**PUNJAB STATE INFORMATION COMMISSION**

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

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**Email:psic22@punjabmail.gov.in**

Sh. Ramesh Chander

S/o Sh. Ram Samuj

R/o 1338, Badshahi Bagh Colony,

Ambala City. Appellant

Versus

Public Information Officer,

O/o Deputy Supdt. of Police (HQ),

O/0 Senior Supdt. of Police,

District Administrative Complex, Sector-76

S.A.S. Nagar.

First Appellate Authority

O/o Senior Supdt. of Police,

District Administrative Complex, Sector-76

S.A.S. Nagar. Respondents

**APPEAL CASE NO.300/2018**

Date of RTI application : 23.06.2017

Date of First Appeal : 26.10.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 11.12.2017

**Present: Sh. Ramesh Chander - Appellant.**

**None on behalf of the Respondents.**

**ORDER**

The following order was made by this forum on 31.05.2018:

*“The appellant had sought a copy of the statements recorded in a matter of investigation into a complaint registered under GD No.035 dated 27.05.2017.*

*HC Kuldip Singh appearing on behalf of the respondents assures the Commission to provide it expeditiously. They are directed to send the information to the information seeker within a week positively under intimation to the Commission.”*

*“The case has come up today. Despite the express directions of this forum the Contd..page…2*

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***APPEAL CASE NO.300/2018***

*respondents have not provided him the information asked for by him. The Commission takes a strong*

*exception to the indifference shown by the Respondents to the directions of the Commission and calls for the explanation of the concerned official as to why the penal proceedings be not initiated.”*

The case has come up today. The respondents have scant respect and care to the various orders passed by this Court. They have rendered themselves liable for penal action. 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 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. 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 **07.08.2018 at 11.30 AM.**

**Sd/-**

**10.07.2018 (Yashvir Mahajan) State Information Commissioner**

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Sh. Virpal Singh,

S/o Gurjail Singh,

Village Bahmna,

Teh. Samana, Distt. Patiala Complainant

Versus

Public Information Officer,

O/o Deputy Commissioner,

District Administrative Complex,

Patiala. Respondent

**COMPLAINT CASE NO.400/2018**

Date of RTI application: 17.06.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 28.03.2018

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

**Sh. Kulwant Singh, Panchayat Secy. Gram Panchayat Basti Bahmnan, BDPO Office, Samana. - for Respondent.**

**ORDER**

The complainant was desired to comment on the sufficiency of the information already delivered to him on the last date of hearing. He is absent. Presumably, he is satisfied with the information. The Commission does not see any requirement to further intervene into the issue.

**Disposed.**

**Sd/-**

**10.07.2018 (Yashvir Mahajan) State Information Commissioner**

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Sh. Nishant Rishi,

Chamber No.360,

Lawyer’s Chambers, Yadvindra Complex,

District Courts, Patiala Complainant

Versus

Public Information Officer,

O/o Sub Registrar,

Mini Secretariat, Patiala Respondent

**COMPLAINT CASE NO.411/2018**

Date of RTI application: 05.02.2018

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 04.04.2018

**Present: None.**

**ORDER**

The respondent has sent a memo wherein he states that the complainant was asked in writing to procure the information by depositing the requisite fee. So much so he was requested telephonically also to procure the information but he did not turn up despite having been afforded a couple of opportunities. The complainant has not been able to prove the willful default on the part of the respondent to deny him the information.

The Commission would like to see the communication sent by the respondents to the complainant as a response to his original application which is not available on record.

To come **up on 16.08.2018 at 11.30 AM.**

**Sd/-**

**10.07.2018 (Yashvir Mahajan) State Information Commissioner**

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Sh. Gagandeep Singh Advocate,

H.No.26, HM, Phase IV,

S.A.S.Nagar. Complainant

Versus

Public Information Officer,

O/o Superintendent of Police,

District Administrative Complex, Sector-76,

S.A.S. Nagar. Respondents

**COMPLAINT CASE NO.155/2018**

Date of RTI application : 06.12.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 29.01.2018

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

**ASI Baljit Singh, PS: Zirakpur, Distt. Mohali – for Respondent.**

**ORDER**

It shall be prudent to reproduce interim orders passed on 17.05.2018 and 31.05.2018:

