



Sh. Tejinder Singh,
R/o Village Bholapur, P.O Ramgarh,
Chandigarh Road, Ludhiana.

...Appellant.

Versus

Public Information Officer,
SDM, Licensing Authority & Registering,
Sri Anandpur Sahib.

First Appellate Authority,
DC,
Ropar.

...Respondent

Appeal Case No. 1325 of 2018

Present: Sh.Tejinder Singh as Appellant
Sh.Gurpal Singh, APIO-STC Punjab, and Sh.Davinder Kumar PIO-STC, Punjab
Chandigarh for the Respondent

ORDER:

The case was first heard on **25.06.2018**. The PIO was directed to forward the RTI application relating to point No.4, 5 & 9 to the concerned department and PIO of that department was directed to provide the information to the appellant and be present on the next date of hearing. “

The case was again heard on **01.08.2018**: The PIO was directed to provide the information relating to point No.4 as per original order. The PIO, STC was also directed to provide the information concerning them and to appear on the next date of hearing.

The case again came up for hearing on **05.09.2018**: The respondent present from the office of SDM (Licensing and Registering Authority) pleaded that the information regarding point No.4 has been sent to the appellant. The APIO from State Transport Commission had not brought the information regarding point No.9 as according to him there was no clarity about which sub-division the information was sought. However, since it was clear that the information sought is concerning Anandpur Sahib, the PIO was directed to send the information regarding point No.9 to the appellant within 10 days of the receipt of the orders of the Commission.

The case was again heard on **09.10.2018**. The appellant was absent and vide e-mail informed that he has not received the remaining information.

The respondent present pleaded that the information pertains to the Anandpur Sahib. It was observed that the PIO is dilly dallying in providing this particular information and therefore, the PIO, STC, Punjab was directed to coordinate and collect the information from the concerned department and send the same to the appellant within 15 days through registered post. The PIO was also directed to send the compliance report to the Commission.

Appeal Case No. 1325 of 2018

The case further case for hearing on **21.11.2018**. The respondent from the O/o STC Punjab pleaded that the information regarding point No.9 has been sent to the appellant vide letter dated 26.10.2018 and the appellant has also been informed that there is no driving test track in Sub Division Anandpur Sahib and the driving test track is available in Ropar. The PIO was directed to collect the information regarding driving track tests undertaken by the residents of ShriAnandpurSahib from the concerned division and provide the same to the appellant .

The case was last heard on **15.01.2019**. The appellant informed that the information has not been provided. The respondent was absent. The Commission took a serious view of the scant regard of the PIO and directed the PIO-STC Punjab Chandigarh to provide the information to the appellant as per earlier order of the Commission within 10 days otherwise the Commission will be constrained to take action as per RTI Act.

Hearing dated 11.03.2019:

The respondent present from STC Punjab informed that the information has been provided to the appellant. The appellant is not satisfied and stated that he has sought information regarding driving tracks test record. The respondent further pleaded that the information is available with the office of SDM Ropar. The PIO-STC, Punjab is directed to coordinate and procure the record from the concerned authority and provide the information to the appellant.

The Commission observes that there is ambiguity regarding the custody of the record. The PIO-SDM, Ropar and the PIO-SDM Anandpur Sahib are also directed to coordinate and send complete record to the PIO-STC, Punjab for compliance and PIO-STC is directed to provide the information in CD to the appellant before the next date of hearing.

The case is adjourned. Both the parties to be present on **23.04.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 11.03.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: - PIO, STC Punjab, Chandigarh
- PIO-SDM, Ropar.



Sh. Tejinder Singh,
R/o Village Bholapur, P.O Ramgarh,
Chandigarh Road, Ludhiana.

...Appellant.

Versus

Public Information Officer,
SDM, Licensing Authority & Registering,
Malerkotla.

First Appellate Authority,
DC,
Sangrur

...Respondent

Appeal Case No. 1328 of 2018

Present: Sh.Tejinder Singh as Appellant
None for the Respondent

ORDER:

The case was first heard on **25.06.2018**. The appellant was directed to visit the office of PIO and inspect the record and get the information he wants. The PIO was directed to provide information relating to point No.9 concerning their department i.e. only graph with name relating to point No.9 in CD and charge requisite cost or send through email.

The case was again heard on **01.08.2018**. The respondent pleaded that it is not possible for them to provide information in CD form as the information is of voluminous nature and it includes personal information of the applicants. After long discussions, the appellant asked that he does not need a CD and he can be provided a list of the successful applicants with application number. The PIO was directed to provide the same.

The case came up again for hearing on **05.09.2018**. The appellant was absent. The respondent present pleaded that he has brought the information regarding point No.9. The respondent was directed to send the same to the appellant through registered post. The PIO, O/o SDM was exempted for appearance on next hearing.

For the information regarding point No. 3,4 5 & 6, the RTI application was transferred to DTO Sangrur. The PIO, DTO Sangrur was directed to be present on the next date of hearing. The appellant was also directed to be present on the next date of hearing.

The case was again heard on **09.10.2018**. The appellant was absent and vide email informed that he has not received the remaining information. The PIO was also absent. The PIO-DTO Sangrur was granted one last opportunity to provide the information regarding points 3,4,5& 6 and be present personally on the next date of hearing with solid reasons for not complying the orders of the Commission.

