**STATE INFORMATION COMMISSION, PUNJAB**

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

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Sh. Som Nath Grover

S/o Sh. Diwan Chand Grover,

House No.259, Anand Vihar, Phase-II,

Peer Baba Road, Baltana Zirakpur

 Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council, Zirakpur

Distt. S.A.S Nagar

First Appellate Authority

O/o Engineer-in-Chief,

Punjab Water Supply & Sewerage Board,

Plot No.1-B, Sector-27-C, Chandigarh Respondents

 **APPEAL CASE NO.2472/2017**

Date of RTI application : 03.08.2016

Date of First Appeal : 14.12.2016

Date of Order of FAA : Reply 26.10.2016

Date of 2nd Appeal/complaint :20.06.2017

**Present:** Sh. Som Nath Grover, Appellant in person.

 1. Sh. Mahesh Chawla, XEN, Water Supply & Sewerage Board,

 2. Sh.Ram Gopal, Jr. Assistant, MC Office, Zirakpur – for Respondents..

**ORDER**

Having failed to get a suitable response from the respondents to his original application dated 03.08.2017 the appellant says that he has been constrained to file second appeal with the Commission. In fact he is aggrieved with the demand note alleged to have been incorrectly served on him in respect of a water supply connection.

 The respondents have brought along the information which has been passed on to the appellant in the Court itself. The respondents admit that the demand has been incorrectly raised in one of his accounts which they undertake to withdraw. The appellant is satisfied with the proposed action as well as information provided to him. The Commission finds that no more intervention seems called for. The appeal is **disposed.**

 **Sd/-**

**09.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Navdeep Gupta,

Kothi No.455, Gillco Valley, Kharar

Distt. S.A.S. Nagar.

 Appellant

Versus

Public Information Officer,

O/o State Information Commission, Punjab,

Red Cross Building, Sector-16, Madhya Marg,

Chandigarh

First Appellate Authority

O/o State Information Commission, Punjab,

Red Cross Building, Sector-16, Madhya Marg,

Chandigarh Respondents

 **APPEAL CASE NO.2533/2017**

Date of RTI application : 01.05.2017

Date of First Appeal : 21.06.2017

Date of Order of FAA : 04.08.2017

Date of 2nd Appeal/complaint :13.09.2017

**Present:** Sh. Navdeep Gupta, Appellant in person.

 1. Sh. Sudhir Kumar, SO, PSIC – for Respondents.

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

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**ORDER**

Having failed to get a satisfactory reply from the respondents the appellant filed a second appeal with the Commission.

 The respondent says that the appellant has been suitably informed. The appellant says that he still remains to be informed about the realization of penalty from PIO/APIOs during the period from 01.01.2012 to 01.04.2017 as imposed by the Commission. The respondents submit this information is not being maintained by them in consolidated form. They are directed to forward this part of his application to the State Treasury Office with the advice to provide the information to the appellant within fifteen days from the receipt of the communication positively.

  **Disposed.**

 **Sd/-**

**09.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Udit Bhatia,

House No.2066/2, Sector-47 C,

Chandigarh Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

S.A.S.Nagar.

First Appellate Authority

O/o Joint Commissioner,

Municipal Corporation,

S.A.S.Nagar. Respondents

 **APPEAL CASE NO.2537/2017**

Date of RTI application : 03.03.2017

Date of First Appeal : 12.06.2017

Date of Order of FAA : Reply 24.07.2017

Date of 2nd Appeal/complaint :29.08.2017

**Present:** Sh. Udit Bhatia, Appellant in person.

. Sh. Sarbjeet Singh, PIO – cum – Assistant Commissioner, MC, Mohali – for Respondents.

**ORDER**

Heard. The appellant had sought a detailed information in 36 points concerning the upkeep of the cattle in gaushala in Phase – 1, Industrial Area, Mohali.

