

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

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Sh. Nirmal Singh Dhiman
S/o Late Sh. Gurbax Singh,
R/o House No. 895, Phase -11,
District – SAS Nagar.

.....Appellant

Vs

Public Information Officer,
O/o Financial Commissioner, Revenue,
Administration -1 Branch,
Punjab Civil Secretariat,
Sector-1, Chandigarh.

First Appellate Authority,
O/o Financial Commissioner, Revenue,
Punjab Civil Secretariat,
Sector-1, Chandigarh.

..... Respondents

Appeal Case No. 4500 of 2019

Present:- Shri Nirmal Singh Dhiman, appellant in person.
Shri Vinod Kumar, Senior Assistant, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 14.02.2020 vide which the absence of the respondents was viewed seriously. The PIO was directed to take action on the submissions dated 27.01.2020 handed over to the representative of the respondents during the previous hearing and letter dated 14.02.2020 said to have been sent to the respondents through registered post by the appellant. He was further directed to send reply to the appellant with a copy to the Commission before the next date of hearing failing which punitive action under the provisions of RTI Act, 2005 would be initiated against him. The case was adjourned for today.

2. The appellant places on record a copy of letter dated 04.03.2020 on the record of the case file during the hearing.

3. The representative of respondents places a copy of their reply enclosing their letters dated 20.02.2020 and 28.03.2017 vide which complete point-wise information has been supplied to him. He further states that nothing has been left, which could be supplied as per his RTI application.

4. In view of the submissions of the respondents and going through the record, available on the case file, it is ascertained that the appellant has failed to establish larger public interest in seeking the information and he only wants to settle individual interest by asking information again and again in the Commission. Point-wise information has been supplied to him after removing discrepancies with the above mentioned three letters. Accordingly, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated: 04.03.2020.

sd/-
(Suresh Arora),
Chief Information Commissioner,
Punjab.

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Prof. U.S. Kooner,
#1002, Phase 4,
Mohali-160059.

.....Appellant

Vs

Public Information Officer,
O/o Financial Commissioner to Government of Punjab,
Department of Revenue, Punjab Civil Secretariat,
Chandigarh.

First Appellate Authority
O/o Financial Commissioner to Government of Punjab,
Department of Revenue, Punjab Civil Secretariat,
Chandigarh.

PIO/Deputy Commissioner,
Ludhiana.

.....Respondents

Appeal Case No. 4207 of 2019
(Through Video Conference Facility)

Present:- Prof. U.S. Kooner, appellant at Chandigarh..

Shri Harminder Singh, Reader to Additional Deputy Commissioner, Khanna through VC
alongwith Shri Mukesh Joshi and Shri Harjinder Singh, both Senior Assistants, on behalf
of the respondents.

ORDER

This order may be read with reference to the previous order dated 04.02.2020 vide which the Deputy Commissioner, Ludhiana was impleaded as a necessary party with the directions to the respondents to supply the information concerning RTI application filed by the appellant (copy of which was sent with that order) before the next date of hearing.

2. The representative of the respondents states that complaint filed by the appellant is under inquiry and Tehsildar, Samrala is conducting the same. He further states that inquiry will be completed within one month. He further assures that on its completion, the information sought by the appellant will be provided to him.

3. The appellant has sought information regarding status/fate of his complaint, which has been provided by the representative of the respondents during the hearing. Accordingly, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated : 04.03.2020

sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab

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Prof. U.S. Kooner,
#1002, Phase 4, Mohali-160059.

Vs

.....Appellant

Public Information Officer,
O/o Financial Commissioner to Government of Punjab,
Department of Revenue, Punjab Civil Secretariat,
Chandigarh.

First Appellate Authority
O/o Financial Commissioner to Government of Punjab,
Department of Revenue, Punjab Civil Secretariat,
Chandigarh.

..... Respondents

Appeal Case No. 4206 of 2019
(Through Video Conference Facility)

Present:- Prof. U.S. Kooner, appellant at Chandigarh..

