

PUNJAB, STATE INFORMATION COMMISSION
Sector-16, Madhya Marg, Near Rose Garden, Chandigarh

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E-mail-Psicsic30@punjabmail.gov.in

Sh.Ankit Jain, S/o Sh.Yashpal Jain,
1006, Morni Wala Khoo,
Dera Bassi, Mohali.

... Complainant

Versus

Public Information Officer,
O/o Chief Administrator,
GMADA, Mohali.

...Respondent

Complaint Case No. 528 of 2018

Present: Sh.Ankit Jain as Complainant
None for the Respondent

ORDER: The case was first heard on **20.08.2018**. The PIO was also directed to be present personally on the next date of hearing and explain the reasons for not providing the information within the time prescribed under RTI Act. and why the RTI was not attended to.”

The case was again heard on **17.09.2018**. The PIO was directed to be present personally on the next date of hearing and explain the reasons for providing mismatching information and also delay in responding to the RTI application. The reply should come on an affidavit.

The case again came up for hearing on **03.10.2018**. The respondent submitted a reply explaining the reasons for delay in responding to the RTI Application. Since the reply was not on an affidavit, the PIO was directed to send affidavit in a proper form. The PIO was further directed to enquire into the matter whether the RTI application was received from the post office and submit the enquiry report to the Commission on the next date of hearing.”

The case was last heard on **20.11.2018**. The order is reproduced hereunder:

“The respondent present has pleaded that in compliance with the orders of the Commission, the enquiry has been conducted and the action has been recommended against the erring official (diary clerk) for not passing on the RTI application to the concerned PIO. The respondent further informed that the information has been provided to the complainant. The complainant is not satisfied with the information.

The PIO is directed to relook at the RTI application and provide the information to the complainant within 10 days.”

Hearing dated 08.01.2019:

The respondent is absent. The Commission has received a letter diary No.24232 dated 3.12.2018 from the PIO stating therein that the information has been sent to the appellant. The appellant stated that he has received only a forwarding letter but without information. The appellant further stated that after the receipt of this letter, he visited the office of the PIO and collected the information regarding point No1 which however, is not certified. The appellant further informed that the information regarding point No.2 has not been provided.

The PIO is directed to provided certified copy of the information regarding point No1 and also send the information regarding point No.2 to the appellant within a week otherwise non-compliance of this order will attract action as per RTI Act.

To come up for further hearing on **25.02.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 08.01.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Er Satwant Singh,
H No-827, Phase-3B1,
Mohali.

... Complainant

Versus

Public Information Officer,
O/o Estate Officer,
GMADA, Sector-62, Mohali.

...Respondent

Complaint Case No. 925 of 2018

Present: Sh.Satwant Singh, as Complainant
Sh.Gulshan Kumar, PIO- GMADA Mohali for the Respondent

Order:

The case was last heard on **14.11.2018**. The order is reproduced hereunder:

“The complainant through RTI application dated 20.07.2018 has sought information regarding action taken report on the letter dated 28.07.2017 bearing subject building violation made by Sh.Sandeep Singh owner of house No.828, Phase-3b-1 SAS Nagar and other information concerning the office of Estate Officer, GAMADA Mohali. The complainant was not provided the information after which he filed complaint to the Commission on 23.08.2018.

The respondent present has brought action taken report. The complainant is absent. The respondent is directed to send the action taken report to the complainant through registered post. The PIO is also directed to be present personally on the next date of hearing and explain the reasons for delay in attending to the RTI application as per RTI Act.”

Hearing dated 08.01.2019:

The respondent present pleaded that the action taken report has been provided to the complainant. The complainant is not satisfied and stated that the information is not as per the RTI application since the PIO has not taken action on all the legal notices sent by the complainant.

To ask for action on legal notices sent by the complainant is not in the ambit of the RTI Act. The PIO is directed to relook at the RTI application and provide action taken report on all the legal notices of the complainant within 10 days and send compliance report to the Commission.

The case is adjourned. Both the parties to be present on **25.02.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 08.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Nonihal Singh,
Ward No-13, Sodhi Farm,
Zirakpur.

... Complainant

Versus

Public Information Officer,
O/o Chief Administrator,
GMADA, Mohali.

...Respondent

Complaint Case No. 949 of 2018

Present: None for the Complainant
None for the Respondent

Order:

The case was last heard on **14.11.2018**. The order is reproduced hereunder:

“The complainant through RTI application dated 05.07.2018 has sought information regarding details of authorized and unauthorized residential and other colonies in the jurisdiction of Zirakpur Municipal Committee and other information concerning the office of Chief Administrator, GMADA, Mohali. The complainant was not provided the information after which he filed complaint to the Commission on 04.09.2018.