 The respondent says that most of the information was furnished to the information seeker earlier. They have brought along the remainder of information. The same has been handed over to the appellant on spot. He seems satisfied. The appellant says that there is uncalled for delay in providing the information. Besides he submits that he was desired to pay the cost of the information to the extent of one hundred pages whereas the information comprised in 37 pages only has been given.

 The respondent submits that since the information sought was quite exhaustive the exact number of pages involved could not be ascertained. The respondents are directed to refund the amount in excess of the actual cost involved as determined under the law. They are also cautioned to be watchful in future.

 **Disposed.**

 **Sd/-**

**09.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Puneet K Sharma Advocate

Chamber No.349, 2nd Floor,

Yadvindra Complex,Lawyers Chamber,

Distt. Courts, Patiala

 Appellant

Versus

Public Information Officer,

O/o Commissioner/Mayor,

Municipal Corporation,

Patiala

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Patiala Respondents

 **APPEAL CASE NOs.2562 and 2565 of 2017**

Date of RTI application : 28.10.2016

Date of First Appeal : 20.03.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :12.09.2017

**Present:** Adv. Puneet K. Sharma, Appellant in person.

 Sh. Harvinder Singh, Sanitary Inspector, MC office, Patiala – for Respondents.

.

**ORDER**

Since the appellant and the respondent are same and the subject is identical a single order shall dispose of both the appeals.

 The original application was filed by the appellant on 28.10.2016. Having failed to get a suitable reply/information from the respondent the appellant has filed a second appeal with the Commission on 12.09.2017. There is a significant delay in filing the second appeal. The appellant says that an important issue is under contention. He has been hoping against hope to get the information timely from the respondent. He pleads to condone the delay. Essentially the sought for information relates to the regulation mechanism in place to ensure the hygiene of the eatable being dispensed in the municipal areas of the respondent authority. The respondent says that the issue in Contd…page…2

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**APPEAL CASE NOs.2562 and 2565 of 2017**

hand is being handled/monitored by the Civil Surgeon, Patiala. The original application was duly forwarded to him on 16.11.2016 under Section 6(3) of the Act. He further says that a separate application on the same score was also filed to the Civil Surgeon, Patiala.

 However, the same stays un-responded. The Commission takes a serious note of the apathy and the indifference shown by the office of the Civil Surgeon. It deems it as a case of willful denial of information. Before a penal action is taken the PIO in the office of the Civil Surgeon, Patiala is directed to suitably inform the appellant of the information sought by him besides explaining the uncalled for delay in providing the information.

 To come up on **07.12.2017 at 11.30 AM.**

 **Sd/-**

**09.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Public Information Officer, O/o**

 **The Civil Surgeon, Patiala.**

**CC: The Civil Surgeon, Patiala, for information and n/a.**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Tejinder Singh, Advocate,

House No.836, MIG, PHB Colony, Jamalpur

Ludhiana Complainant

Versus

Public Information Officer,

O/o Station House Officer,

Police Station, Model Town,

Patiala Respondent

 **COMPLAINT CASE NO.940/2017**

Date of RTI application : 24.07.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :05.09.2017

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

 1. ASI Gurdeep Singh, Incharge, PP Chowki, Model Town, Patiala, and

 2. ASI Ajit, SSP office, Patiala – for Respondent.

.

**ORDER**

 The complainant had sought information relating to an FIR No. 57 dated 04.04.2012 registered in the Police Station of Civil Lines, Patiala.

 The respondents have filed a reply in which it has been pleaded that the entire record pertaining to the application has since been supplied to him.

