**PUNJAB STAE INFORMATION COMMISSION**

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

**Tele No.0172-2864112 FAX No. 0172-2864125 visit us: @www.inforcommpunjab.com**

**Email:** [**psic22@punjabmail.gov.in**](mailto:psic22@punjabmail.gov.in)

Sh. Narinder Kumar Bitta

S/o Sh. Rai Sahib,

House No. 2438 A, Street No. 2,

Sri Guru Nanak Nagar, Near 16Acre

Barnala. Appellant

Versus

Public Information Officer

O/o Nagar Council,

Bhadaur, Distt. Barnala

First Appellate Authority

O/o Regional Deputy Director ,

Local Govt, Mini Sett. Patiala Respondents

**APPEAL CASE NO.155/2018**

Date of RTI application :09.05.2017

Date of First Appeal :26.07.2017

Date of order of FAA :Nil

Date of 2nd Appeal/complainant: 29.12.2017

**Present:** None.

**ORDER**

It shall be appropriate to reproduce the order passed on 21.03.2018:

*“The video conference could not mature because of some technical glitch.*

*The appellant is seeking information relating to the various activities of the Nagar Council, Bhadaur for a period of ten years.*

*Sh. Nikhil Kumar appearing on behalf of the respondents says that the record is massive and it shall be in the fitness of things in case the appellant inspects and identify the particular record so that its certified copies could be provided to him. The Commission agrees with the plea of respondents. The provision of the record in its entirety as asked for by him shall definitely divert their resources significantly. The Regional Deputy Director, Local Bodies, Ludhiana in his order dated 17.10.2017 has*

*Contd…page…2*

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***APPEAL CASE NO.155/2018***

*advised the respondents to allow him the inspection and provide him the copies as mentioned above.*

*On its face the Commission does not see any infirmity in the order passed by the Regional Deputy Director, Local Bodies, Ludhiana. However in the interest of natural justice an opportunity is afforded to the appellant to specifically point out any illegality in the order passed by the Regional Deputy Director – cum – First Appellate Authority so that holistic view of the entire case is taken.*

None is present on behalf of the parties. The impugned order as per above observations stands upheld. The appeal is **dismissed.**

**Sd/-**

**08.05.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. P.K. Gupta

S/o Sh. Jagdish Chand,

#1-G, Kitchlu Nagar, Near Ram Ashram,

Ludhiana Complainant

Versus

Public Information Officer,

O/o Ludhiana Improvement Trust,

Ludhiana. Respondent

**COMPLAINT CASE NO.48/2018**

Date of RTI application : 06.10.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :01.01.2018

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

Sh. Harmeet Singh, Jr. Assistant, APIO, O/o Improvement Trust, Ludhiana – for Respondent.

**ORDER**

The Commission had made the following order on 28.03.2018:

*“The respondent is absent. No reply has also been filed by them. The Commission takes a strong exception to the cavalier attitude of the respondent not only in having denied the information, but also ignoring the notice of the Commission. Before the penal action for imposition of penalty is taken, an opportunity is afforded to them to do the needful under intimation to the Commission. Besides a written statement explaining their conduct should also be filed before the next date of hearing positively.”*

The case has come up today. The complainant is not present.

Sh. Harmeet Singh, Jr. Assistant appearing on behalf of the respondent has filed a copy of the written statement issued vide No.8426 dated 07.05.2018. It has been submitted that the relevant file has been sent to the Chief Engineer of Improvement Trust in the Department of Local Government, Punjab, Chandigarh, for approval of the comparative statements made by their Engineering Department. The information shall be parted with as and when the same is received back.

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**COMPLAINT CASE NO.48/2018**

Though the complainant is not present yet the Commission finds that the response of the respondent is at variance with the provision of law.

The PIO was required to pass on the application or its part to the concerned officials with whom the information lay under Section 6(3) of the Act within five days of the receipt of the application. Having failed to do so the onus of non-compliance lies on him/her only. It is already more than six months when it should have been dispensed within 30 days. The Commission feels that the information has been willfully withheld.

The PIO is, thus, 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 Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on himfor causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him and why his appointing authority should not be directed to take disciplinary action against 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. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.