The respondent present has pleaded that since the information is voluminous, the complainant was asked to specify the information he wants vide letter dated 04.09.2018 but he has not turned up. The appellant is absent to plead his case. The respondent is also directed to bring proof of dispatch of this letter.”

Hearing dated 08.01.2019:

Since both the parties are absent, in the interest of justice, one more opportunity is granted and the case is adjourned.

Both the parties to be present **on 25.02.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 08.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Amar Singh, S/o Sh.Kehar Singh,
VPO Hambran, Ludhiana.

.....Appellant.

Versus

Public Information Officer,
SHO, Police Station,
Ladawal, Distt Ludhiana.

First Appellate Authority,
Police Commissioner,
Ludhiana.

...Respondent

Appeal Case No. 1368 of 2018

Present: Sh. Amar Singh as Appellant
None for the respondent.

ORDER: The case was first heard on **13.06.2018**. The respondent PIO was not present for pleading the case. PIO was directed to provide the information to the appellant under RTI Act and be present personally on the next date of hearing alongwith copy of information sent and proof of dispatch of information.

The case was again heard on **30.07.2018**: The PIO was absent. The PIO was directed to provide the information within 5 days of the receipt of orders. The PIO was also issued **show cause notice** and was directed to file an affidavit in this regard.

The case again came up for hearing on **29.08.2018**. The PIO was again absent. The PIO also did not reply to the **show cause notice** issued to him. The PIO was given one last opportunity to be present on the next date of hearing and file a detailed reply to the show cause issued to him on an affidavit failing which the Commission will be compelled to issue summons u/s 18(3)(a) of the RTI Act 2005.

The First Appellate Authority was also directed to look into the matter and resolve the RTI as per the orders of the Commission.”

The case further came up for hearing on **08.10.2018**. The PIO was again absent. To secure an erring PIO’s presence before the commission, the PIO, SHO Police Station Ladawal was issued bailable warrants u/s 18(3) of the RTI Act through Commissioner of Police Ludhiana for his present before the Commission on 20.11.2018. The PIO, SHO Police Station Ladawal was also directed to provide the information within five days of receipt of this order.

The case was last heard on **20.11.2018**. The order is reproduced hereunder:

“In the last hearing, the PIO Police Station Ladawal was issued bailable warrants through the Commissioner of Police, Ludhiana for not complying with the orders of the Commission. The PIO Police Station Ladawal is present and has brought some information to be provided to the appellant. The appellant says that he cannot read and he is to discuss the contents of the information with some-one. The PIO is directed to provide the complete information to the appellant within 5 days.

In the hearing on 30.07.2018, the PIO was issued show cause notice and he was directed to send reply to the show cause on an affidavit. The PIO has not submitted any reply to the show cause. The PIO is hereby directed to file reply to the show cause notice issued to him for delay in providing the information on an affidavit. The PIO is also directed to explain the reasons for not appearing before the Commission and for not complying with the orders of the Commission.”

Hearing dated 08.01.2019:

The appellant is present and stated that he has not received the information. However, when it was pointed out that the PIO had provided the appellant with the information and that the appellant had sought time to sift through since the appellant was illiterate, the appellant agreed and sought more time.

The Commission observes that the appellant is clearly trying to mislead the court and since the Commission cannot wait more and waste its precious time for the appellant to arrive at a decision whether the information sought is correct or not, the Commission finds no reasons to keep this case open. Given the circumstances, the show cause notice issued to the PIO is also withdrawn and the case is **disposed off and closed**.

However, at the last hearing, the PIO was directed to reply to the show cause notice to which the PIO has not replied but has preferred to be absent without intimation. The conduct of the PIO has been inappropriate and not in accordance with the spirit of the RTI Act. The Commission has taken a serious note of the conduct of the PIO and directs the SSP Ludhiana to look into this misconduct and take appropriate action against the PIO-Police Station, Ladowal as per Law.

Chandigarh
Dated: 08.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to SSP Ludhiana.

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Sh Iqbal Singh,
VPO Rasulpur, Tehsil Jagraon,
Ludhiana.

..... Appellant.

Versus

Public Information Officer,
DEO (SE),
Ludhiana.

