**STATE INFORMATION COMMISSION, PUNJAB**

**RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

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Sh. Krishan Kumar Singla,

House No.195/2, Sector-45-A,

Chandigarh Appellant

Versus

Public Information Officer,

O/o Senior Supdt. of Police

S.A.S.Nagar (Mohali)

.

First Appellate Authority

O/o Senior Supdt. of Police

S.A.S.Nagar (Mohali) Respondents

 **APPEAL CASE NO.1547/2017**

Date of RTI application : 05.04.2017

Date of First Appeal : 08.05.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 05.06.2017

**Present:** Sh. Krishan Kumar Singla, Appellant in person.

 1. ASI Ravinder Singh, RTI Cell In charge, O/o SSP, Mohali,

 2. HC Bahadur Singh, Police Station, Phase – VIII, Mohali – for Respondents

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**ORDER**

 Vide order of the Commission dated 27.07.2017 the respondents were directed to issue a copy of the statement recorded under Section 161 Cr. P.C. in the investigation of the case. They have brought along the copy comprised in nine pages which has been handed over to him on spot. No further intervention is called for. The appeal is **closed.**

 **Sd/-**

**05.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Mohmad Khalil

S/o Sh. Rusamdin

Village Dalelgarh, P.O. Himtana

Tehsil Malerkotla,Distt. Sangrur Appellant

Versus

Public Information Officer,

O/o Local Registrar (Births & Deaths),

Municipal Corporation, Patiala

First Appellate Authority

O/o Deputy Director, Local Bodies, Punjab,

Sathanik Sarkar Bhawan,

Plot No.3, Sector-35, Chandigarh. Respondents

 **APPEAL CASE NO.1622/2017**

Date of RTI application : 14.05.2016

Date of First Appeal : 18.08.2016

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 05.06.2017

**Present:** Sh. Mohmad Khalil, Appellant in person.

 Sh. Parveen Kumar, Superintendent, M.C. Office, Patila – for Respondents.

**ORDER**

 The Commission had made the following observations on 27.07.2017:

 *“The appellant is seeking the information about the status of his case concerning the correction of discrepancies having figured in the death certificate of his mother issued by the respondents. He says that despite numerous requests and visits the requisite information has not been provided to him.*

 *The respondents are absent despite issue of notice and endorsement by the Director, Local Government, Punjab, nor any reply has been filed. The Commission takes a serious view of the same.*

 *The Respondent No. 1 is directed to arrange to provide him the information forthwith and explain the reasons of inordinate delay having been taken to provide him information with a copy Contd…page…2*

 *-2-*

***APPEAL CASE NO.1622/2017***

 *to the Commission.*

 *Be it noted that penal consequences shall follow for further dereliction on the above score.”*

The case has come up today. Sh. Parveen Kumar, Superintendent is present. He says that the emended certificate as per the requirement of the appellant has been reissued to him. The appellant acknowledges its receipt to his satisfaction.

 The Commission finds that the issue has been hanging fire for the last more than two years which has caused an unavoidable harassment to the appellant. While disposing of the application the Commissioner of the Municipal Corporation, Patiala is desired to have the matter looked into and take disciplinary action against the delinquent official who had been sitting over the file for such a protracted period. The compliance of the observations be intimated to the Commission as well.

 **Disposed.**

 **Sd/-**

**05.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Commissioner, Municipal Corporation, Patiala, for information and necessary action.**

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Sh. Navneet Mittal

S/o Sh. Ashok Kumar Mittal,

Shop No.61, Old Dana Mandi,

Moga. Appellant

Versus

Public Information Officer,

O/o Director, Land Records, Punjab,

Kapurthala Road, Jalandhar.

First Appellate Authority,

O/o Director, Land Records, Punjab,

Kapurthala Road, Jalandhar Respondents

 **APPEAL CASE NOs.1193 and 1213 of 2017**

 **Date of RTI Application : 30.12.2016**

 **Date of First Appeal : 27.01.2017**

 **Date of Order of FAA : NIL**

 **Date of Second Appeal : 21.04.2017**

**Present:** Sh. Ravi Khanna on behalf of the Appellant.

. Sh. Gagandeep, Sr. Assistant, O/o Director, Land Records, Jalandhar – for Respondents.