To come up on **14.06.2018 at 11.30 AM.**

**Sd/-**

**08.05.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**CC: The PIO – cum – Executive Office r, Improvement Trust, Ludhiana, for n/a.**

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Sh. Surinder Singh

Ex Member Gram Panchayat, Kadiana

P.O. & Block Adampur

Distt. Jalandhar Complainant

Versus

Public Information Officer

O/o Director General of Police, Punjab

Punjab Police Headquarters, Sejctor-9,

Chandigarh. Respondent

**COMPLAINT CASE NO.33/2018**

Date of RTI application :17.11.2017

Date of First Appeal :Nil

Date of order of FAA :Nil

Date of 2nd Appeal/complainant:01.01.2018

**Present:** Sh. Balwinder Singh on behalf of the complainant.

1. SI Avtar Singh, RTI Incharge, Pb. Vigilance Bureau,

2. ASI Anil Rattan, Pb Vigilance Bureau, Chandigarh at Commission’s office, Chandigarh – for Respondent.

**ORDER**

The respondent says that the enquiry report has been sent to the Department for proceeding against the delinquent officials departmentally. It has been provided to the complainant as well. He is satisfied. The Commission does not see further requirement of intervention into the issue under RTI Act.

**Disposed.**

**Sd/-**

**08.05.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

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Sh. Raj Kumar Sethi,

#71-D, Rajguru Nagar,

Ludhiana Appellant

Versus

Public Information Officer

O/o Executive Officer,

Nagar Improvement Trust, Ludhiana

First Appellate Authority

O/o Addl. Chief Secretary to Govt. of Punjab,

Department of Local Govt. Plot No.3, Sector-35-A,

Sathanik Sarkar Bhawan, Chandigarh. Respondents

**APPEAL CASE NO.105/2018**

Date of RTI application :14.09.2017

Date of First Appeal :03.11.2017

Date of order of FAA : Reply 04.10.2017

Date of 2nd Appeal/complainant:23.12.2017

**Present:** Sh. Raj Kumar Sethi, Appellant in person.

1. Sh. Jasbir Singh, PIO – cum – Supdt., LG 2 Br., Local Govt. Deptt.,

2. Sh. Abhisek, Sr. Assistant, O/o Director, Local Govt., Pb. – for Respondents.

**ORDER**

The Commission had made the following observations on 21.03.2018:

*“The appellant is aggrieved with the inaction on the part of the respondents towards restoration of the cancelled plot even when the government has already taken a policy decision to do the needful following the directions of Hon’ble Punjab & Haryana High Court made in the civil writ. The respondents are evasive. They have not provided him the information sought on the above score.*

*Sh. Jasbir Singh Dhanoa, PIO – cum – Superintendent, Local Govt. 2 Br., Plot No. 3, Sathanik Bhawan, Sector – 35, Chandigarh, is directed to come present in person and explain the reasons of suppression of the information.”*

It transpires that the issue in hand pertains to the Trust Service Cell, O/o Director of Local Govt., Pb. Whereas LG 2 branch deals with the establishment matters only.

The Commission feels that the appellant is being put to needless harassment by

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**APPEAL CASE NO.105/2018**

withholding the information. The PIO – cum – Superintendent, Trust Service Cell, O/o Director, Local Government, Pb. is directed to furnish the information and file a written statement before the next date of hearing positively.

**To come up on 14.06.2018 at 11.30 AM.**

**Sd/-**

**08.05.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The PIO – cum – Superintendent, Trust Service Cell, O/o Director of Local Government, Punjab, Sathanik Sarkar Bhawan, Plot No. 3 A, Sector 35 A, Chandigarh, for n/a.**

**CC: Sh. Jasbir Singh Dhanoa, PIO – cum – Superintendent, LG 2 Br., Department of Local Govt., Punjab, Sathanik Sarkar Bhawan, Plot No. 3 A, Sector 35 A, Chandigarh.**

**CC: The Director of Local Govt., Punjab, Sathanik Sarkar Bhawan, Plot No. 3 A, Sec.35 A, Chandigarh, for n/a.**

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Sh. Ajadwinder Singh

S/o Sh. Amrik Singh,

Village Burar, Tehsil Patran,

Distt. Patiala. Appellant

Versus

Public Information Officer,

O/o Tehsildar,

Patran, Distt. Patiala.