First Appellate Authority,
DPI (SE), P.S.E.B,
Phase-8, Mohali

...Respondent

Appeal Case No. 1706 of 2018

Present: None for the Appellant
 None for the Respondent

ORDER:

The appellant through RTI application dated 31.12.2018 has sought time to inspect the complete file of letter No.5/60-06 Estt.Off (5)/4526 dated 22.04.2015 of DPI(SE) relating to his suspension period concerning the office of DPI(SE) Ludhiana. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 28.02.2018 which took no decision on the appeal.

The case was first heard **on 25.09.2018**. Since both the parties were absent, the case was adjourned.

The case was again heard on **06.11.2018**. Both the parties were absent without intimation to the Commission. The Commission had taken a serious view of this and the PIO was directed to be present personally on the next date of hearing and submit explanation for delay in attending to the RTI Application under the RTI Act. The appellant was also directed to be present on the next date of hearing otherwise the case will be decided ex-parte.

Hearing dated 08.01.2019:

The appellant is absent on 3rd consecutive hearing. It is presumed that the appellant has received the information and is satisfied. No further course of action is required. The case is **disposed off and closed**.

However, the Commission has observed that the PIO has been absent on earlier two hearings and has not responded about the status of the RTI application. The Commission has taken a serious view of this reckless attitude of the PIO and directs the PIO to be careful in attending to the RTI applications in future.

Chandigarh
Dated: 08.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Abhishek Garg, S/o Sh. Rakesh Kumar,
49/13, Street No-1, Lalheri Road, Gurbachan Colony, Khanna,
Distt Ludhiana

... Appellant

Versus

Public Information Officer,
Labour Welfare Commissioner,
Pb, Chandigarh.

First Appellate Authority,
Labour Welfare Commissioner,
Pb, Chandigarh.

...Respondent

Appeal Case No. 1717 of 2018

Present: None for the Appellant
None for the Respondent

ORDER:

The case was first heard on **30.08.2018**.

The respondent Sh.Deepak Kumar from the office of ALC Khanna pleaded that the information has been sent to the appellant on 19.06.2018 relating to their office. The appellant pleaded that he has not received the same. The respondent provided a copy of the same information, which however, was not a certified copy. The respondent was directed to provide.

The respondent Ms.Neelam from Labour Welfare Board, Chandigarh, pleaded that the information is not available with them and the same is available and has to be provided by ALC, Circle-6, Ludhiana.

The respondent Ms.Harpreet Kaur from ALC-Ludhiana-6 informed that the reply has been sent to the appellant on 29.05.2018. The appellant however informed that he has not received the same. The respondent again handed over the information to the appellant at the hearing.

The appellant pleaded that the information has been delayed as it was required by them for claiming labour welfare fund under Factories Act. The delay in information may cause a hindrance in availing the benefits.

The PIO was directed to explain the reasons for delay in providing the information and be present on the next date of hearing.

The case was again heard on **25.09.2018**: The order is reproduced hereunder:

The respondent Ms.Harpreet Kaur pleaded that the certified copy of the information that was sent to the appellant on 19.06.2018, was again provided to the appellant at the last hearing. The appellant is absent and vide email informed that he was not provided the certified copy of the information. The PIO was directed to send the certified copy of the information through registered post to the appellant within 3 days.

The respondent present from ALC-Ludhiana-6 pleaded that the information was sent to the appellant in time on 29.05.2018. However, the PIO did not explain the reasons for delay in providing the information. The PIO ALC-Ludhiana-6 was given last opportunity to be personally present on the next date of hearing and explain the reasons for delay in providing the information within the prescribed time under the RTI Act. The reply be filed on an affidavit.

The case was last heard on **06.11.2018**. The order is reproduced hereunder:

“The appellant is absent and vide email has sought adjournment. The appellant has further informed that he has not received the certified copy of the information. The PIO is directed to send certified copy of the information as per directions of the Commission.

The respondent is absent without intimation to the Commission. In the last hearing, the PIO was given last opportunity to be present and submit explanation for delay in providing the information which has not been submitted. The Commission has taken a serious view of this and the **PIO is directed 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** and for not complying with the orders of the Commission, he 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.”

Hearing dated 08.01.2019:

The appellant is absent and vide email has sought adjournment. The appellant has further informed that he has not received the certified copy of the information.

In the last hearing, the PIO was issued show cause notice and the PIO was directed to be present personally alongwith the written reply on an affidavit. The PIO has chosen not to be present and has not sent any reply to the show cause notice or sought leave of absence which suggests that the respondent has scant regard to the RTI. The Commission directs the PIO to send certified copy of the information to the appellant as well as bring the same on the next date of hearing. The respondent is afforded one more opportunity to reply to the show cause notice why penalty be not imposed upon the PIO for not complying with the orders of the Commission.