**ORDER**

 The following order was passed by the Commission on 27.07.2017:

 *“Since the appellant, the respondents are the same and the information asked for is identical, the single order shall dispose of the above appeals.*

 *We had passed the following order on 21.06.2017 :-*

 *“The appellant had sought certified copies of the merit list of the candidates who were selected as Patwaris under the General, SC and Sports category. Besides, they have asked for the counseling information with reference to one candidate namely Shakti Thapa.*

 *The respondent says that they have already provided him the information which is refuted by the appellant saying that incomplete and irrelevant information has been provided. They suspect and allege some irregularity in the appointments thus made.*

 *The respondents have already provided a massive information to the appellant which is uncertified according to the appellant. The documents have been returned back to the respondent with the direction to return it to him after certification.*

 *Contd…page….2*

 *-2-*

***APPEAL CASE NOs.1193 and 1213 of 2017***

*The Commission observes that though some of the information may attract the exemption clause under Section 8(e) of the Act being the information provided to the Public Authority in the fiduciary relationship. In view of the fact that some serious apprehensions have been made the Commission directs the respondents to provide him the certified information asked for point-wise specifically concerning the merit list of the various categories as mentioned in the original application within fifteen days from today positively failing which the Commission shall be constrained to proceed for penal action.”*

 *“The case has been taken up today. Vide this communication dated 14.07.2017 the PIO has intimated that the requisite information has been forwarded to the information seeker. The appellant submits that it still has been found wanting with reference to Point No. 3 and 4 wherein the documents in sports category (general) have not been provided. They have also sought a copy of the Roll Number issued to one Ms. Shakti Thapa. The respondents are directed to provide it under the intimation to the Commission within fifteen days.”*

In compliance with the above order of the Commission the requisite information has been forwarded to the appellant The appellant says that the copies of the recommendation letters issued to the candidates belonging to scheduled caste category in sports quota have not been provided. The respondent assures this forum that the same shall be conveyed to him within fifteen days under intimation to the Commission. The Commission does not see any further reason to keep the case alive.

 **Disposed.**

 **Sd/-**

**05.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Ashok Kumar

S/o Sh. Ajmer Gir,

Village Chandpur P.O. Sialba,

Tehsil Kharar, Distt. S.A.S.Nagar. Appellant

Versus

Public Information Officer,

O/o Block Development & Panchayat Officer,

Block Majri P.O. Sialba , Tehsil Kharar,

 Dist. S.A.S.Nagar

First Appellate Authority

O/o Block Development & Panchayat Officer,

Block Majri, P.O. Sialba , Tehsil Kharar,

Distt. S.A.S.Nagar Respondents

 **APPEAL CASE NO.1225/2016**

 **Date of RTI Application : 10.02.2017 Date of First Appeal : 10.03.2017**

 **Date of Order of FAA : Nil**

 **Date of Second Appeal : 04.05.2017**

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

Sh. Surinder Pal Singh, Panchayat Secretary, O/o BDPO, Majri – for Respondents.

**ORDER**

 The Commission had observed on 27.07.2017 as under:-

 *“We had observed on 22.06.2017 as under:-*

 *“The Commission takes a strong exception to the indifferent attitude of the respondents as neither they have filed a written reply on the notice issued by the Commission nor anyone is present.*

 *Another opportunity is afforded to the respondents to provide the information to the appellant under intimation to the Commission.”*

 *Despite our express order the PIO is neither present nor he has filed reply to the notice issued by the Commission. Logical corollary is that they have refused the information in terms of Section 7(2) of the RTI Act and thus rendered themselves liable for penal action.*

 *Smt. Dilawar Kaur, BDPO – cum – PIO, is 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 maximum of*

 *Contd…page…2*

 *-2-*

***APPEAL CASE NO.1225/2016***

*Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on her for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *In addition to the written reply, the PIO 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. She may take note that in case she does not file her written reply and does not avail herself of the opportunity of personal hearing on the date fixed, it will be presumed that she has nothing to say and the Commission shall proceed to take further proceedings against her ex parte.”*

Sh. Surinder Pal Singh, Panchayat Secretary is present. He submits that the RTI appeal emanates from a long dispute between the panchayat and other inhabitants of the village over alleged illegal occupation of shamlat land. Numerous writ petitions have been filed in the Punjab & Haryana High Court, Chandigarh concerning the issue. The instant application is intended to harass the Public Authority as huge and voluminous information has been sought.

 Be that as it is the respondents are directed to allow the access of the record to the appellant by way of inspection on a pre-fixed date and time and arrange to provide him the certified copies of the documents thus identified by him free of charge forthwith. Outer limit of the extent of documents is fixed as 250.