The case again came for hearing on **21.11.2018**. Since the PIO-RTO Sangrur despite granting opportunities on 05.09.2018 and again on 09.10.2018, did not comply with the order of the Commission but preferred to be absent, the PIO-RTO Sangrur was issued a **show cause notice under Section 20 of the RTI Act 2005 and was directed** to appear before the Commission along with the written replies.

The case was last heard on **15.01.2019**. The appellant informed that the PIO-RTA Sangrur has not provided the information. The PIO-RTA was absent and neither sent any reply to the show cause. The PIO-RTA Sangrur was given last opportunity to be present personally or through a representative on the next date of hearing alongwith reply to the show cause notice on an affidavit. The PIO was also directed to provide the information to the appellant within 10 days and send a compliance report to the Commission.

Hearing dated 11.03.2019

Facts of the Case-

- 1) That the appellant had filed an RTI application on 22/11/2017 seeking information regarding licenses issued from August 2017 to Nov.22, 2017 alongwith other information from the office of SDM (Licensing Authority & Registering, Malerkotla.
- 2) That information was not provided to the appellant after which he filed the first appeal with Deputy Commissioner, Sangrur on 06.01.2018 which took no decision on the appeal.
- 3) That the appellant on not being provided the information filed the 2nd appeal with the state information commission, which first came up for hearing 25.06.2018.
- 4) That on 25.06.2018, Sh. Jagpreet Singh, clerk from the office of SDM Malerkotla appeared and informed that the information regarding points 1,2,7,8&9 had been provided and for remaining information relating to points 3,4,5 & 6,, the RTI application has been transferred to DTO Sangrur. The appellant was not satisfied with the information relating to point-9. The appellant was directed to inspect the record and get the information he wanted.
- 5) That on the next date of hearing which was held on 01.08.2018, the appellant informed that he visited the office of SDM Malerkotla but the information was not provided. The respondent Sh. Jagpreet Singh Clerk O/o SDM Malerkotla informed that the information in CD cannot be provided since it includes personal information of the applicants. The PIO was directed to provide a list of successful applicants with application numbers. The PIO-RTA Sangrur was absent and neither provided the information concerning them (regarding points 3,4,5 & 6).
- 6) That on the next date of hearing on 05.09.2018, the respondent present from the office of SDM Malekrotla informed that the information regarding point-9 has been provided. The PIO-RTA Sangrur was again absent and neither provided the information. The PIO RTA Sangrur was directed to be present on the next date of hearing which was fixed for 09.10.2018.
- 7) That on 09.10.2018, the PIO-RTA Sangrur was again absent. The PIO-RTA Sangrur was given last opportunity to provide the information and be present personally on the next date of hearing with solid reasons for not complying with the order of the Commission. The case was adjourned for further hearing on 21.11.2018.
- 8) That on 21.11.2018, the PIO-RTA Sangrur was again absent and neither provided the information as directed by the Commission. On the same date, he was **show caused under Section 20 of the RTI Act** as to why a penalty should not be imposed on the PIO for not supplying information within the statutorily prescribed period of time under section 7 and for not complying with the orders of the commission. He was further directed to provide the reply on an affidavit and appear before the commission on 15.01.2019.
- 9) The PIO-RTA Sangrur did not appear on the given date (15.01.2019), nor did the PIO file any reply to the Show Cause issued to him. The appellant present on the date pleaded that no information has been sent to him as per the Commissions directions.

10) That the Commission on the same date of the hearing provided one last opportunity to the PIO-RTA Sangrur to be present personally or through a representative and reply to the Show Cause. The PIO was also directed to provide the information to the appellant within 10 days and send a compliance report to the Commission.

The case has come up for hearing today and the PIO, RTA-Sangrur is again absent without intimation to the Commission. This is the fourth consecutive time that the PIO is absent. The appellant is present and has pleaded that he has not been provided the information and is being harassed for trying to obtain the requisite information under the RTI Act, which is his right. He has pleaded strict action against the erring PIO.

Keeping the above-mentioned facts of the case, it is clear that the PIO is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

Keeping the above in view, the PIO-RTA Sangrur is granted one last opportunity to appear before the Commission on the next date of hearing, and bring a reply to the show cause notice, otherwise the Commission will be constrained to issue warrants Under Section 18(3) of the RTI Act.

The PIO is also directed to provide the information within five days of receipt of this order.

Both the parties to be present on **01.05.2019 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated: 11.03.2019

(Khushwant Singh)
State Information Commissioner

CC to PIO- RTA Sangrur

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - sicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh. Surinder Pal, S/o Sh. Mehar Chand,
R/o B-34-449, Amanvihar, Chander Nagar,
Ludhiana.

... Appellant

Versus

Public Information Officer,
Municipal Corporation,
Ludhiana.

First Appellate Authority,
Municipal Corporation,
Ludhiana.

...Respondent

Appeal Case No. 1382 of 2018

Present: None for the Appellant
None for the Respondent

ORDER: The case was first heard on **20.06.2018**. The respondent was absent. The PIO was directed to be personally present on the next date of hearing along with proof of having provided the information to the appellant.

