

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
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Sh.Lajpat Rai, S/o Sh Harbans Lal,
H no-B-3/287, Romana Street,
Jaito, Distt Faridkot.

... Appellant

Versus

Public Information Officer,
O/o Addl, Chief Secretary,
Local Govt, Sector-35-A,
Chandigarh

First Appellate Authority,
O/o Addl, Chief Secretary,
Local Govt, Sector-35-A,
Chandigarh

...Respondent

Appeal Case No. 1706 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 20.01.2020 has sought information regarding action taken on the application filed for cancellation of probation period of Ramesh Kumar and Prem Chand – action taken on complaint dated 13.11.2019 for missing record by Ajay Singh Clerk - and other information as enumerated in the RTI application concerning the office of Addl.Chief Secretary Local Govt. Punjab Chandigarh. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 19.02.2020 which took no decision on the appeal.

The case first came up for hearing on 02.11.2020 through video conferencing at DAC Faridkot. The respondent was absent. The case was adjourned.

Hearing dated 04.01.2021

The case has come up for hearing today through video conferencing at DAC Faridkot. Both the parties are absent.

Having gone through the file, the Commission observes that there has been an enormous delay in attending to the RTI application and the PIO is absent on 2nd consecutive hearing. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time.** He/she should 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 is again directed to provide the information within 10 days of the receipt of this order.

To come up for further hearing on **27.04.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Faridkot.

Chandigarh
Dated 04.01.2021

Sd/-
(KhushwantSingh)
State Information Commissioner

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Sh.Lajpat Rai, S/o Sh Harbans lal,
H no-B-3/287, Romana Street,
Jaito, Distt Faridkot.

... Appellant

Versus

Public Information Officer,
O/o Chief Vigilance Officer,
Local Govt. Deptt, Sector-35-A,
Chandigarh.

First Appellate Authority,
O/o Director,
Local Govt, Sector-35-A,
Chandigarh

...Respondent

Appeal Case No. 1703 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 20.01.2020 has sought information regarding copy of letters dated 28.10.2017 & 1.09.2017 sent to DDLG Ferozepur by CVO with enquiry report on the action taken – copy of letter dated 03.06.2019 forwarded by DC Faridkot for action against employees – details of staff working in the office of CVO – complaints received in NC from 01.01.2006 and other information as enumerated in the RTI application concerning the office of Chief Vigilance Officer, Local Govt. Department Punjab Chandigarh. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 20.02.2020 which took no decision on the appeal.

The case first came up for hearing on 02.11.2020 through video conferencing at DAC Faridkot. The respondent was absent. The case was adjourned.

Hearing dated 04.01.2021:

The case has come up for hearing today through video conferencing at DAC Faridkot. Both the parties are absent.

Having gone through the file, the Commission observes that there has been an enormous delay in attending to the RTI application and the PIO is absent on 2nd consecutive hearing. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time.** He/she should 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 is again directed to provide the information within 10 days of the receipt of this order.

To come up for further hearing on **27.04.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Faridkot.

Chandigarh
Dated 04.01.2021

Sd/-
(KhushwantSingh)
State Information Commissioner

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Sh.Lajpat Rai, S/o Sh Harbans Lal,
H no-B-3/287, Romana Street,
Jaito, Distt. Faridkot.

... Appellant

Versus

Public Information Officer,
O/o Director,
Local Govt. Deptt, Sector-35-A,
Chandigarh.

First Appellate Authority,
O/o Director,
Local Govt., Sector-35-A,
Chandigarh

...Respondent

Appeal Case No. 1702 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 23.01.2020 has sought information on 15 points regarding action taken on the application filed for cancellation of probation period of Ramesh Kumar and Prem Chand – action taken on complaint dated 13.11.2019 for misplacing the record by Ajay Singh Clerk - and other information as enumerated in the RTI application concerning the office of Director Local Govt. Punjab Chandigarh. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 20.02.2020 which took no decision on the appeal.