**Order dated 17.05.2018**

*“The respondent has filed a written statement taking the plea that the divulgence of information shall jeopardize their investigation. Obviously, they are seeking exemption under Section 8(1) (h) of the Act. A copy of the reply has been handed over on spot to the complainant He may like to respond to the same.”*

**Order dated 31.05.2018**

*“Vide their communication dated 16.05.2018 the respondents have reiterated their stance of not divulging the information on account of the matter being under investigation. Another opportunity is afforded to the appellant to rebut their contention if he deems it appropriate.”*

The case has been taken up today. The complainant is absent. This forum has got no valid reason to disagree with the plea of the respondent that the disclosure of information at this stage of investigation shall impede its progress and delivery of justice. The complaint is misplaced and is **disposed.**

**Sd/-**

**10.07.2018 (Yashvir Mahajan) State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Vaneet Garg, (Advocate),

House No.204/2, Royal Estate Zirakpur

Distt. S.A.S. Nagar. Appellant

Versus

Public Information Officer,

O/o RMSA, Vidya Bhawan, (PSEB ), Block –E,

Phase VIII, S.A.S. Nagar.

First Appellate Authority

O/o RMSA, Vidya Bhawan, PSEB , Block E,

Phase VIII, S.A.S. Nagar. Respondents

**APPEAL CASE NO.3779/2017**

Date of RTI application : 02.01.2017

Date of First Appeal : 21.03.2017

Date of Order of FAA : Reply: 31.05.2017

Date of 2nd Appeal/complaint :19.12.2017

**Present: Adv. Vaneet Garg, Counsel for Smt. Kulwinder Kaur.**

1. **Smt. Mini Khurana, Asstt. State Project Director (ASPD), RMSA,**
2. **Sh. Avinash Bhalla, Assistant Manager, RMSA – for Respondents.**

**ORDER**

The following order was made on 05.06.2018:

*“The appellant has a grievance for being ignored from selection of a Hindi teacher in the category of orthopedically handicapped. She has an apprehension that candidates with lesser claim have been selected in the above category.*

*The respondents, on the other hand, state that in the selections made through an outsourced Agency of C-DAC only two vacancies of visually and hearing impaired category have been filled which are taken higher in precedence in different categories of handicaps. They submit that the appellant could not be selected for want of her merit in the respective category.*

*Be that as it is, the respondents are directed to convey it in writing that no orthopedically handicapped candidate has been selected to the detriment of her right. Meanwhile, she should also be arranged to be provided with a copy of the attendance-sheet which was maintained by the C-DAC at the time of counseling.”*

The matter is being again considered today. The respondents have brought along a copy of the attendant sheet which has been handed over on spot to the appellant. In a reply submitted they have also stated that no candidate in the category of orthopedically handicapped has been selected. The Commission feels that sufficient information has been given and it is not desirable to further intervene into the issue.

The appeal is **disposed.**

**Sd/-**

**10.07.2018 (Yashvir Mahajan) State Information Commissioner**

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Sh. Harinder Pal Nikka

C/o Sh. Balwinder Pal

S/o Late Jawant Singh,

House No.278, New Sular,

Patiala Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Patiala

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Patiala Respondents

**APPEAL CASE NO.3496/2017**

Date of RTI application : 13.12.2016

Date of First Appeal : 06.03.2017

Date of Order of FAA : Reply 14.03.2017

Date of 2nd Appeal/complaint :25.11.2017

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

Sh. Parvinder Singh, JE, MC Office, Patiala – for Respondents.

**ORDER**

Sh. Parvinder Singh, JE, appearing on behalf of the respondents has submitted a letter from the PIO wherein it has been stated that the information has been sent to him on 09.07.2018 by speed post. The Commission presumes that the same is in order. As the appellant has not bothered to pursue the issue on umpteen hearings the Commission does not see any reason to keep the issue alive.

**Disposed.**

**Sd/-**

**10.07.2018 (Yashvir Mahajan) State Information Commissioner**

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Sh. Mehar Singh

House No.2064, Sector-68,

S.A.S Nagar. Appellant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

S.A.S. Nagar.