 To come up on **26.10.2017 at 11.30 AM.**

 **Sd/-**

**05.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Darshan Singh Kang, (I/c)

Anti Corruption Front (Regd.),

Samrala Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o State Information Commission, Pb.

Chandigarh

First Appellate Authority

O/o Secretary,

State Information Commission, Punjab,

Chandigarh Respondents

 **APPEAL CASE NO.1950/2017**

Date of RTI application : 08.03.2017

Date of First Appeal : 10.04.2017

Date of Order of FAA : 16.05.2017

Date of 2nd Appeal/complaint : 20.07.2017

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

 1. Sh. Sudhir Kumar, SO – cum – APIO, PSIC, and

 2. Sh. Sadhu Ram, PS/Secretary/PSIC on behalf of the FAA.

**ORDER**

 The appellant has made a written submission that as the information relates to the undersigned bench, he should not hear this case. Acceding to his request the undersigned bench recuses itself from hearing the case with the advice to the Deputy Registrar, PSIC to place it before the Chief Information Commissioner to **transfer** this case to another bench.

 **Sd/-**

**05.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Lakhbir Singh,

House No.B-01/1936,

Village Kansal,

Distt. S.A.S.Nagar (Mohali)

 Appellant

Versus

Public Information Officer,

O/o Nagar Panchayat, Naya Gaon (Mohali)

First Appellate Authority

O/o Nagar Panchayat,

Naya Gaon (Mohali) Respondents

 **APPEAL CASE NO.1985/2017**

Date of RTI application : 10.01.2017

Date of First Appeal : 13.02.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 24.07.2017

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

 1. Sh. Jawahar Sagar, SDO, O/o Nagar Panchayat, Naya Gaon,

 2. Sh. Harbhajan Singh, JE, Nagar Panchayat, O/o Naya Gaon – for Respondents.

**ORDER**

 Sh. Lakhbir Singh, Appellant has requested vide his letter dated 05.09.2017 to allow him to withdraw the appeal with liberty to file fresh appeal. Keeping in view his request no further action seems called for.

 **Disposed.**

 **Sd/-**

**05.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. H.S. Hundal, Advocate,

Chamber No.82, District Courts,

Sector-76, S.A.S.Nagar

 Appellant

Versus

Public Information Officer,

O/o District & Sessions Judge,

Judicial Courts Complex, Sector-76,

S.A.S.Nagar

First Appellate Authority

O/o District & Sessions Judge,

Judicial Courts Complex, Sector-76,

S.A.S.Nagar Respondents

 **APPEAL CASE NO.1991/2017**

Date of RTI application : 28.04.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 21.07.2017

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

 1. Sh. Swaran Singh, PIO – cum – Superintendent, O/o District & Sessions Judge, Mohali, and

 2. Sh. Randev, Additional English Clerk, O/o District & Sessions Judge, Mohali – for Respondents.

**ORDER**

 The appellant is absent. Nothing has been heard from him also.

 The respondents have submitted a reply in response to the notice issued by the Commission. They have taken the plea that the second appeal is not maintainable for want of his prosecution before the First Appellate Authority. The PIO had already replied to him vide their letter dated 26.05.2017. They further say that his second appeal as such is frivolous and malafide as he has concealed the facts. The appellant may like to react on the aforesaid submissions of the respondents to the Commission with a copy to the respondents failing which it shall be presumed that he has nothing to say further. The matter shall be finalized as per facts on record.

 To come up on **17.10.2017 at 11.30 AM.**

 **Sd/-**

**05.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Gurdeep Singh Toor

S/o Sh. Sohan Singh Toor,

R/o HouseNo.72-C, Sunny Enclave, Kharar

Distt. S.A.S.Nagar. Complainant

Versus

Public Information Officer,

O/o Nagar Council,

Kharar Respondent

 **COMPLAINT CASE NO.721/2017**

Date of RTI application : 27.04.2017

Date of First Appeal : Reminder 25.05.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 19.07.2017

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

 Sh. Jaswinder Singh, Draftsman, O/o Nagar Council, Kharar – for Respondent.

**ORDER**

 The complainant is absent. He has sent a communication to the Commission that he is in receipt of information and no more intends to pursue the matter. The respondent says that his original RTI application has been duly attended to and the information has been provided.

 In view of the aforesaid facts the complaint is **disposed.**

 **Sd/-**

**05.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**