The case is adjourned. To come up on **25.02.2019 at 11.00 AM** for further hearing

Chandigarh
Dated: 08.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Ramesh Kumar, S/o Sh Amar Nath,
Village Dudhrai, P/O BhalaPind,
Tehsil Ajnala, Distt Amritsar.

....Appellant.

Versus

Public Information Officer,
O/o DPI (SE), P.S.E.B,
Phase-8, Mohali.

First Appellate Authority,
O/o DPI (SE), P.S.E.B,
Phase-8, Mohali.

...Respondent

Appeal Case No. 1660 of 2018

Present: **None for the Appellant**
 Sh.Kulwant Singh, Sr.Assistant O/o DPI(SE) (Establishment-IV) Mohali for the
 Respondent

ORDER: The case was first heard on 21.08.2018. The respondent present pleaded that the enquiry is pending and the information cannot be provided till the enquiry is completed.

However the Commission noticed that the appellant was not sent any reply within the prescribed time limit. The PIO was directed to apprise the appellant about his RTI application. He was also directed to explain to the Commission the reasons for delay in responding to the RTI as per RTI Act.

The case was again heard on **17.09.2018**. The PIO was absent. The PIO was directed to be present personally on the next date of hearing with valid explanation for being absent and for not responding to the RTI as per RTI Act. The appellant was also directed to be present on the next date of hearing for pleading his case otherwise the case will be decided ex-parte.

The case again came up for hearing on **03.10.2018**. Sh.Lalit Kishore PIO was present who pleaded that the enquiry is still pending. The respondent further stated that the PIO in this case is Director Public Instructions (Establishment-IV) and since the PIO, Establishment-IV is absent, he is pleading the case on their behalf. The PIO was directed to coordinate and provide the information to the appellant as per RTI application within 15 days of the receipt of the orders of the Commission.

The concerned PIO of (Establishment-IV) was also directed to be personally present on the next date of hearing with valid explanation which has led to the delay in handling this RTI application.

The case was last heard on **20.11.2018**. Sh.Baljinder Singh, PIO-DPI(SE) (Estb.-IV) was present. The order is reproduced hereunder:

“The respondent present has pleaded that the enquiry is still pending. In the last hearing, the PIO was asked to submit explanation for delay in handling the RTI application. The respondent has brought an affidavit. However, the affidavit does not contain the reasons for delay in handling the RTI application. The PIO is directed to come clear on the reasons for delay in handling the RTI application and submit full report on the matter.”

Hearing dated 08.01.2019:

The appellant vide email has informed that he has received the information and the case be closed.

Since the information has been provided, no further course of action is required.

The case is **disposed off and closed**.

Chandigarh
Dated: 08.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Sarabjeet Singh Gill,
H No-60/35-P/376-1, Street No-8,
Maha Singh Nagar, P.O Dhandari Kalan,
Ludhiana.

Appellant.

Versus

Public Information Officer
O/o CA-Cum-Director, PUDA,
Mohali.

First Appellate Authority,
O/o CA-Cum-Director, PUDA,
Mohali.

...Respondent

Appeal Case No. 2950 of 2018

Present: None for the Appellant
Ms.Rupinder Kaur, APIO O/o PUDA for the respondent

Order:

The case was last heard on **13.11.2018**. The order is reproduced hereunder:

“The appellant through RTI application dated 14.06.2018 has sought information regarding approval of Tribune Colony set up village Kansal alongwith its area other information concerning the office of CA-cum-Director PUDA Mohali. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 14.07.2018 which took no decision on the appeal.

The respondent present has submitted a letter dated 12.11.2018 of the APIO vide which the appellant has been informed that the information relates to Municipal Committee and appellant to contact the concerned Municipal Committee for getting the information. However, the respondent has not transferred the RTI application to the concerned PIO. The respondent is also without any authority letter and has no clue of complete case file. He has come as a mere messenger of the letter of APIO. The Commission will not entertain any representative who is not apprised of the case file.

The PIO is directed to forward the RTI application to the PIO of the concerned Municipal Committee and the PIO concerned is directed to send the information to the appellant before the next date of hearing as per RTI application. The PIO- PUDA is also directed to explain the reasons for not forwarding the RTI application to the concerned PIO within the time prescribed under the RTI Act and be present on the next date of hearing.”

