

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
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Sh. Surjit Singh, S/o Sh.Gokul Singh,
VPO Jarg, Tehsil Payal,
Distt. Ludhiana.

... Complainant

Versus

Public Information Officer,
O/o DEO (EE),
Sri Fatehgarh Sahib.

Respondent

Complaint Case No. 499 of 2020

PRESENT: **Sh.Surjit Singh as the Complainant**
Mrs.Ravinder Pal Kaur, Suptd. O/o DPI for the Respondent

Order:

The complainant through RTI application dated 19.06.2020 has sought information regarding copy of letter No.2/Seniority/2020/2087-89 dated 05.05.2020 vide which the seniority was fixed and other information concerning the office of DEO(EE) Sri Fatehgarh Sahib. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 03.08.2020.

The case was first heard on 25.11.2020 through video conferencing at DAC Sri Fatehgarh Sahib. Both the parties were absent.

Having gone through the record, the Commission observes that there has been a delay of more than four months in attending to the RTI application. The PIO was directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act and appear before the Commission on the next date of hearing.

Hearing dated 06.01.2021:

The case has come up for hearing today through video conferencing at DAC Sri Fatehgarh Sahib. The respondent has requested for some more time to provide the information, which is granted.

The case is adjourned. To come up for further hearing on **28.04.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Sri Fatehgarh Sahib.

Chandigarh
Dated:06.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Milandeep Singh,
H No-48, Street No-1,
Gurbaksh Colony,
Patiala.

... Complainant

Versus

Public Information Officer,
O/o MC,
Patiala.

...Respondent

Complaint case No.216 of 2020

Present: None for the complainant
Sh.Joginder Singh, Superintending Engineer-cum-PIO, MC Patiala for the Respondent

ORDER:

The complainant through RTI application dated 22.11.2019 has sought information regarding incomplete construction of road from old Bishan Nagar bridge to Gurbaksh Colony Bridge - map of road, allotment letter, details of payment and other information concerning the office of MC Patiala. The appellant was not provided the information after which the complainant filed complaint in the Commission on 03.03.2020.

The case was first heard on 26.08.2020 through video conferencing at DAC Patiala. The respondent present pleaded that the information has been provided to the appellant and the appellant has received the same. The appellant was not satisfied with the information regarding point-5.

Having gone through the RTI application and hearing both the parties, the Commission found that point-5 holds no merits. Rest of the information stands provided.

The Commission further observed that there has been an enormous delay in attending to the RTI application. Taking a serious view, the PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

Hearing dated 06.01.2021:

The case has come up for hearing today through video conferencing at DAC Patiala. The Commission has received reply of the PIO on 23.10.2020 which has been taken on the file of the Commission.

Having gone through the reply, the Commission observes that the PIO has tried to put the responsibility for delay in providing the information on the junior staff, whereas the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, unless transferred under section 5 (4) to seek assistance. The reply of the PIO is not satisfactory.

However, the PIO is given one more opportunity to file an appropriate reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say in the matter.

The case is adjourned. To come up for further hearing on **28.04.2021 at 11.00 AM** through a video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated 06.01.2021

Sd/-
Khushwant Singh
State Information Commissioner

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Sector 16, Chandigarh.

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Smt. Asha Rani,
130, Maharaja Yadwindra Enclave,
Nabha, Patiala.

... Complainant

Versus

Public Information Officer,
O/o Treasury Officer,
Nabha, Distt Patiala.

...Respondent

Complaint case No.258 of 2020

Present: None for the Appellant
None for the Respondent

ORDER:

The case was first heard on 26.08.2020. The respondent present pleaded that the information is 3rd party and also the appellant has not deposited the requisite fee. The appellant informed that the fee was not raised within the time prescribed under the RTI Act.

Having gone through the RTI application and hearing both the parties, the Commission was of the view that the PIO had not applied his mind while stating that the information as third party. The appellant had asked for public record of the public authority i.e. receipt of various bills along with amount received from different departments –payment released – approval of higher authority for release of payment etc.

Since this information clearly does not come under 3rd party, the PIO was directed to provide the information to the complainant.

The PIO claimed that the department had asked the appellant to deposit a fee which, he had not deposited. The appellant had denied having received any such letter, and has also claimed that the First Appellate Authority took no notice of his appeal for which there is nothing on record to establish the appellant's claim

Given the two different stances of the PIO, one to deny the information claiming that it is 3rd party and secondly asking for money to release the information, there was clearly miscarriage of the justice. The PIO was directed to provide the information to the appellant within 15 days free of cost.

Hearing dated 06.01.2021:

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

The earlier order stands. The PIO is directed to comply with the earlier order of the Commission, else the commission will proceed as per the provisions under section 20 of the RTI Act.

The case is adjourned. To come up for further hearing on **28.04.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated 06.01.2021

Sd/-
Khushwant Singh
State Information Commissioner



Sh.Satinder Pal Singh,
Office Address # 890, Sector-70,
2nd Floor, Mohali

...Appellant

Versus

Public Information Officer, O/o
Under Secretary, Estt-1, PSPCL,
Focal Point, Ludhiana.