 The complainant has requested for adjournment. His request is acceded. The matter shall be reheard on **07.12.2017 at 11.30 AM.**

 **Sd/-**

**09.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Navdeep Gupta,

Kothi No.455, Gillco Valley, Kharar

Distt. S.A.S. Nagar. Complainant

Versus

Public Information Officer,

O/o Deputy Commissioner,

Fatehgarh Sahib. Respondent

 **COMPLAINT CASE NO.962/2017**

Date of RTI application : 26.06.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :05.09.2017

**Present:** Sh. Navdeep Gupta, Complainant in person.

 1. Smt. Usha Rani, Supdt. Grade I, and

 2. Sh. Balwinder Kumar, Clerk, M.A. Branch, DC Office, Fatehgarh Sahib – for Respondent.

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**ORDER**

Having failed to get a suitable reply from the respondent to his original application dated 26.06.2017 the complainant has filed a complaint with the Commission against the respondent.

 The respondent says that the complainant has been suitably and timely informed with reference to his original application. A copy of the response has been shown to the Commission which has been taken on record. No further action seems called for.

 **Disposed.**

 **Sd/-**

**09.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Navdeep Gupta,

Kothi No.455, Gillco Valley, Kharar,

Distt.S.A.S. Nagar

 Complainant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,

S.A.S.Nagar. Respondent

 **COMPLAINT CASE NO.964/2017**

Date of RTI application : 11.07.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :03.09.2017

**Present:** Sh. Navdeep Gupta, Complainant in person.

 ASI Ravinder Singh, RTI Cell, O/o SSP, Mohali – for Respondent.

.

**ORDER**

The complaint has been filed on the alleged inadequate and deficient supply of information on an application filed by the complainant on 11.07.2017. The main grouse of the complainant is that the respondents are obliged to maintain a record in terms of the guidelines purported to have been issued by the Hon’ble Supreme Court of India in a criminal appeal titled Lalita Kumari versus State of U.P. and others, decided on 12.11.2013. He has also referred to an order passed by the Central Information Commission, New Delhi on 05.12.2014 in a case titled R.K.Jain versus the Department of Legal Affairs, Ministry of Law & Justice, Government of India, New Delhi wherein similar directions have been passed. A copy of these documents have also been passed on to the respondents. They are directed to file a suitable reply after providing the information to the complainant before the next date of hearing positively.

 The matter shall be reheard on **07.12.2017 at 11.30 AM.**

 **Sd/-**

**09.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Manjit Singh,

House No.388/3, Bahera Road,

Patiala Appellant

Versus

Public Information Officer,

O/o Senior Supdt of Police (Vigilance Bureau),

Patiala ( Punjab)

First Appellate Authority

O/o Director,

Vigilance Bureau, Punjab,

SCO: 60-61, Sector-17-D.

Chandigarh Respondents

 **APPEAL CASE NO.1912/2017**

Date of RTI application : 13.12.2016

Date of First Appeal : 22.05.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 18.07.2017

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

 1. S.I. Avtar Singh, O/o Chief Director, Vigilance Bureau, Pb.,

 2. Sh. Krishan Lal, Superintendent – cum - APIO, O/o Director, Vigilance Bureau, Pb,, on behalf of FAA.

 3. Sh. Rajiv Kumar, Superintendent, Transport – 2 Br., Pb. Civil Sectt.,

 4. HC Mandeep Singh, Vigilance Bureau, Patiala – for Respondents.

**ORDER**

 The Commission in its interim order dated 17.10.2017 observed as under:

 *“It shall be worthwhile to reproduce the interim order passed on 31.08.2017 as*

*under :-*

 *“The appellant had asked for a copy of statements recorded by the respondents in an inquiry made by them on a complaint filed by the appellant. The respondents submit that they have sent their recommendations along with complete documentation to the office of the Principal Secretary, Transport for proceeding appropriately against the delinquent officials. The respondents are directed to forward a copy of his original application to the office of the Principal Secretary, Transport, Punjab, the PIO of whom shall arrange to provide the information to the appellant within Contd…page…2*

 *-2-*

***APPEAL CASE NO.1912/2017***

*thirty days from the receipt of this order.”*

*The case has come up today for hearing. The appellant has sought adjournment on*

