked for an alleged offence under the SC/ST Act at the instance of some one. The appellant intends to approach the Hon’ble Punjab & Haryana High Court to have the FIR quashed. He is seeking the information relating to an enquiry on the above issue, conducted by the Vice Chancellor of Baba Farid University of Health Sciences, Sadiq Road, Faridkot.

Whereas a copy of the enquiry thus conducted has already been furnished the Respondents are hesitant to part with the supporting documents available on file dealing with the enquiry. The plea is that documents have been submitted by the appellant in his defence during the holding of enquiry and they are not obliged to certify their veracity.

Contd… page…2

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**APPEAL CASE NO.3523/2017 (Life & Liberty)**

The issue concerns a vital right of the appellant. He is entitled to defend himself against a serious charge. While conceding the concern of the respondents, the Commission directs that the copies of the documents submitted by the appellant during the course of an enquiry may be furnished to him on payment of the prescribed fee. However, they are at liberty to certify it as photocopies of the documents as received from the appellant without hedging its veracity.

To come up on **01.02.2018 at 11.30 AM.**

**Sd/-**

**04.01.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

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Sh. Raghbir Singh

House No.466/11, Adarsh Nagar,

Kaithal (Haryana) Appellant

Versus

Public Information Officer,

O/o Municipal Council,

Zirakpur Distt. S.A.S. Nagar

First Appellate Authority

O/o Municipal Council,

Zirakpur Distt. S.A.S. Nagar Respondents

**APPEAL CASE NO.3118 /2017**

Date of RTI application : 10.03.2017

Date of First Appeal : 18.04.2017

Date of Order of FAA : Reply 05.06.2017

Date of 2nd Appeal/complaint :06.11.2017

**Present:** Adv. Gulshan Mehta counsel for the third party.

Sh. Anil Kumar, Jr. Assistant, MC Office, Zirakpur – for Respondents.

**ORDER**

The appellant is absent. Adv. Gulshan Mehta has appeared as a counsel for the third party in fray relating to whom the information has been sought by the appellant. He pleads that he has passed the information to the Public Authority in confidence in a fiduciary relationship and this cannot be revealed. He further says that he has not been arrayed as a necessary party in the first appeal. The contention of the third party of not having been heard in first appeal is valid. The third party is desired to supply a copy of the statement filed by him in the Court to the appellant as well as first appellate authority. The issue is remanded to the first appellate authority to decide the matter after hearing him as well after following the procedure as prescribed under Section 11 of the Act. He/she shall decide the issue within one month of the receipt of this order.

**Disposed.**

**Sd/-**

**04.01.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**CC: The First Appellalte Authority, O/o Municipal Corporation, Zirakpur, Distt. Mohali, for n/a.**

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Sh. Ashwani Kumar

S/o Sh. Sat Parkash Sood,

R/o Ward No.2, Thana Road, Bhadson,

Tehsil Nabha Distt. Patiala Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Panchayat, Bhadson,

Teshil Nabha Distt. Patiala.

First Appellate Authority

O/o Regional Deputy Director,

Local Government, Pb.

Mini Secretariat, Patiala. Respondents

**APPEAL CASE NO.3108/2017**

Date of RTI application : 05.10.2016

Date of First Appeal : 17.11.2016

Date of Order of FAA : 14.07.2017

Date of 2nd Appeal/complaint :03.11.2017

**Present:** None on behalf of the Appellant.

Sh. Aashish Kumar, E.O., Nagar Panchayat, Bhadson – for Respondents.

**ORDER**

This should be read in continuation of order passed by this forum on 19.12.2017. Sh. Aashish Kumar, PIO – cum - E.O., N.P., Bhadson has come present. He says that he has supplied him the information on 27.12.2017.

The appellant has requested for adjournment. His request is acceded. In the interest of natural justice the matter is deferred to be heard on **01.02.2018** **at 11.30 AM** so that his viewpoint is heard.

**Sd/-**

**04.01.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**Cc: Sh. Aashish Kumar, PIO – kcum – Executive Officer, Nagar Panchayat, Bhadson, Tehsil Nabha, District Patiala, for n/a.**

**PUNJAB STATE INFORMATION COMMISSION**

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Public Information Officer,

O/o Executive Officer,

Nagar Council, Nabha,

Distt. Patiala. Appellant

Versus

First Appellate Authority (Respondent No. 1)

O/o Regional Deputy Director,

Urban Local Bodies, Patiala

Sh. Rajesh Kumar (Respondent No. 2)

S/o Sh. Om Parkash

R/o Near Thana Sadar Railway Road,

Nabha Distt. Patiala. Respondents

**APPEAL CASE NO. 2697/2017**

**Date of RTI Application : 22.07.2017**  **Date of First Appeal : -**

**Date of letter of FAA : 27.07.2017**

**Date of Second Appeal : 11.09.2017**

**Present:** Sh. Iftkhar Ahmed, Superintendent, Nagar Council, Nabha ,

Sh. Rajesh Kumar (Respondent No.2).