The case was again heard on **17.07.2018**. The PIO was absent. The PIO was issued a show cause notice for not supplying the information within the statutorily prescribed period of time as well as not complying with the orders of the Commission. He was also directed to be personally present on the next date of

The case was again heard on **08.08.2018**. The appellant informed that he has received the information and is satisfied. The PIO was hereby directed to submit affidavit duly attested with solid reasons for the delay in providing the information and not complying with the orders of the Commission which will be considered on the next date of hearing. The PIO was further directed to be present personally on the next date of hearing.

The case again came up for hearing on **30.08.2018**: The PIO was absent. The PIO was given last opportunity to be personally present on the next date of hearing and submit affidavit duly attested with solid reasons for delay in providing the information and not complying with the orders of the Commission failing which the Commission will be compelled to take action under the RTI Act 2005.

The case was last heard on **09.10.2018**. Sh. Bhupinder Singh Sandhu, PIO-MC Ludhiana was finally present. Sh. Gurmeet Singh, clerk in the MC was also present. They filed an affidavit explaining the reasons as well as apologizing for the delay.

On close scrutiny of the affidavit, it was found that the affidavit was not by the PIO but by Gurmeet Singh, clerk in the MC.

Appeal Case No. 1382 of 2018

The PIO at the hearing pleaded that he be pardoned as the delay in providing the information was because of a tragic fire incident that had taken place last year in which a few firemen had also died. He, however, could not explain the reasons for the continuous defiance of the commission's orders. Keeping all facts in mind, by invoking section 20 of the RTI Act, a penalty of Rs.5000/- was imposed upon the PIO, Sh.Bhupinder Singh Sandhu, and the PIO was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

The case again came up for hearing on **21.11.2018**. The respondent was absent. Since the order dated 09.10.2018 which was dispatched at the given address of the PIO i.e. Municipal Corporation, Ludhiana, received back undelivered with the remarks of the postal authority "incomplete address" though the earlier orders stood delivered on the same address and the PIO received the orders and appeared before the Commission on 09.10.2018, the order was sent via registered post and the PIO Sh.Bhupinder Singh Sandhu was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

The case was last heard on **15.01.2019**. The order is reproduced hereunder:

"The respondent present informed that in compliance with the order of the Commission, they have got demand draft of Rs.5000/- but since the Treasury office has started accepting only online transactions, the draft was not accepted by the treasury office. The respondent further pleaded that they will deposit the penalty amount online in a day or two and send compliance report to the Commission.

The PIO is directed to duly inform the Commission of the compliance of the orders by producing a copy of the receipt/challan justifying the deposition of the penalty in the Govt Treasury within 3 working days."

Hearing dated 11.03.2019:

The case has come up for hearing today. The Commission has received a letter diary No.1843 dated 22.01.2019 from the PIO stating that in compliance with the order of the Commission, they have deposited Rs.5000/- vide draft No.053009 dated 14.01.2019 in the District Treasury Office Ludhiana vide on 19.02.2019 and has submitted a copy of receipt challan.

Since the information stands provided and the PIO has deposited the amount of penalty in the Govt Treasury, no further course of action is required. The case is **disposed off and closed**.

Sd/-

Chandigarh
Dated: 11.03.2019

(Khushwant Singh)
State Information Commissioner

CC to The Commissioner, Municipal Corporation,
Ludhiana.



Sh. Harbans Singh, S/o Sh.ChunniLal,
Kothi No-1, Ward No-1, Near SD School,
FatehgarhChurian, Distt.Gurdaspur.

...Appellant.

Versus

Public Information Officer,
Commissioner, Nagar Nigam,
Amritsar.

First Appellate Authority,
Director, Local Govt,
Sector-35, Chandigarh.

...Respondent

Appeal Case No. 1397 of 2018

Present: None for the Appellant
 None for the Respondent

ORDER:

The case was first heard on **27.06.2018**. Both the parties were absent and the case was adjourned.

The case was again heard on **25.07.2018**. Sh.D.P.Verma, SrAsstant from the office of Director Local Govt. Chandigarh was present. The PIO was directed to provide the information to the appellant within 10 days of the receipt of order and also explain the reason for not providing the information within the prescribed time limit under the RTI Act.

The case again came up for hearing on **28.08.2018**: Ms.HarpreetKaur, Building Inspector-cum-APIO from the office of Commissioner Nagar Nigam Amritsar was present for the respondent. The Commission found that the PIO's replies are vague and wishy washy. The reply that the appellant had not attached a valid ID holds no ground as the matter has already been adjudicated before the First Appellate Authority. Regarding the statement of the PIO that the information is third party, the Commission finds that the PIO has not even tended to the provisions of section 11(1) of the RTI Act.

The Commission found gross negligence on the part of PIO and directed the PIO to send a notice to the third party for their submission. The PIO was also directed to explain the reasons for delay in handling the RTI application.

The case was again heard on **26.09.2018**. The respondent was absent. The Commission had recorded gross negligence on the part of the PIO while tending to the RTI application and to not abide by either the order of the First Appellate Authority or the second appellate, which is the State Commission, Punjab. The PIO was issued show cause notice for not supplying the information within the statutory prescribed period of time under the RTI Act and for not complying with the order of the Commission. The PIO was directed to file reply to the show cause on an affidavit and be present personally on the next date of hearing.