The case first came up for hearing on 02.11.2020 through video conferencing at DAC Faridkot. The respondent was absent. The case was adjourned.

Hearing dated 04.01.2021:

The case has come up for hearing today through video conferencing at DAC Faridkot. Both the parties are absent.

Having gone through the file, the Commission observes that there has been an enormous delay in attending to the RTI application and the PIO is absent on 2nd consecutive hearing. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time.** He/she should 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 is again directed to provide the information within 10 days of the receipt of this order.

To come up for further hearing on **27.04.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Faridkot.

Chandigarh
Dated 04.01.2021

Sd/-
(KhushwantSingh)
State Information Commissioner

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Sh Madan Lal. S/o Sh Om Prakash,
Jain Niwas, MCB Zone-2, H No-10803,
Street no-18, Parinda Road-18,
Guru Teg Bahadur Nagar, Bathinda.

... Appellant

Versus

Public Information Officer,
O/o EO, Nagar Council,
Jaito, Distt. Faridkot.

First Appellate Authority,
O/o Deputy Director,
Local Bodies, Ferozpur.

...Respondent

Appeal Case No. 1638 of 2020

PRESENT: Sh.Madan Lal as the Appellant
Sh.Gurdas Singh, PIO for the Respondent

ORDER:

The appellant through RTI application dated 28.12.2019 has sought information regarding copy of correspondent done relating to promotion of Ramesh Kumar, Prem Kumar, Kewal Sharma from 07.04.2017 till date – case file of case no.21/2011 against Kewal Sharma copy of audit report of Finance department, Central Audit department from 04/2005 to 03/2007, 11.08.2010 to 07.10.2010 & 04/2007 to 03.2010 - action taken report against employee for missing record relating to book No.120 – computerized CD for deposit of property tax – case file of FIR No.29/18 & 80/30/5/19 against Davinder Kumar clerk and other information concerning the office of EO, NC Jaito. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 20.02.2020 which took no decision on the appeal.

The case first came up for hearing on 02.11.2020 through video conferencing at DAC Faridkot. The appellant claimed that the PIO has not provided the information. The respondent was absent.

Having gone through the RTI application, the Commission observed that the information that had been asked for by the appellant appeared to be the service record of employees Sh.Ramesh Kumar, Sh.Prem Kumar and Sh.Kewal Sharma as well as very voluminous information. The Commission advised the appellant to revise his RTI application and seek that information, which is not personal, and not voluminous to divert the resources of the public authority.

During the course of hearing, it came to the notice that two appellants Sh.Madan Lal and Sh.Chander Shekhar, had filed similar appeal cases (No.1638/2020 & 1697/2020) for seeking exactly the same information. The Commission did not allow the appellants to pursue such malpractices especially if said matter comes to the notice that the RTI applications are being fixed amongst various applicants, as during the hearing, it came to notice that both appellants are closely associated with each other.

The same matter was brought to the notice of the appellant who then requested that the cases be clubbed. In the interest of justice, both the cases were clubbed and the EO, NC Jaito was directed to provide only one set of information to Sh.Madan Lal by raising requisite fee as per provisions of RTI Act. Since the appellant had also been advised to submit revised RTI application, fee be raised once the appellant submits revised RTI application and information be provided after deposit of requisite fee.

Appeal Case No. 1638 of 2020

The Commission also warned both the appellants not to repeat this practice of fixing RTI applications; otherwise the Commission will be constrained to reject such applications in the future.

Hearing dated 04.01.2021:

The case has come up for hearing today through video conferencing at DAC Faridkot. As per earlier order of the Commission, the appellant has revised the RTI application.

However , due to a network problem the hearing could not be completed.

To come up for further hearing on **27.04.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Faridkot.

Chandigarh
Dated 04.01.2021

Sd/-
(KhushwantSingh)
State Information Commissioner

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Sh.Ujagar Singh, S/o Sh.Bant Singh,
R/o Street No-1, Mann Colony,
Daba, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o ADGP, (Crime), Pb
Police Headquarters, Chandigarh.