None is present on behalf of the Respondent No.1.

**ORDER**

This is a long standing case. Being aggrieved with the orders of the Regional Deputy Director, Urban Local Bodies, passed in his capacity as FAA on 27.07.2017 to provide the information comprised in 1700 pages free of cost to the Respondent No. 2, the appellant has filed second appeal. The plea is that there is bonafide and unintentional delay of a couple of days in conveying him the cost of information. The respondent No. 2 according to the appellant is not entitled to the information free of cost. He has requested to upset the orders of the First Appellate Authority.

This forum has already observed on a couple of occasions that the authorities have not to blindly follow the words of the Act/Rules but, rather to promote and foster its spirit. A marginal Contd…page…2

-2-

**APPEAL CASE NO. 2697/2017**

delay of couple of days should not give a license to the applicant to procure a massive information free of cost. Respondent No. 2 has also not been able to make a very strong case of public interest. Seemingly he intends to settle a personal score with an employee. Be that as it is, the Commission is not inclined to allow such a mammoth information gratis. It shall be a drain on the resources of the Public Authority. However in the interest of transparency, the Commission affords the appellant an opportunity to inspect the record and identify the information not beyond one hundred pages the certified copies of which shall be provided by the respondents to him free of cost.

The Respondent No. 2 apprehends an harm to his personal safety. The Respondents are directed to ensure that he is treated with dignity a citizen is entitled. The date and specific time as mutually agreed shall be conveyed well in advance so as to clinch the inspection of the record and transmission of information.

To come up on **01.02.2018 at 11.30 AM.**

**Sd/-**

**04.01.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Lt. Col Tej Bhan (Retd)

H.No.335, Sector-8, Panchkula (Haryana) Appellant

Versus

Public Information Officer,

O/o Station House Officer (Economic Offences Wing) Counselling,

SCF No1, Industrial Area, Phase 1,

S.A.S. Nagar.

First Appellate Authority

O/o Station House Officer (Economic Offences Wing) Counselling,

SCF No.1, Industrial Area, Phase 1,

S.A.S. Nagar Respondents

**APPEAL CASE NO.2630/2017**

**Date of RTI Application : 13.06.2017**  **Date of First Appeal : 08.08.2017**

**Date of letter of FAA : Nil**

**Date of Second Appeal : 20.09.2017**

**Present:** Lt. Col. Tej Bhan (Retd.), Appellant in person.

HC Raj Kumar, O/o Economic Offences Wing, Industrial Area, Phase – 1,Mohali – for Respondents.

**ORDER**

The following order was passed by the Commission on 12.12.2017:

*“The following order was observed by the Commission on 14.11.2017:*

*“The appellant had sought an information from the SHO, Economic Offences Wing, Industrial Area, Phase – 1, Mohali, relating to a complaint filed by one Sh. Vikas Kansal.*

*HC Raj Kumar who is present on behalf of the respondents says that the application should have been filed before the Senior Superintendent of Police, Mohali who happens to be the PIO. The S.H.O., Economic Offences Wing in the scenario should have forwarded the application to the Senior Superintendent of Police, Mohali, immediately. He should do it now.*

*Contd…page…2*

*-2-*

***APPEAL CASE NO.2630/2017***

*The Senior Superintendent of Police, Mohali is directed to deal the case and arrange to provide the admissible information to the appellant under intimation to the Commission before the next date of hearing positively.”*

*“ None is present on behalf of the respondents nor any written submission has been*

*made by them. The Commission takes a strong exception to the indifference. However, an opportunity is afforded to them to provide the information under written explanation to the Commission failing which the penal proceedings shall follow.”*

The case has come up today. The respondents have come along with the information which has been handed over on spot to the appellant. He is satisfied with the same. Sufficient information is provided. The Commission feels that no malafide intention is there to delay the information. The appeal is **disposed.**

**Sd/-**

**04.01.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**CC: The Senior Superintendent of Police, SAS Nagar (Mohali).**

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Sh. Gulshan Rai

House No.C-202, Aastha Apartments,

Phase -2, Nabha-Pabhat Road,

Zirakpur -140603 Dist. S.A.S.Nagar. Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council, Zirakpur

Distt. S.A.S. Nagar.