The case was further heard on **19.11.2018**. The appellant informed that the information has not been provided to him so far. The respondent was again absent and neither provided the information nor replied to the show cause notice. The PIO was hereby granted last opportunity to reply to the show cause and be present personally before the Commission on the next date of hearing. Since there was continuous denial of the information on the part of the PIO, the Commission directed the Chief Commissioner, Nagar Nigam Amritsar to ensure compliance of the orders of the Commission and also to ensure the presence of the PIO before the Commission alongwith reply to the show cause.

The case was last heard on **15.01.2019**. The order is reproduced hereunder:

The appellant is absent and vide email has sought exemption on medical grounds. The appellant has informed that no information has been provided. In the hearing on 26.09.2018, APIO, Ms.Harpreet Kaur (to be the deemed PIO by the Commission) was issued show cause notice and be present before the Commission alongwith reply to the show cause on an affidavit. In the last hearing, due to continuous denial of the information on the part of the PIO, the Chief Commissioner, Nagar Nigam, Amritsar was directed to ensure the compliance of the orders of the Commission and to ensure the presence of the PIO before the Commission.

The respondent is again absent and has neither provided the information nor has replied to the show cause notice. The APIO, Ms.HarpreetKaur (to be the deemed PIO by the Commission) is given one more opportunity to be present before the Commission on the next date of hearing alongwith the reply to the show cause. The Chief Commissioner, Nagar Nigam, Amritsar is also directed to ensure the presence of the PIO before the Commission on the next date of hearing alongwith reply to the show cause.”

Hearing dated 11.03.2019:

Facts of the Case-

- 1) That the appellant Sh.Harbans Singh filed an RTI application on 18.08.2017 seeking information regarding name, address of the owner of Kothi No.144, Green Field Avenue, Majitha Road Amritsar alongwith map and ownership documents.
- 2) That the information was not provided within the stipulated time under section 7 of the RTI Act, after which the appellant filed the first appeal on 04.10.2017 with the First Appellant Authority which instructed the PIO to provide the information vide letter dated 12.12.2017.
- 3) That on not getting the information, the appellant filed a second appeal with the State Information Commission, which first came up for hearing on 27.06.2018.
- 4) That on the date of the hearing (27.06.2018), both the parties were absent, the case was adjourned for 25.07.2018.
- 5) That on the date of hearing (25.07.2018), the appellant informed that he has not received the information. The PIO was absent. The PIO was directed to provide the information within 10 days and explain the reasons for not attending to the RTI application in accordance with the RTI Act.
- 6) That on the next date of hearing, which was held on **28.08.2018**, Ms.Harpreet Kaur, Building Inspector-cum-APIO (deemed PIO as per her letter dated 03.10.2017 sent to the appellant) appeared and pleaded that since the appellant had not submitted a valid identity proof, which is mandatory, she had filed the RTI application. The deemed PIO also claimed the information to be third party, even though the PIO did nothing to invoke the provisions of section 11(1) of the RTI Act. That the Commission found the PIO's replies on both the accounts vague and wishy-washy since the matter had already been adjudicated before the First Appellate Authority, the appellant has submitted his ID proof and the third party was an after thought. That the PIO was directed to send a notice to the third party for their submission as well as explain the reasons for the delay and inept handling of the RTI application.

- 7) That on the next date of hearing which was held on 26.09.2018, the PIO was absent yet again without intimating the commission. Also, no information had been sent to the appellant, who was present at the hearing. Given the continuous defiance, the deemed PIO, Ms.Harpreet Kaur was finally '**Show Caused**' under section 20 of the RTI Act as to why a penalty should not be imposed for dereliction in handling this particular RTI application. The PIO was also directed to 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. The PIO was also directed to provide part information i.e. the names of the property holders but not the maps as asked in the application within seven days.
- 8) That the case came up for further hearing on 19.11.2018. The deemed PIO was yet again absent. The PIO was again provided with an opportunity to reply to the show cause notice and directed to be present personally before the Commission for the next date of hearing. On the same day, the Chief Commissioner, Nagar Nigam Amritsar was also directed to ensure compliance of the order of the Commission and also to ensure the presence of the PIO before the Commission alongwith reply to the show cause.
- 9) That the case again came up for hearing on 15.01.2019. The appellant was absent and vide email informed that the information had not been provided. The APIO-cum-deemed PIO Ms.Harpreet Kaur was yet again absent despite the orders of the commission to be present. She was given one more opportunity to be present before the Commission on the next date of hearing along with a reply to the show cause. The Chief Commissioner, Nagar Nigam, Amritsar was also directed to ensure the presence of the PIO before the Commission on the next date of hearing alongwith reply to the show cause.

The case has come up for hearing today. The appellant vide email has informed that the information has not been provided. The PIO is absent on 4th consecutive hearing and nor has replied to the show cause.

That the appellant has pleaded that he has been harassed by not providing the information after a lapse of more than one year, the PIO be panelized and suitable compensation be given to the appellant for unnecessary harassment and delay in providing the information.

Order.

Keeping the above facts of the case in mind, it is very clear that the APIO Harpreet Kaur (deemed PIO in this case) has willfully been defiant of the Commission's orders and has given two hoots to it. She has been provided with ample opportunity to explain her case, which she has not availed, which also means that she has nothing to say on the matter. If this case is not fit to invoke to section 20 of the RTI Act and impose a penalty on the PIO then what else would be. Section 20 reads as follows-

'20.Penalties. – (1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complain or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect ,

incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be give a reasonable opportunity of being heard before any penalty is imposed on him:

Provide further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be.”