First Appellate Authority,
O/o DGP, (Crime), Pb
Police Headquarter, Chandigarh

.....Respondent

A ppeal Case No. 157 of 2019

PRESENT: None for the Appellant
Sh.Gurjeet Singh, ASI for the Respondent

Order: This order should be read in continuation to the earlier order.

The case was earlier heard on 26.02.2019, 02.04.2019, 08.07.2019, 02.09.2019, 04.03.2020, 03.08.2020 and last on 23.09.2020.

On the date of hearing on 04.03.2020, the appellant was directed to inspect the record by fixing a mutually convenient date and time with the PIO and get the relevant information. The PIO was directed to allow inspection of the record and provide the relevant information to the appellant.

On the date of hearing on 03.08.2020, the appellant claimed that he visited the office of PIO On 02.03.2020 but the PIO was not available in the office and no information was provided.

Hearing both the parties, the commission observed that the appellant wanted the enquiry report of the enquiry conducted by DSP on his complaint dated 18.09.2018. The PIO was directed to provide an enquiry report on the action taken by the DSP Crime on the application of the appellant dated 18.09.2018. The information was be provided within 15 days.

On the date of last hearing on 23.09.2020, the respondent informed that the information has been provided. The appellant was absent and vide email informed that the PIO has not provided the information.

The respondent was directed to comply with the earlier order of the Commission which still stands and resend the information to the appellant through a registered post with a copy to the Commission.

Hearing dated 04.01.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. Sh.Gurjeet Singh, ASI is present on behalf of the respondent. As per respondent, the information has been provided to the appellant with a copy to the Commission.

Appeal Case No. 157 of 2019

The appellant is absent and vide email has informed that the information has not been provided as per the RTI application.

The case is adjourned. To come up for further hearing on **27.04.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated:04.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : PIO-DSP, Mehal Kalan(Barnala)

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Sh. Suresh Aggarwal, S/o Sh.Prem Chand,
R/o H NO-2585/2-A, Jagat Nagar,
Basti Jodhwal,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Zone-D, Ludhiana.

First Appellate Authority,
O/o Municipal Corporation,
Head Office, Mata Rani Chowk,
Ludhiana

.....Respondent

Appeal Case No. 177 of 2019

Present: Sh.Suresh Aggarwal as the Appellant
Sh.Parminder Singh O/o Tehbazari-MC Ludhiana for the
Respondent

ORDER:

The case was first heard on **10.04.2019**. The respondent present from building branch Zone-A MC Ludhiana pleaded that the record relating to the information regarding points 1,3,5,6 & 7 is not available with them. The respondent present for PIO-cum-ATP Zone-D pleaded that the information regarding points 2,4 & 8 is not available with them and regarding points 3&5, the area comes under the jurisdiction of B & R Branch of Zone-B and Zone-A. Since as per the respondents, the information was available with B & R Branch of MC Ludhiana, DRO and Irrigation department, the PIO-B&R Branch of MC, Ludhiana, PIO-DRO Ludhiana and PIO-O/o Irrigation department Ludhiana were impleaded in the case and directed to look at the RTI application and provide the information concerning before the next date of hearing.

On **11.06.2019**, the appellant claimed that the information has not been provided by the PIO. The Commission received a letter on 30.04.2019 from the APIO-B&R Zone-B, MC Ludhiana stating that the information sought relates to their building branch. The respondent present from the building branch pleaded that the information concerning them has been provided and remaining information has to be provided by the PIOs of A & D Zone.