First Appellate Authority,
O/o Secretary, PSPCL,
Patiala

.....Respondent

Appeal Case No. 3800 of 2019

RESENT: Sh.Satinder Pal Singh as the Appellant
Sh.Jagdish Singh, Sr. Xen, PSPCL Focal Point-Ludhiana for the Respondent

ORDER:

The appellant through RTI application dated 18.05.2019 has sought information regarding appointment of KiranjeetKaur d/o late Sh.Sukhdev Singh (Assistant Lineman) on compassionate ground vide letter memo No.7799 dated 15.09.2010 –documents submitted for appointment and other information concerning the office of Under Secretary, Estt-1, PSPCL, Focal Point, Ludhiana. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 26.06.2019 which took no decision on the appeal.

On the first date of hearing on 18.02.2020, none was present. The case was adjourned.

On the next date of hearing on **24.06.2020**, the appellant claimed that the PIO has not provided the information. The respondent was absent. Having gone through the file, the Commission observed that appellant had sought information on behalf of Ms.KiranjitKaur. However, there was nothing on record to establish that Ms.KiranjitKaur had authorized the appellant to pursue its case. The appellant was directed to produce an authorization from Ms.KiranjitKaur for pursuing the case on her behalf

Since there had been an enormous delay of more than one year in attending to the RTI application, the PIO was directed to provide the information and be present on the next hearing along with the explanation for not attending to the RTI application within the time prescribed under the RTI Act.

The case was last heard on **17.08.2020**, through video conferencing at DAC Ludhiana. Both the parties are absent. The Commission received an authority letter of Ms.KiranjitKaur via email authorizing Sh.Satinder Pal Singh to pursue her case which was taken on the file of the Commission. The appellant also informed that the PIO has not provided the information.

Appeal Case No. 3800 of 2019

Since there had been an enormous delay of more than one year in attending to the RTI application, and PIO did not provide the information nor had appeared before the Commission, the PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file reply on an affidavit**. The PIO was also directed to appear personally before the Commission on the next date of hearing along with the written replies.

On the date of last hearing on **29.09.2020**, the appellant informed that the PIO has not provided the information. The respondent was absent.

The Commission observed that the appellant to collect the information had to suffer undue inconvenience, the PIO-Under Secretary, Estt.-1, PSPCL Focal Point, Ludhiana was directed to pay an amount of **Rs.3500/-** via demand draft drawn through Govt. Treasury as compensation to the appellant and inform the Commission of the compliance of the order and submit proof of having compensated the appellant. The PIO was also directed to provide the information to the complainant within 10 days and appear personally on the next date of hearing.

At the last hearing, the PIO was issued a show cause notice for not attending to the RTI application within the time prescribed under the RTI Act and constant breakdown of the implementation of the RTI Act. The PIO was directed to file a written reply to the show cause notice on an affidavit. The PIO was also directed to provide the information to the appellant within 10 days of the receipt of the order.

Since the PIO –PSPCL, Focal Point, Ludhiana was Superintending Engineer, PSPCL, Sarabha Nagar Ludhiana who was absent on 4th consecutive hearing nor has complied with the order of the Commission, a bailable warrant through SSP-Ludhiana was issued under section 18(3) of the RTI Act, to secure his presence before the Commission on 26.10.2020 which date was postponed to 06.01.2021

Hearing dated 06.01.2021:

The appellant claims that the PIO has not provided the complete information on point-1 & 2 as well as not paid the compensation amount. The PIO is absent.

Sh.Jagdish Singh, Sr. Xen-Focal Point Ludhiana is present and informed that the information regarding point-1 relates to Sr.Xen/Op. PSPCL Division Raikot and point -2 relates to under Secretary (Est-1) PSPCL Ludhiana.

As per respondent, when the show cause was issued, Sh.Sukhminder Singh was the PIO who has since been transferred and is posted as Dy. Chief Engineer(Production & maintenance), Circle Jalandhar and now Sh.Som Nath Mali, Dy. Chief Engineer(HQ)(Central Zone), PSPCL Ludhiana is the present PIO.

Appeal Case No. 3800 of 2019

From the hearing, it is concluded that the earlier PIO has been transferred and a new PIO has joined. The current PIO is directed to ensure compliance of earlier orders of the Commission and provide the remaining information (mentioned above) as well as compensation amount to the appellants.

Since the reply to the show cause has not been filed yet, Sh.Sukhmander Singh, Dy. Chief Engineer(Protection & maintenance), Circle Jalandhar (earlier PIO-PSPCL Focal Point Ludhiana) is directed to file reply to the show cause notice otherwise it will be presumed that he has nothing to say in the matter and the Commission will act against the PIO in terms of provisions of section 20 of the RTI Act.

The case is adjourned. To come up further hearing on **28.04.2021 at 11.00 PM.**

Chandigarh
Dated:06.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

- CC to 1. Superintending Engineer,**
PSPCL, Opp.PAU,
Sarabha Nagar, Ludhiana.
- 2. Sh.Sukhmander Sing, Dy. Chief Engineer**
(Protection & maintenance),
Circle Jalandhar
(earlier PIO-PSPCL Focal Point Ludhiana)