Since the responsibility to ensure the timely transmission of information in this particular case lay with the APIO-cum-deemed PIO Ms.Harpreet Kaur O/o Commissioner, Nagar Nigam, Amritsar, who is the custodian of the information, she is hereby held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of **Rs.25, 000/-** is hereby imposed upon Ms.Harpreet Kaur, APIO-cum-deemed PIO, O/o Commissioner, Nagar Nigam, Amritsar which be deposited in the Govt. Treasury. The APIO-cum-deemed PIO, Ms.Harpreet Kaur O/o Commissioner, Nagar Nigam, Amritsar is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

2) The PIO is directed to provide part of the information i.e. the names of the property holders only to the appellant within a week and send a compliance report to the Commission.

The case is adjourned. To come up for further hearing on **06.05.2019 at 11.00 AM.**

Sd/-

**Chandigarh
Dated: 11.03.2019.**

**(Khushwant Singh)
State Information Commissioner**

**CC to : The Chief Commissioner,
Nagar Nigam, Amritsar**



Sh.Tejinder Singh,
Village Bholapur, P.O Ramgarh,
Chandigarh Road, Ludhiana.

Appellant.

Versus

Public Information Officer,
O/o SDM, Licensing & Registration Authority,
Kapurthala.

First Appellate Authority,
O/o DC, Kapurthala

...Respondent

Appeal Case No. 1657 of 2018

Present: Sh.Tejinder Singh as Appellant
Sh.Swaran Singh, Jr Assistant, O/o SDM Kapurthala, Sh.Gurpal Singh,
APIO-STC Punjab, Chandigarh for the Respondent

ORDER: The case was first heard on 21.08.2018. The respondent present pleaded that the appellant was asked vide letter dated 28.12.2017 to specify the category of license for which the information was sought but the appellant has not responded the letter. The appellant pleaded that instead providing information, he has been asked for the purpose of seeking information in violation of the provisions of the RTI Act.

The PIO was directed to provide the point-wise information to the appellant and explain the rationale behind asking the purpose of information u/s 6(2) of the RTI Act.”

The case was again heard on **15.10.2018**. The appellant was absent and sought adjournment. Vide email, the appellant further informed that the information has not been provided to him by the PIO.

The respondent was also absent and vide letter received in the Commission on 12.10.2018, the PIO sought adjournment. In the letter, the PIO also mentioned that since the information pertains to STC Punjab, Chandigarh, they have already written to them vide letter dated 27.09.2018 to provide the information but this office has not received the information from them. The PIO was directed to comply with the earlier orders of the Commission which still stands and be present on the next date of hearing.

The case again came up for hearing on **21.11.2018**. The appellant informed that information has not been provided to him. The respondent was absent. Since in a communication, the PIO had mentioned that some information pertains to STC, Punjab, Chandigarh, the PIO-SDM (Licensing & Registration Authority) Kapurthala was made as deemed PIO and was directed to provide all the information point-wise and if the information pertains to any other department, it is the responsibility of the PIO,SDM Kapurthala to collect and provide to the appellant.

The case was last heard on **15.01.2019**. The order is reproduced hereunder:

“The respondent is absent. The Commission has received a letter dated 11.01.2019 from the PIO stating that the information concerning to them has been provided to the appellant vide letter dated 08.01.2019 and a copy of the same is submitted to the Commission. The PIO has mentioned in the letter that since the information regarding points 2 to 5 relates to STC Punjab, Chandigarh, the PIO-STC Punjab, Chandigarh was asked vide letter dated 27.09.2018 to provide the information concerning to them, but they have not responded to the RTI application so far.

In the last hearing, the PIO-SDM, Kapurthala was made as deemed PIO and the PIO-SDM Kapurthala was directed to coordinate and provide all the information point-wise to the appellant.

The appellant claims that since the website of the department can only be accessed via a password, the information regarding point 7 cannot be downloaded. The appellant further informed that the information regarding points 2 to 5 has not been provided and the appellant is not satisfied with the reply of the PIO regarding point No.9 as he wants the information in CD/pen drive.

The PIO –SDM, Kapurthala is directed to clarify regarding point 7 and provide the information as per RTI application. The PIO is also directed to provide information regarding point 9 in CD/Pen-Drive since there are previous examples of providing the similar information on CD(Fatehgarh Sahib and Nawanshahar). The PIO-STC, Punjab, Chandigarh is also made a party to the case and the PIO-STC is directed to bring the information regarding points 2 to 5 on the next date of hearing.”

Hearing dated 11.03.2019:

The respondent present from the office of SDM Kapurthala has brought a Pen Drive regarding information relating to point-9 and handed over to the appellant. The point 7 also stands clarified. The respondent present from the office of STC Punjab pleaded that they have not received the copy of RTI application. The copy of RTI application has been provided to the APIO-STC. The PIO-STC is directed to provide the information regarding points 2 to 5 within 15 days.

To come up for further hearing on **23.04.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 11.03.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :PIO-STC, Punjab, Chandigarh

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh.Ravjot Singh, S/o Lt.Sh.Didar Singh,
H No-386/10, NeemWala,Chowk, Brown Road,
Ludhiana.

....Appellant

Versus

Public Information Officer,
DTO,
Mohali.

First Appellate Authority,
DTO,
Mohali.