Shri Harminder Singh, Reader to Additional Deputy Commissioner, Khanna on behalf of
the respondents.

ORDER

This order may be read with reference to the previous order dated 04.02.2020 vide which the Deputy Commissioner, Ludhiana was impleaded as a necessary party with the directions to the respondents to supply the information concerning RTI application filed by the appellant (copy of which was sent with that order) before the next date of hearing.

2. The representative of the respondents states that complaint filed by the appellant is under inquiry and Additional Deputy Commissioner, Samrala is conducting the same. He further states that inquiry will be completed within one month. He further assures that on its completion, the information sought by the appellant will be provided to him.

3. The appellant has sought information regarding status/fate of his complaint, which has been provided by the representative of the respondents during the hearing. Accordingly, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated : 04.03.2020

sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab

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Sh. Vikram Singh,
983-E, Benipal Colony,
Machhiwara,
Distt: Ludhiana-141115

.....Appellant
Vs

Public Information Officer,
O/o Tehsildar, Samrala,
Distt: Ludhiana.

First Appellate Authority
O/o Sub Divisional Magistrate,
Samrala, District- Ludhiana.

..... Respondents

Appeal Case No. 3082 of 2019
(Through Video Conference Facility)

Present:- Shri Vikram Singh, appellant.
Shri Kuldeep Singh, Clerk, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 14.02.2020 vide which the respondents were afforded last opportunity to give in writing that these documents are not available in the Revenue Record of Ludhiana and office of Teshildar, Samrala. It was further mentioned in that order failing which punitive action would be initiated against the respondents on the next date of hearing.

2. Shri Kuldeep Singh, Clerk, handed over self declaration to the appellant. On receipt of the same, the appellant states that self declaration is without seal/stamp.

4. The representative of the respondent is directed to send affidavit/self declaration to the appellant after affixing seal/stamp of the office on it within 2 days from today. He assures that he will do the same within prescribed period.

5. To come up on 11.03.2020 at 3.00 P.M. through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated : 04.03.2020

sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab

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Sh. Balwinder Singh Kaler S/o Sh. Sardara Singh,
R/o Village Amargarh Kaler, (98728-04926)
Tehsil Jagraon,
District Ludhiana.

.....Appellant

Vs

Public Information Officer,
Panchayat Secretary,
O/o Block Development & Panchayat Officer,
Block -Jagraon, Distrcit Ludhiana.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Mini Secretariat, Ludhiana.

.....Respondent

Appeal Case No. 4410 of 2019

(Video Conference Proceeding)

Present:- Shri Balwinder Singh, appellant at Chandigarh.
Shri Kulwinder Singh, GRS on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 4.2.2020 vide which the respondents were directed either to show the website where information concerning his RTI is available or give the print out of the same.

2. Shri Kulwinder Singh, GRS (MANREGA) states that he has brought complete information comprising of about 40 pages concerning NARGEA which is available on their website www.narega.in to be handed over to the appellant, who is available at Chandigarh. The appellant states that he will collect the same from Shri Kulwinder Singh, GRS (M.No. 78372-46005) after contacting him on his Mobile Number on 05.03.2020.

3. After hearing both the parties and going through the record available on the case file, it is revealed that no information was provided to the appellant regarding MANREGA. The appellant is advised to get the same from Shri Kulwinder Singh, GRS, after contacting him on his mobile and revert back to the authorities in case of any deficiency in the information within 7 days from receipt of the information and on its receipt from the appellant, the respondents are directed to remove the same before the next date of hearing.

4. To come up on 20.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated : 04.03.2020

sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

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Sh. Rahul Gupta

s/o Shri Dharampal, r/o H.No.170,
Street No.6, Mohalla Hargobindpura,
Jagraon, District Ludhiana.

.....Appellant.

Vs

Public Information Officer,
o/o Additional Deputy Commissioner,
Administrative Complex, Jagraon,
District Ludhiana.