Hearing dated 08.01.2019:

The respondent present pleaded that since the information relates to the office of MC Nayagaon, the RTI application has been transferred to them vide letter dated 22.11.2018.

The PIO-MC Nayagaon is absent and has not provided the information. The PIO-MC Nayagaon is directed to provide the information to the appellant as per RTI application forwarded by the PIO-PUDA on 22.11.2018, within 15 days and be present personally on the next date of hearing.

The PIO-PUDA is also directed to explain the reasons for delay in forwarding the RTI application to the concerned PIO within the time prescribed under the RTI Act. The explanation be sent to the Commission within a week by registered post.

To come up for further hearing **on 25.02.2019 at 11.00 AM.**

Chandigarh
Dated: 08.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Karamjeet Singh, S/o Lt Sh Maghar Singh,
H No-1169, Khanna Nagar, Ward No-12,
Bypass Road, Lehra Gaga, Distt Sangrur.

Appellant.

Versus

Public Information Officer,
Chairman Cum Managing Director,
PSPCL, Patiala.

First Appellate Authority,
Deputy Secretary, Power Deptt,
Pb Civil Secretariat-2, Sector-9,
Chandigarh

...Respondent

Appeal Case No. 3008 of 2018

Present: Sh.Karamjeet Singh as Appellant
Sh.Abhimanyu Sr.Asstt. O/o Secretary Power Deptt.Pb Chandigarh for the Respondent

Order:

The case was last heard on **14.11.2018**. The order is reproduced hereunder:

“The appellant through RTI application dated 15.03.2018 has sought information regarding action taken on the letter No.7/58/2017/CMO/Gov/4524 dated 15.02.2018 of Sh.Sukhcharan Singh, Under Secretary O/o Hon’ble Chief Minister and and other information concerning the office of Chairman-cum-Managing Director, PSPCL Patiala. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 28.03.2018 which disposed off the appeal on 30.04.2018.

The respondent present has pleaded that the information regarding point No.1 has been provided to the appellant and the information regarding points 2 to 5 are in question form. The respondent further pleaded that the information regarding point No.6 relates to the office of the Chairman-cum-Managing Director, PSPCL Patiala. The appellant is not satisfied with the reply of the respondent. The PIO is directed to relook at the RTI application and collect the information from the concerned department and send it to the appellant within 10 days.”

Hearing dated 08.01.2019:

The respondent present has pleaded that in compliance of the order of the Commission, the information has been resent to the appellant vide letter dated 20.11.2018. The information regarding points 6 & 7 has also been sent to the appellant by the office of Senior Executive Engineer, Distribution, PSPCL Lehragaga vide letter dated 27.12.2018 and a copy of the same is submitted to the Commission. The appellant is absent and has not pointed out any discrepancies. It is presumed that the appellant has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 08.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Gurdeep Singh, S/o Sh Darshan Singh,
VPO Thuhi, Tehsil Nabha, Distt Patiala.

Appellant.

Versus

Public Information Officer,
Chief Administrator, PUD,
Mohali.

First Appellate Authority,
Chief Administrator, PUDA,
Mohali.

...Respondent

Appeal Case No. 3010 of 2018

Present: Sh.Gurdeep Singh as Appellant
Ms.Rupinder Kaur, APIO PUDA Mohali for the Respondent

Order:

The case was last heard on **14.11.2018**. The order is reproduced hereunder:

“The appellant through RTI application dated 27.04.2018 has sought information regarding applications received for approval of unauthorized colonies set up in Tehsil Fatehgarh Sahib from 01.01.2005 to 31.12.2017 and other information concerning the office of Chief Administrative, PUDA Mohali. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 11.06.2018

The respondent present has submitted a letter dated 10.08.2018 vide which the appellant has been asked to specify the information. The respondent pleaded that since the information is voluminous and the appellant has not specified the information he wants.

I have seen the file and observed that the respondent has not replied to the RTI application well in time and First Appellant Authority has also not taken any decision on the appeal of the appellant dated 11.06.2018. The PIO is directed to relook at the RTI application and provide the point-wise information to the appellant. The PIO is also directed to be present personally on the next date of hearing and explain the reasons for delay in attending to the RTI application.”

Hearing dated 08.01.2019:

The appellant stated that a specific list was sent to the PIO as per order of the Commission but yet the information has not been provided. The PIO is directed to provide the information to the appellant within 15 days and send compliance report to the Commission.

To come up on **29.01.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 08.01.2019

Sd/-
(Khushwant Singh)
State Information Commissioner