First Appellate Authority

O/o Sub Divisional Magistrate,

Patran, Distt. Patiala. Respondents

**APPEAL CASE NO.463/2018**

Date of RTI application : 29.08.2017

Date of First Appeal :10.11.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 25.01.2018

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

Sh. Amit Kumar, Clerk, Tehsil office, Patran – for Respondents.

**ORDER**

The following observations were made by this forum on 22.03.2018:

*“The respondents represented by Sh. Amit Kumar state that the information has been sent to the appellant on 15.02.2018. The appellant who is absent is advised to confirm the receipt as reported by the respondents.”*

The respondents reiterate their contention. As the appellant is absent without intimation and nothing has been heard from him, it is presumed that he is satisfied with the information provided to him

**Disposed.**

**Sd/-**

**08.05.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Pawan Kumar Sharma, Advocate,

S/o Sh. Bhagwant Kishore,

House No.585, Phase -2,

S.A.S. Nagar. Complainant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Municipal Bhawan, Sector- 68,

S.A.S. Nagar Respondent

**COMPLAINT CASE NO.101/2018**

Date of RTI application : 27.11.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 11.01.2018

**Present:** Sh. Pawan Kumar Sharma, Complainant in person.

None on behalf of the Respondent.

**ORDER**

The Commission had observed on 22.03.2018 as under:

*“The complainant is aggrieved with inaction on the part of the respondent on an application made by him on 30.08.2017. The respondent has sent a reply to him a copy of which has also been endorsed to the Commission.*

*The complainant rebuts the contention made by them in their reply. The respondent is absent. The Commission feels that it shall be in the fitness of things to afford him another opportunity. While taking a serious note of their absence it is directed that they should reveal the available information to the applicant and join the hearing on the next date positively. Be it noted that another opportunity shall not be given and the respondent shall be proceeded against for imposition of penalty.”*

The case has come up today. The Commission finds that the complainant is seeking an action on the part of the respondent to develop and upkeep a park situated in Phase 2, Mohali facing H.Nos.380 to 555. Essentially it is a grievance and not an application seeking information. The Commission appreciates the concern of the complainant and directs the municipal contd..page…2

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**COMPLAINT CASE NO.101/2018**

authorities to look into his grievance and take appropriate action towards the proper maintenance of the park which falls in the domain of their duty.

**Disposed.**

**Sd/-**

**08.05.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Sandeep Khattri

R/o # 130/B6, Gulmohar City,

Dera Bassi Distt. S.A.S. Nagar. Appellant

Versus

Public Information Officer,

O/o Municipal Council,

Dera Bassi, Distt. S.A.S.Nagar

First Appellate Authority

O/o Regional Deputy Director,

Local Govt. Mini Sectt.

Patiala Respondent

**APPEAL CASE NO.453/2018**

Date of RTI application : 09.08.2017

Date of First Appeal : Nil

Date of Order of FAA : Reply 01.09.2017

Date of 2nd Appeal/complaint : 25.01.2018

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

Sh. Sarbjeet Singh, Building Inspector, MC Office, Dera Bassi – for Respondents

**ORDER**

The Commission had made the following observations on 22.03.2018:

*“The appellant had sought information with reference to a colonization project and its approval by the respondents. In the written statement the, respondents have taken a plea of ‘personal information’ of the project and has sought an exemption available to them under Section 8 (i) (j) of the Act. The Commission feels that the information concerns a public activity and it should be in public domain. Their contention is thus over-ruled. They are advised to arrange the inspection of record by the appellant and should give him certified copies of the documents identified by him but not beyond fifty pages.”*

The case has come up today. Sh. Sarbjeet Singh, Bldg. Inspector appearing on behalf of the respondents has brought along the information. As the appellant is absent the same obviously cannot be delivered on him. The respondents are directed to send it by post under intimation to the Commission.

**Disposed.**

**Sd/-**

**08.05.2018 (Yashvir Mahajan)**

**State Information Commissioner**