..Respondent

Appeal Case No. 1696 of 2018

Present: None for the Appellant
None for the Respondent

ORDER:

The case was first heard on **29.08.2018**. The respondent pleaded that the information relates to the office of SDM Kharar and the appellant has been informed for the same. The appellant was not satisfied. The PIO was directed to have a relook at the RTI and provide the information concerning to their department. The PIO was further directed to transfer the RTI application for the remaining information to the concerned department. The PIO, SDM Kharar was directed to provide the information which pertains to them in accordance with the RTI Act.

The case was again heard on **26.09.2018**. "The respondent present pleaded that since the vehicle in question for which the appellant has sought information was registered with the office of SDM, Kharar, they have transferred the RTI application to the PIO, SDM Kharar. The appellant is absent to point out whether he has received the information or not. The PIO-SDM, Kharar was directed to provide the information and be present on the next date of hearing.

The case again came up for hearing on **19.11.2018**. The appellant informed that the information has not been provided to him so far. The PIO-SDM Kharar was again directed to provide the information to the appellant within 10 days and be present personally on the next date of hearing and explain the reasons for delay in providing the information.

The case was last heard on **15.01.2019**. The order is reproduced hereunder:

"The appellant is absent and vide email has sought exemption for personal appearance. The appellant however, has not informed whether the appellant has received the information or not.

The respondent is also absent without intimation to the Commission. The PIO-SDM Kharar is directed to comply with the earlier order of the Commission which still stands and be present personally on the next date of hearing alongwith the explanation for delay in providing the information, otherwise the Commission will be constrained to take action as per RTI Act. "

Hearing dated 11.03.2019:

The appellant is absent and has not informed whether he has received the information or not.

In the last hearing, the PIO-SDM Kharar was directed to appear personally on the next date of hearing and explain the reasons for not providing the information. The respondent is absent on 3rd consecutive hearing and nor sent any communication whether the PIO has complied with the order of the Commission or not. The Commission has taken a serious view of this and hereby directs the PIO-SDM Kharar **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.

The PIO-SDM Kharar is again directed to provide the information to the appellant within 10 days.

The case is adjourned. Both the parties to be present on **06.05.2019 at 11.00 AM** for further hearing.

Sd/-

**Chandigarh
Dated: 11.03.2019**

**(Khushwant Singh)
State Information Commissioner**

CC to PIO-SDM, Kharar

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Smt. Renu Bala, W/o Sh. Davinder Kumar,
H No-7, Chotta Chowk, Malerkotla..

... Appellant

Versus

Public Information Officer,
Principal, S.A Jain High School,
Malerkotla.

First Appellate Authority,
DEO (SE),
Sangrur

...Respondent

Appeal Case No. 1747 of 2018

Present: Renu Bala as the Appellant
None for the Respondent

ORDER:

The case was first heard on **30.08.2018**: The respondent was absent and has sought adjournment due to hearing before the Educational Tribunal in another case. The PIO was directed to provide the information to the appellant within 15 days of the receipt of orders of the Commission. The PIO was also directed to explain the reasons for not responding to the RTI application within time prescribed under the RTI Act.”

The case was again heard on **09.10.2018**. The respondent present pleaded that the information is with the Management Committee and the appellant has been informed vide letter dated 18.04.2018. The PIO was directed to procure the information from the Management Committee and send the same to the appellant within 15 days. The PIO was also directed to send a compliance report to the Commission.

The case again came up for hearing on **21.11.2018**. The counsel present on behalf of the respondent sought adjournment. The counsel further pleaded that he only came about the case a day before and assured to provide the information before the next date of hearing. The PIO was directed to comply with the previous order which still stands and in case the order is not complied with, the Commission will be constrained to take action as per the RTI Act.

The case was last heard on **15.01.2019**. The order is reproduced hereunder:

“The respondent is absent and vide email has sought exemption for personal appearance on medical grounds. The appellant is also absent and has not intimated whether the appellant has received the information or not.

The PIO is directed to comply with the earlier order of the Commission which still stands and send a compliance report to the Commission.”

Hearing dated 11.03.2019:

The appellant pleaded that no information has been provided by the PIO. The appellant further informed that they have received a letter dated 08.03.2019 from the PIO vide which the PIO has informed that the RTI application has been sent to the School Management Committee for further action.

Appeal Case No. 1747 of 2018

The respondent is absent without intimation to the Commission. The Commission observes that despite order of the Commission, the PIO has not provided the information and has given vague reply. The PIO is absent on 3rd consecutive hearing. The Commission has taken a serious note of this and hereby directs the PIO-Principal, S.A.Jain High School, Malerkotla 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.

The PIO-Principal, S.A.Jain High School, Malerkotla is again directed to provide the information to the appellant within 10 days.

The Commission also observed that the school appears to be an aided school and falls under the jurisdiction of DEO (Secondary Education), Sangrur. The PIO-DEO (SE) Sangrur is also impleaded as a party of the case and directed to ensure compliance of the order of the Commission. The PIO-DEO(SE) Sangrur is also directed to be present on the next date of hearing.

The case is adjourned. To come up on **02.04.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 11.03.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :PIO-DEO(SE) Sangrur



Sh.Gurpreet Singh, S/o Sh.Surinder Singh,
Village Hussainpura, P/O Badhochi.Kalan
Tehsil & Distt Shri Fatehgarh Sahib.