The Commission observed that the file is moving from one desk to the other and no-one knows under whose custody the information lies. The Commissioner, MC Ludhiana was directed to look at the RTI application on an urgent basis and get the information from the PIO under whose custody the information lies. After hearing both the parties, the following was concluded:

- Point-2 Partial information provided, remaining to be provided by the PIO, Zone- A, PIO- Zone-D, PIO-Drawing Branch, MC Ludhiana and PIO-Irrigation Department, Ludhiana
- Point-3 Partial information provided, remaining to be provided by PIO, Zone- A, PIO- Zone-D, PIO-Drawing Branch, MC Ludhiana
- Point-1 To be provided by PIO-Drawing Branch, MC Ludhiana
- Points-4,5&6 Available on website
- Point-7 To be provided by PIO-Zone-A, MC Ludhiana

The PIO-Zone-A, MC Ludhiana, PIO-Zone-D, MC Ludhiana, PIO-Drawing Branch, MC Ludhiana and PIO-Irrigation Department, Ludhiana were directed to look at the RTI application and provide the information concerning them to the appellant.

The case was again heard on **06.08.2019**. The respondents present informed that they have provided the information to the appellant concerning them and remaining information relates to the building branch Zone-D and PIO-Tehbazari.

The respondent from building branch, Zone-D and PIO-Tehbazari were absent. The PIO-Zone-D, and PIO-Tehbazari, MC Ludhiana were given one last opportunity to look at the RTI application and provide the information regarding point-2 to the appellant, within 15 days and send a compliance report to the Commission. Rest of the points stand settled.

On the next date of hearing on **02.12.2019**, the respondent present pleaded that they have already provided the available information concerning them and remaining information relates to the Revenue/Irrigation department. The appellant claimed that the PIO is not providing the relevant information and using delaying tactics.

The Commission observed that since the department is dilly dallying the information, the Commission directed the Commissioner, MC Ludhiana to have a look at the entire RTI application and take adequate steps for the provision of the information. The Commissioner, MC Ludhiana was also directed to send a consolidated reply to the Commission on the matter at the next date of hearing.

On the date of hearing on **17.02.2020**, both the parties are absent. The case was adjourned.

On the date of hearing on **03.08.2020**, the respondents present from Zone A & D of MC Ludhiana pleaded that the information available with them regarding point-2 & 3 has already been supplied and the remaining information regarding encroachment outside & inside the Budha Nala is in the custody of Irrigation Department.

The PIO-Department of Irrigation, Ludhiana was impleaded in the case and directed to look at the RTI application, a copy of which was attached with the order and provide the information to the appellant.

On the date of last hearing 23.09.2020, the appellant claimed that the information has not been provided by the PIO on points 2, 4, 6, 7 & 8. The respondent was absent.

The PIO-Irrigation Department was absent. The PIO-Department of Irrigation, Ludhiana was directed to provide the information and be present personally on the next date of hearing otherwise the commission will be constrained to initiate punitive action against the erring PIO.

A copy of the order was sent to the Commissioner, Municipal Corporation, Ludhiana with the direction to resolve this pending RTI and ensure that whatever information is available on their record is completely provided. Regarding the points for which information does not exist the PIO was directed to provide a clear affidavit stating that no information exists.

Hearing dated 04.01.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. Sh.Parvinder Singh O/o Tehbazari-MC Ludhiana is present but has not been able to reply suitably.

The case has carried on since long, and the information sought is in the custody of various departments of the Ludhiana MC. Most of the information has been provided, however some information is still pending as there seems to be constant uncertainty as to which department /branch of the Municipal Corporation holds the information.

To resolve this matter , I am directing Sh.Pardeep Sabharwal, Commissioner, MC Ludhiana to look at the RTI application and ensure coordination amongst various departments of the MC so that the RTI application is adequately responded to as per the provisions of the RTI ACT.

To come up for further hearing on **27.04.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

**Chandigarh
Dated 04.01.2021**

**Sd/-
(Khushwant Singh)
State Information Commissioner**

**CC to:1. Sh.Pardeep Sabharwal
Commissioner, MC Ludhiana**

- **2. PIO-Xen Drainage,
Department of Irrigation, Pb,
Urban Estate, Phase-I, Dugri,
Ludhiana**