First Appellate Authority,
o/o Deputy Commissioner,
Administrative Complex, Ludhiana.

..... Respondents

Appeal Case No. 4528 of 2019
(Video Conference Proceeding)

Present:- None on behalf of the appellant.
Shri Harbhajan Lal, Junior Assistant, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 03.02.2020 vide which last opportunity was afforded to the appellant to revert back to the authorities in case of deficiencies in the information supplied to him before the next date of hearing with a copy to the Commission.

2. The appellant is absent but he has sent in writing through e-mail stated that he is a cancer patient and is unable to pursue his cases (AC No.4012/2019 and AC No.4528.2019). He has further requested that both the cases be closed.

3. In view of the request of the appellant, the present case is disposed of and closed. Copies of the order be sent to the parties.

Dated : 04.03.2020

sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

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Sh. Tarsem Lal S/o Sh. Karam Chand,
R/o House No. 482, Street No. 5,
Vishnu Nagar, Rahon Road,
Ludhiana.

.....Appellant

Vs

Public Information Officer,
O/o District Revenue Officer,
Mini Secretariat,
Ludhiana.

First Appellate Authority,
O/o Deputy Commissioner,
Administrative Complex,
Ludhiana.

.....Respondents

Appeal Case No. 4441 of 2019

(Video Conference Proceeding)

Present:- Shri Tarsem Lal, appellant.
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 30.01.2020 vide which Shri Gurmit Singh Mann, Tehsildar, Ludhiana (East) was made necessary party and show cause notice was issued to him for imposition of penalty and award of compensation for non-appearance and for non-supplying the information to the appellant for loss and detriment suffered by him. He was remained absent on 14.02.2020 and he was given last opportunity to provide the information failing which action proposed on 30.01.2020 would be taken against him and no more opportunity would be afforded to him.

2. The appellant states that information regarding point at Sr. No.1 and 4 has not been supplied to him till date.

3. It is pertinent to mention here that in this case, none appeared on behalf of the respondents on 9.1.2020 and 30.01.2020. On 30.01.2020, Shri Gurmit Singh Mann, Tehsildar, Ludhiana (East) was issued show cause notice for non-appearance and for non-supply of the information to the appellant for imposition of penalty and award of compensation. In spite of show cause notice issued to Shri Gurmit Singh Mann, he remained absent on 14.02.2020 and today without intimation. Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO-Shri Gurmit Singh Mann He is hereby held guilty for not providing the information on time as prescribed under Section 7, which is within 30 days from the receipt of request from information-seeker for seeking information and for repeated and willful defiance of the Punjab State Information Commission's orders. Such kind of failure on the part of the respondent-PIO is totally unacceptable. It is pertinent to mention here that RTI Act has been enacted to ensure participative nature of management between the public & the public authorities and also to know as to what is happening behind the closed doors with regard to the government affairs of the public authorities and their functioning.

5. After giving thoughtful consideration and due perusal of the facts of the case and the material available on record, I have come to the conclusion that he has failed to perform his duty as per the mandate of the RTI Act which requires the public servant to ensure due transparency and

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accountability in its functioning. It has also come out that he has not only failed to perform his duty at his own level but also has shown his casual approach in complying with the explicit order of the Commission.

6. It has been further established from his conduct that he has failed to provide the information even after getting the formal show cause notice from the Commission. This speaks volumes as to how much respect & regard he has in his mind to the provisions of the RTI Act, which mandates that all public authorities will ensure that the RTI Act, 2005 is duly implemented by them whenever any citizen approaches the public authority to get any information, in public domain, for which they have right to ask for as per the provisions of RTI Act.

7. Further the Commission is 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 under Section 19(8)(b) of the RTI Act.

8. The PIO-Shri Gurmit Singh Mann, Tehsildar, Ludhiana (East) is directed to pay an amount of Rs.5,000/- via demand draft drawn through Government 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 is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

9. Also the directions are issued to the respondents to provide the complete information pertaining to Point No. 1 and 4 before the next date of hearing and appear in the Commission personally alongwith the original record.