Appellant.

Versus

Public Information Officer,
O/o DC,
Distt.Shri.Fatehgarh Sahib.

First Appellate Authority,
O/o Addl, DC,
Distt.Shri.Fatehgarh Sahib.

...Respondent

Appeal Case No. 1795 of 2018

Present: Sh.Gurpreet Singh as Appellant
Sh. Rajinder Singh, Panchayat Secretary for the Respondent

ORDER:

The case was first heard on 20.08.2018. The respondent was absent. The Commission received a letter diary No.16039 dated 06.8.2018 from the PIO, DDPO Fatehgarh Sahib vide which the PIO-DDPO has transferred the RTI to BDPO, Sirhind, instructing them to provide the information directly to the appellant.

The PIO was directed to provide the information to the appellant within 15 days and be present on the next date of hearing. The PIO was also directed to explain the reasons for not providing the information within the time prescribed under the RTI Act.”

The case was again heard on **26.09.2018**. The appellant informed that he has not received the information. Sh.Rajinder Singh, Panchayat Secretary was present. The respondent pleaded that he has just joined the seat as the earlier dealing person Sh.Tajinder Singh has been transferred. The respondent further assured to send the information within 10 days. The PIO was directed to provide the information and send compliance report to the Commission. Sh.Rajinder Singh was also directed to explain the reasons for delay in providing the information. The explanation be sent on an affidavit.

The case again came up for hearing on **19.11.2018**. Sh.Iqbal Singh, Panchayat Secretary o/o BDPO Sirhind was present. The respondent present has pleaded that he has received the RTI application recently and assured to provide the information within 10 days. The PIO, BDPO Sirhind was given one more opportunity to provide the information to the appellant within 10 days and be present personally on the next date of hearing alongwith explanation for delay in providing the information on an affidavit.

The case was last heard on **15.01.2019**. The appellant informed that no information has been provided to him. The PIO was absent on 4th consecutive hearing and preferred to not abide by the order of the Commission. Taking a serious view of the scant regard shown by the PIO towards the RTI Act, the PIO-BDPO Sirhind was issued **show cause notice under section 20 of the RTI Act** and the PIO was directed to 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.

The commission also directed the PIO to provide the information to the appellant within 10 days and send a compliance report to the Commission.

Hearing dated 11.03.2019:

The appellant informed that the information has not been provided so far. The respondent Sh.Rajinder Singh appeared late and pleaded that since the earlier BDPO has been transferred and new BDPO has recently joined, the case be adjourned for the next date. The respondent further assured to provide the information within 15 days.

The case is adjourned and the PIO is directed to appear personally on the next date of hearing and submit reply to the show cause notice on an affidavit. The PIO is also directed to provide the information within 15 days and send a compliance report to the Commission.

To come up for further hearing on **06.05.2019 at 11.00 AM.**

Chandigarh
Dated: 11.03.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to 1. The PIO, DDPO Sri Fatehgarh Sahib

2. The PIO- BDPO Sirhind

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - sicsic30@punjabmail.gov.in
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Sh. Nand Lal,
C-85, New Cantt Road,
Faridkot.

... Appellant

Versus

Public Information Officer,
O/o Director of Land Records,
Kapurthala Road, Jalandhar.

First Appellate Authority,
O/o Director of Land Records,
Kapurthala Road, Jalandhar.

...Respondent

Appeal Case No. 3089 of 2018

Present: None for the Appellant
Sh.Prem Singh Pathania, Sr.Assistant O/o Director Land Records,
Jalandhar for the Respondent

Order:

The case was last heard **on 26.11.2018**. The respondent present submitted a letter dated 22.11.2018 whereby the PIO rejected the information on the grounds that there is no record available as well as the information that has been sought is in question form. The PIO was directed to relook at the RTI application and if there is any record/document available which relates to the rate of the property at which it was allotted, it should be provided.

The case was last heard on **16.01.2019**. The order is reproduced hereunder:

“The appellant is absent and vide email has sought exemption for personal appearance being old age.

The respondent present pleaded that they have tried to trace out the record but the same is not traceable. The Commission however, cannot assume that the record is missing until and unless there is a valid proof to ascertain that the record is missing. Merely stating that the record is missing, is not a ground to reject the RTI application. The Commission directs the Director of Land Records to conduct an enquiry into the matter and submit enquiry report to the Commission. The PIO to also ascertain that whether this record does not exist or it might exist with some other department.”

Hearing dated 11.03.2019:

The respondent present pleaded that in compliance with the order of the Commission, a committee of three persons was constituted to conduct an enquiry into the matter and the Committee has submitted its report. The respondent has submitted a copy of the enquiry which is taken on the file of the Commission.

Appeal Case No. 3089 of 2018

The Commission observes that the department has tried its best to trace out the record. The respondent has also conducted enquiry and submitted its report. As per report, the information that has been sought by the appellant is not available in the record. The Commission is satisfied with the report. It has further been mentioned in the enquiry report that there is possibility that the record may be in the office of concerned Tehsildar(Sales). The appellant is asked to file fresh RTI with the office of concerned Tehsildar. The Commission also directs the appellant that if he is not satisfied, he can inspect the record by fixing a mutually convenient date and time with the PIO.