 *account of his business in another urgent affair. The respondents say that the Principal Secretary, Transport in a communication sent to them on 04.10.2017 has denied the receipt of the original application along with the report of the Vigilance Department as mentioned above. The respondents in the Vigilance Bureau, Punjab, has produced before the Commission a copy of the letter sent to them along with the enclosures which relates to the information sought by the appellant. In the face of the documents produced by the Vigilance Bureau, the plea taken by the Department of Transport is not tenable. The PIO in the office of the Principal Secretary Transport is hereby required to file a written reply about the missing information positively before the next date of hearing. Be it noted that any laxity shall involve serious consequences.”*

The case has come up today. As desired the PIO in the office of the Principal Secretary, Transport has submitted an affidavit wherein they have admitted the receipt of vigilance enquiry report against Sh. Jasvir Singh, Motor Vehicle Inspector, a copy of which has already been provided to the appellant. However, the enclosures as referred to in the original application are not available in their office. The respondent further says that consequent upon the receipt of an enquiry report from the Vigilance Bureau, Sh. Jasvir Singh, Motor Vehicle Inspector along with an official of his office has been charge-sheeted and a regular enquiry is under progress.

 The respondents further say the appellant is not acting pro bono. In fact he has been working unofficially in the background for the above Inspector and having fallen apart he is settling a score ! The appellant admits the insinuations thus made by the respondents and claims in the Court *Contd…page…3*

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***APPEAL CASE NO.1912/2017***

that he had to dish out evenly as he was framed in a criminal case by the M.V.I.

 Having considered the issue in entirety the Commission finds that all is not
hunky-dory in the office of the Motor Vehicle Inspector, Patiala. It is being openly admitted that the agents are illegally operating on behalf of the Public Authority and the sham inspections are being conducted without the physical examination of the vehicles. The number of vehicles stated to be inspected on a day is practically impossible.

 The Commission observes that the Principal Secretary, Transport should look into the loss of the documents appended with the enquiry report of the Vigilance Department and the maladies mentioned above take the time-bound action. In the face of the fact that the affidavit has been submitted by PIO having furnished the available information, the appeal is **disposed.**

 **Sd/-**

**09.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Principal Secretary to Government, Punjab, Department of Transport, Punjab Civil Sectt. 2, Room No.714, Floor – 7, Sector – 9, Chandigarh, for information & n/a.**

**CC: The State Transport Commissioner, Punjab,**

 **SCO:177-78, Sector 17 – C, Chandigarh for appropriate action.**

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Sh. Baldev Singh Sirsa

Village Khanwal Doctor Sarangdev,

Tehsil Ajnala Distt. Amritsar. Complainant

Versus

Public Information Officer,

O/o Shromani Gurdwara Parbhandak Committee,

Amritsar Respondent

 **COMPLAINT CASE NO.987/2017**

Date of RTI application : 23.06.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :11.09.2017

**Present:** Sh. Baldev Singh Sirsa, Complainant in person.

 None on behalf of the Respondent.

**ORDER**

The Commission had observed as follows on 18.10.2017:

 *“The applicant has filed a complaint against the respondent for having not informed him of the action taken against the alleged offenders in publishing Hindi version of a book namely “Sikh Itihas”. The respondent says that the information in another case has already been provided to him. They are advised to file a written reply in the matter.”*

The complainant is present. None is present on behalf of the respondent nor any written reply has been filed by them. The Commission takes a serious view of the indifference on the part of the respondent and directs them to ensure that appropriate information is provided to the complainant before the next date of hearing positively under intimation to the Commission failing which the penal consequences shall follow.

 To come up on **07.12.2017 at 11.30 AM.**

 **Sd/-**

**09.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Baldev Singh Sirsa

Village Khanwal Doctor Sarangdev,

Tehsil Ajnala Distt. Amritsar. Complainant

Versus

Public Information Officer,

O/o Shromani Gurdwara Parbhandak Committee,

Amritsar Respondent

 **COMPLAINT CASE NO.988/2017**

Date of RTI application : 23.01.2017

Date of First Appeal : Nil

Date of Order of FAA : Reply 09.05.2017

Date of 2nd Appeal/complaint :11.09.2017

**Present:** Sh. Baldev Singh Sirsa, Complainant in person.

 None is present on behalf of the Respondent.