.

First Appellate Authority

O/o Executive Officer,

Municipal Council, Zirakpur

Distt. S.A.S. Nagar Respondents

**APPEAL CASE NO. 2868/2017**

Date of RTI application : 18.05.2017

Date of First Appeal : 29.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :16.10.2017

**Present:** Sh. Gulshan Rai, Appellant in person.

Sh. Anil Kumar, JE, MC Office, Zirakpur – for Respondents.

**ORDER**

The following order was passed by this forum on 12.12.2017:

*“Sh. Gursewak Singh, Jr. Assistant appearing on behalf of the respondents has brought along the information which has been handed over to the proxy of the appellant on spot. The appellant may like to go through it.”*

The appellant is not satisfied with the information provided. In fact he is specifically asking about the shops which have been constructed alongside the boundary wall of the Estate in question. The respondents are evasive on this issue. They are directed to give him candid information with a copy to the Commission failing which it shall be presumed that they are willfully denying the information and the penal consequences shall follow.

To come up on **01.02.2018 at 11.30 AM.**

**Sd/-**

**04.01.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. V. Kumar, President) MACC

House NO.450, Sector-3 C,

Post office Road, Mandi Gobindgarh -147301 Appellant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

Kharar, Distt. S.A.S. Nagar.

.

First Appellate Authority

O/o Sub Divisional Magistrate,

Kharar, Distt. S.A.S. Nagar Respondents

**APPEAL CASE NO. 2869/2017**

Date of RTI application : 03.05.2017

Date of First Appeal : 28.06.2017

Date of Order of FAA : Reply 22.06.2017

Date of 2nd Appeal/complaint :11.10.2017

**Present:** Sh. V. Kumar, Appellant in person.

Smt. Anita Mehta, Jr. Assistant, O/o SDM, Kharar – for Respondents.

**ORDER**

The Commission had made the following observations vide its order dated 12.12.2017:

*“The appellant had sought information primarily concerning the personnel issues of the employees working in the office of the SDM, Kharar. The respondents have denied him information invoking Section 8(1) (j) of the Act. A closer look on the application suggests that some of the information, of course, falls in the ambit of Section 8 (1) (j). However, they cannot totally deny the information under the shelter of the aforesaid provision of the Act. They are directed to provide him the information besides putting it on the website of the office about the particulars of the employees, names, designations and date of joining at current posts, salary and allowances drawn by them The above information should be communicated to him positively before the next date of hearing. The information about the complaints and the disciplinary proceedings has been Contd…page…2*

*-2-*

***APPEAL CASE NO. 2869/2017***

*Maintained as a ‘personal information’ by an order of the Hon’ble Supreme Court of India in the Special Leave Petition (Civil) No.27734 of 2012 (@ CC 144781/2012) dated 03.10.2012 -- titled*

*Girish Ramchandra Deshpande Vs Central Information Commissioner & Ors. It shall not be valid for this forum to direct the PIO to provide it as per the dictate of the above judgment. The matter is deferred to be heard on* ***04.01.2018 at 11.30 AM*** *with the hope that the aforesaid observations of this forum are complied with well before the next date of hearing.”*

The case has come up today. The parties in the fray are present.

Smt. Anita Mehta, Jr. Assistant has come present along with the information which has been handed over on spot to the appellant. The Commission has perused the information, thus, provided to him. The same appears to be in order. Sufficient information has been provided. No further intervention of the Commission is called for. The appeal is **disposed.**

**Sd/-**

**04.01.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Avtar Singh

S/o Sh. Joginder Singh,

Village Gige Majra,

Tehsil & Distt. S.A.S Nagar Appellant

Versus

Public Information Officer,

O/o Tehsildar, S.A.S.Nagar

.

First Appellate Authority

O/o Sub Divisional Magistrate,

S.A.S. Nagar. Respondents

**APPEAL CASE NO. 2888/2017**

Date of RTI application : 14.06.2017

Date of First Appeal : 01.08.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :16.10.2017

**Present:** Sh. Avtar Singh, Appellant in person.

None.

**ORDER**

The respondents are absent despite notices. The Commission takes a strong exception to the indifference on the part of the respondents. They are directed to file a written reply besides providing the information. Any laxity shall follow serious consequences.

To come up on **01.02.2018 at 11.30 AM.**

**Sd/-**

**04.01.2018 (Yashvir Mahajan)**

**State Information Commissioner**