No further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated: 11.03.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Prem Kumar Rattan,
H No. 78/8, Park Road, New Mandi, Dhuri,
DisttSangrur

... Appellant

Versus

Public Information Officer,
Police Commissioner,
Sarabha Nagar, Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 3096 of 2018

Present: Sh.Prem Kumar Rattan as Appellant
Sh.Ramesh Kumar, ASI O/o Police Commissioner, Ludhiana for the
Respondent

Order:

The case was first heard **on 26.11.2018**. The respondent submitted a letter dated 24.11.2018 whereby the PIO had informed that as per information received from the complaint branch of the office of Police Commissioner Ludhiana, the complaint CR No.1294170 dated 16.03.2018 was pending with Assistant Commissioner, Police, CAW&CL Ludhiana for enquiry and the appellant was informed of the same vide letter dated 23.07.2018. The PIO further informed that as per information again received from the complaint branch of the Police Commissioner, Ludhiana, the enquiry is still pending with Assistant Commissioner, Police, CAW&CL Ludhiana and so the information cannot be provided.

The PIO was directed that if the enquiry is completed, the information be provided as per RTI Act. However, if the enquiry is still pending, the PIO was directed to provide a copy of complaint as well as a copy of statement of complainant to the appellant.

The case was last heard on **16.01.2019**. The order is reproduced hereunder:

“The appellant is absent and vide letter received in the Commission on 14.01.2019 has sought exemption for personal appearance on medical grounds. The appellant has further informed that the information has not been provided.

The respondent present has submitted a letter dated 15.01.2019 of the PIO stating therein that the complaint branch of the office of Commissioner of Police Ludhiana was further contacted and they informed that since the information sought regarding complaint CR No.1294170 relates to the police station, NRI Wing, Ludhiana, the said complaint was sent to the Additional Director General Police, NRI Wing, SAS Nagar for further action. The PIO-of the office of Additional Director General of Police, NRI Wing, SAS Nagar is impleaded as necessary party in this case.

Appeal Case No. 3096 of 2018

The respondent further pleaded that since the copy of statement of complainant can influence the enquiry, it should not be provided till the enquiry is complete. The respondent pleaded before the Commission to reconsider its interim order whereby the Commission had directed the PIO to provide copy of complaint and copy of statement of complainant to the appellant. The Commission has considered the respondent plea and directs the respondent to only provide with the copy of the complaint to the appellant before the next date of hearing.”

Hearing dated 11.03.2019:

The respondent present pleaded that in compliance with the order of the Commission, a copy of complaint has been provided to the appellant. The respondent further informed that the enquiry has been completed and sent for further action to the Addl. Director General of Police, NRI Wing, SAS Nagar Mohali. The appellant pleaded that since the enquiry has been completed, the PIO has not provided the copy of statement of complainant and statement of witnesses.

The Commission has reconsidered the entire case and hereby directs the PIO under whose custody is the information, to provide copies of statement of both complainant and witnesses. Since the enquiry report has been sent to the Addl. Director General of Police NRI Wing, the PIO-Additional Director General of Police, NRI Wing, SAS Nagar Mohali is directed to provide only copies of statement of both complainant and witnesses.

No further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated: 11.03.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :The PIO, Additional Director General Police,
NRI Wing, SAS Nagar, Mohali



Sh.Prem Kumar Rattan,
H No. 78/8, Park Road, New Mandi, Dhuri,
DisttSangrur

... Appellant

Versus

Public Information Officer,
Police Commissioner,
Sarabha Nagar, Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 3097 of 2018

Present: Sh.Prem Kumar Rattan as Appellant
Sh.Ramesh Kumar ASI O/o Police Commissioner, Ludhiana for the
Respondent

Order: The case was first heard on **26.11.2018**. The respondent pleaded that since the information is third party information, it cannot be provided and the appellant has been informed vide letter dated 20.08.2018. Since the information was denied on the ground that the information is 3rd party, the case was adjourned for adjudication on the next date of hearing

The case was last heard on **16.01.2019**. The appellant was absent and vide letter received in the Commission on 14.01.2019 informed that the information has not been provided.

The respondent present pleaded that since the information is 3rd party, it cannot be provided. The appellant had not been able to produce any evidence to prove that the revealing of station leave of Sh.Balwant Singh which is a matter of his service, will lead to revelation of indiscretion in service, corruption or human rights violation. The Commission observed that since the information being sought is about an intra-family dispute, the appellant was directed to produce evidence that revealing of information regarding Sh.Balwant Singh involves larger public interest.

Hearing dated 11.03.2019:

The appellant alleged that Sh.Balwant Singh, HC had appeared as witness at Police Station Dhuri on 19.5.2018 and 22.06.2018 whereas Sh.Balwant Singh was posted in Ludhiana. The appellant claims that he requires the information regarding leave/station leave to ascertain whether Sh.Balwant Singh had taken appropriate leave/station leave to appear at Dhuri or had not.

Since this matter pertains to the services matter as already observed, the Commission directs Sh.Balwant Singh, HC to appear before the Commission to plead his case that why his information should not be provided since the appellant has raised a doubt about whether Sh.Balwant Singh had followed the procedure for appearing as witness at Police Station Dhuri.

To come up on **06.05.2019 at 11.00 AM** For further hearing.

Chandigarh
Dated: 11.03.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :Sh.Balwant Singh, HC
H.No.824,Gali No.6, SBS Nagar, Ludhiana.