10. To come up on **20.03.2020** at **3.00 P.M.** through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated : 04.03.2020

Shri Gurmit Singh Mann, (Regd)
Tehsildar, Ludhiana (East)

sd/-
(**Suresh Arora**)
Chief Information Commissioner
Punjab

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Sh. Ranjit Singh S/o Sh. Virsa Singh,
R/o PO –Behak Khas, (78141-85527)
Saido Ke Uttar alias Chandmari,
District- Fazilka.

.....Appellant

Vs
Public Information Officer,
O/o Block Development & Panchayats Officer,
Fazilika.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Mini Secretariat, Fazilika.

..... Respondents

Appeal Case No. 4365 of 2019
(Video Conference Proceeding)

Present:- Shri Ranjit Singh, appellant.
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 4.2.2020 vide which the respondents were directed to bring latest status of action taken against Ex-Sarpanch on the next date of hearing. It was also mentioned that decision regarding show cause notice was issued to Shri Parvej Singh, BDPO. Fazilika will be decided on the next date of hearing.

2. The appellant states that no information has been provided to him till date.
3. None is present on behalf of the respondents without intimation. Last opportunity is afforded to the respondents to provide the latest status regarding action taken for embezzlement of Panchayati Fund by former Sarpanch under Section 216 of the Revenue Act failing which punitive action will be initiated against the PIO for his absence and for not supplying the information.
4. To come up on 20.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Fazilika.

Dated : 04.03.2020

sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab

CC

Shri Parvej Singh,
Block Development and Panchayats Officer, Fazilika.

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Sh. Balwinder Singh,
Village Rao Ke Uttar,
P.O. Mamdot Uttar, District Ferozepur.Appellant

Vs

Public Information Officer,
o/o Block Development and Panchayats Officer,
Mamdot, District Ferozepur.

FAA-District Development and Panchayats Officer,
Ferozepur.Respondents

Appeal Case No. 3510 of 2019

(Video Conference Proceeding)

Present:- Shri Balwinder Singh, appellant.
Shri Roshan Lal, Panchayats Secretary on behalf of the respondents. PIO.

ORDER

This order may be read with reference to the previous order dated 14.02.2020 vide which the respondents were directed to send Utilization Certificates to the appellant (who were absent on that date) through registered post. As per the versions of the representative of the respondents with the supply of these documents, complete information had been supplied and nothing had been left, which could be supplied to him. Last opportunity was afforded to the appellant to go through the information supplied to him and revert back to the authorities, in case of deficiencies, in the information supplied to him failing which the case would be decided on merits. Regarding show cause notice issued to Shri Roshan Lal, Panchayat Secretary, he is directed to file his written explanation before the next date of hearing failing which penalty will be imposed and compensation would be awarded and recommendation for taking disciplinary action against him to the higher authorities will be taken. On receipt of his explanation, decision on show cause notice will be taken.

2. The appellant states that no information has been provided to him.

3. The respondent-PIO states that complete information has been provided to the appellant and nothing has been left which could be supplied to him as per his RTI application according to RTI Act, 2005. He further states that till date no deficiency has been received in their office.

4. After hearing both the parties and going through the record available on the case file, it is revealed that the respondents might have supplied the complete information but in view of the dissatisfaction of the appellant, the respondents are directed to get the record inspected from the appellant on 6.3.2020 at 11.00 A.M. and supply photocopies of the documents, which the appellant desires to get on the spot. If the appellant does not inspect the record, then it will be presumed that the appellant has received complete information as per his RTI application and the matter will be decided on the next date of hearing. The respondent-PIO is directed again to submit explanation to the show cause notice issued to him for imposition of penalty and award of compensation

5. To come up on 20.03.2020 at 3.00 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ferozepur.

sd/-

(Suresh Arora)

Chief Information Commissioner,
Punjab

Dated : 04.03.2020