**ORDER**

 The Commission had observed as follows on 18.10.2017:

 *“The complainant is available in the video conferencing at Amritsar. The respondents have appeared in person in the Court. There is lack of coherence in the conduct of proceedings. Whereas the respondents are directed to file a written reply, it is also decided that the next hearing shall be held in the office of the Commission at Chandigarh on 09.11.2017 at 11.30 AM.”*

The complainant is present. None is present on behalf of the respondent nor any written reply has been filed by them. The Commission takes a serious view of the indifference on the part of the respondent and directs them to ensure that appropriate information is provided to the complainant before the next date of hearing positively under intimation to the Commission failing which the penal consequences shall follow.

 To come up on **07.12.2017 at 11.30 AM.**

 **Sd/-**

**09.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Baldev Singh Sirsa

Village Khanwal Doctor Sarangdev,

Tehsil Ajnala Distt. Amritsar.

 Complainant

Versus

Public Information Officer,

O/o Shromani Gurdwara Parbhandak Committee,

Amritsar Respondent

 **COMPLAINT CASE NO.989/2017**

Date of RTI application : 17.05.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :11.09.2017

**Present:** Sh. Baldev Singh Sirsa, Complainant in person.

 None is present on behalf of the Respondent.

**ORDER**

 The Commission had observed as follows on 18.10.2017:

 ***“****The respondents assure to provide the information to the complainant before the next date of hearing. While directing them to part with the information forthwith they are directed to file a written reply as well.”*

The complainant is present. None is present on behalf of the respondent nor any written reply has been filed by them. The Commission takes a serious view of the indifference on the part of the respondent and directs them to ensure that appropriate information is provided to the complainant before the next date of hearing positively under intimation to the Commission failing which the penal consequences shall follow.

 To come up on **07.12.2017 at 11.30 AM.**

 **Sd/-**

**09.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Baldev Singh Sirsa

Village Khanwal Doctor Sarangdev,

Tehsil Ajnala Distt. Amritsar. Complainant

Versus

Public Information Officer,

O/o Shromani Gurdwara Parbhandak Committee,

Amritsar Respondent

 **COMPLAINT CASE NO.990/2017**

Date of RTI application : 14.08.2017

Date of First Appeal : Nil

Date of Order of FAA : Reply 17.08.2017

Date of 2nd Appeal/complaint :11.09.2017

**Present:** Sh. Baldev Singh Sirsa, Complainant in person.

 None on behalf of the Respondent.

**ORDER**

 The Commission had observed as follows on 18.10.2017:

 ***“****The complainant has asked for the details of the employees recruited by the respondent. The respondent seeks exemption as the details attract exemption being personal information in terms of the judgment passed by the Hon’ble Supreme Court of India in the Special Leave Petition (Civil) No.27734 of 2012 (@ CC 144781/2012) dated 03.10.2012 -- titled Girish Ramchandra Deshpande Vs Central Information Commr. & Ors.*

 *The Commission does not agree with their argument. Accordingly it directs them to provide the information forthwith. Section 4 (2) mandates it to publish proactively. Hon’ble Supreme Court of India has only treated the matter of disciplinary proceedings inter-se the employer and employee as a personal information. The instant information concerns the particulars of the employees on rolls of the department.”*

 The complainant is present. None is present on behalf of the respondent nor any written reply has been filed by them. The Commission takes a serious view of the indifference on the part of the respondent and directs them to ensure that appropriate information is provided to the complainant before the next date of hearing positively under intimation to the Commission failing which the penal consequences shall follow.

 To come up on **07.12.2017 at 11.30 AM.**

 **Sd/-**

**09.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**