First Appellate Authority

O/o Sub Divisional Magistrate,

S.A.S. Nagar Respondents

**APPEAL CASE NO.3301/2017**

Date of RTI application : 07.11.2016

Date of First Appeal : 24.10.2017

Date of Order of FAA : Reply 20.07.2017

Date of 2nd Appeal/complaint :15.11.2017

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

**Smt. Jaswant Kaur, Superintendent, SDM Office, Mohali – for Respondents.**

**ORDER**

The following order was made by this forum on 19.04.2018:

*“The appellant is seeking to know the outcome of an enquiry being conducted by SDM, Mohali into a complaint of forgery of a SC certificate to procure a plot reserved for the S.C. Category in some scheme of PUDA.*

*The proxy of the respondents says that the dealing official and the PIO are busy in some urgent administrative affair. He requests for an adjournment. The request is acceded with the condition that no further opportunity shall be afforded. Meanwhile they should provide him the information expeditiously, in any case well before the next date of hearing positively.”*

The case has come up today. Smt. Jaswant Kaur, APIO – cum – Superintendent, Contd…page…2

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**APPEAL CASE NO.3301/2017**

SDM Office, Mohali, has brought along a copy of the enquiry conducted by the SDM, Mohali, which has been forwarded to the Deputy Commissioner. A copy of the same has been handed over to the appellant on spot.

The appellant is satisfied about the adequacy of the information. However, he raises serious objections about the undue delay having been taken in providing the information which should have been furnished to him within a period of 30 days only. The respondents, a such, have failed to comply with the express provisions of Section 7(1) of the Act. The PIO is hereby directed to explain the delay and show cause as to why the penalty should not be imposed for the inordinate delay having been taken in providing the information.

To come up on **16.08.2018 at 11.30 AM.**

**Sd/-**

**10.07.2018 (Yashvir Mahajan) State Information Commissioner**

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Sh. Jasbir Singh

S/o Sh. Sant Singh,

V &P.O. Sohana,

Tehsil & Distt. S.A.S Nagar. Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

S.A.S Nagar

First Appellate Authority

O/o Inspector General of Police,

Zone-1,Patiala. (Punjab) Respondents

**APPEAL CASE NO.3314 /2017**

Date of RTI application : 25.07.2017

Date of First Appeal : 25.10.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 27.11.2017

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

**None on behalf of the Respondents.**

**ORDER**

The following order was passed by this forum on 05.06.2018:

*“The appellant had sought an information concerning the complaint made against him by one Sh. Sunder Lal. He had sought a copy of the summons (Parvana) sent to him by the concerned police station. HC Sahib Singh appearing on behalf of the respondents says that the information was provided to him and they have enclosed an acknowledgement issued by the appellant as a proof of having received the information.*

*The appellant submits that incomplete information was given to him and he was verbally assured by the respondents to furnish the rest of information as well. The respondent assures the Commission that the residual information as has been pointed out by the appellant shall also be given to him shortly. They should do it promptly.”*

*“The respondents are absent. The appellant says that deficient information has still not been provided to him. Once again they are directed to do the needful before the next date of hearing.”*

The case has come up today. The respondents are absent on trot. The Contd…page…2

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**APPEAL CASE NO.3314 /2017**

Commission takes very strong exception to it. They are required to file a written statement with reference to the grouse of the complainant failing which the Commission shall be constrained to initiate penal proceedings.

To come up on **16.08.2018 at 11.30 AM.**

**Sd/-**

**10.07.2018 (Yashvir Mahajan) State Information Commissioner**

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Sh. Manish Tonk,

House No.2961, Ward No.9,

Kharar Complainant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

S.A.S Nagar. Respondents

**COMPLAINT CASE NO.1300/2017**

Date of RTI application : 01.08.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :21.11.2017

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

**HC Mohan Lal, PS (City), Kharar – for Respondent.**

**ORDER**

This should be read in continuation of order passed on 19.04.2018 which is reproduced hereunder:

*“The complainant had sought a copy of complaint filed by him on the basis of which an FIR was lodged in the case of an offence of a child marriage.*

*HC Raj Kumar appearing on behalf of the respondents expresses his ignorance about the facts of the case. The PIO in the office of the Sr. Superintendent of Police, SAS Nagar is hereby directed to arrange to provide him the information sought for and file a written submission on the above score before the next date of hearing positively.”*

HC Mohan Lal appearing on behalf of the respondents has submitted a receipt of acknowledgment of information by the complainant along with his request not to pursue the complaint.

**Disposed.**

**Sd/-**

**10.07.2018 (Yashvir Mahajan) State Information Commissioner**