**PUNJAB STATE INFORMATION COMMISSION**

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

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

Sh. Harmel Singh,

S/O Harchand Singh

R/o Bir Behman,

Distt Bathinda Appellant

Versus

Public Information Officer,

O/o Director General of Police Home Guards Punjab

Sector-17-C, 17 Bays Building, Chandigarh

First Appellate Authority,

Cum Director General of Police Home Guards Punjab

Sector-17-C, 17 Bays Building, Chandigarh

 Respondents

 **APPEAL CASE NO.867/2018**

Date of RTI application: 20.07.2016

Date of First Appeal : 29.03.2017

Date of Order of FAA: Reply 28.07.16

Date of 2nd Appeal/complaint 06.03.2018

**Present: Sh. Harmel Singh, Appellant in person along with Adv. S.K.Nahar, Counsel. 1. Sh. Hargopal Sadana, PIO, O/o DGP (Home Guards), and**

 **2. Sh. Pawan Kumar, Assistant at Commission’s office, Chandigarh,**

 **3. Company Commander Sh. Hari Singh, Home Guards office, Bathinda, and**

 **4. Sh. Jaspal Singh, Clerk, Home Guards office, Bathinda – for Respondents.**

 **ORDER**

 **The case has been heard through video conferencing.**

The parties are present in the respective studios. The respondents have sent a communication taking a plea that the appellant is seeking information of one Sh. Jagtar Singh who happens to be his real brother. They have internal family dispute over property and the appellant is seeking the information with a view to settle personal scores. Their proxy present in the Court as well as in video conferencing endorse the viewpoint sent in the communication.

 The appellant, on the other hand, reiterates that the information is being sought in public interest and he is legally entitled to it as the so called third party is occupying a public office.

 It has been held at various forums as well as by this Commission that the intent of legislation in the Act is to promote transparency and accountability in the public functioning. It is not Contd…page…2

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**APPEAL CASE NO.867/2018**

a forum to settle personal scores. The appellant has not been able to refute the contentions made by them. The fact is that they are brothers and are in a feud with each other over property. The third party is a long hand in government job. What prompts him to seek an information about personnel matters of a brother can only be attributed to malice and ill-will. Obviously, no larger public interest is in view. The information being sought thus cannot be said have a connection with the public activity or interest and would cause unwarranted intrusion into the privacy of an individual. The exemption available under clause 8(1) (j) as such has been justifiably invoked. The Commission is not inclined to interfere into the issue. The appeal, accordingly, is **disposed.**

 **Sd/-**

**11.07.2018** **(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 Shiromani 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: None on behalf of the Complainant.**

 **1.Sh. Simerjit Singh, PIO, SGPC, and**

 **2. Sh. Kuldip Singh, Assistant Supervisor, SGPC, Amritsar– for Respondents.**

**ORDER**

 **The case has been heard through video conferencing.**

 *The Commission had made the following observations on 10.05.2017:*

***“****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* Contd..page…2

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**COMPLAINT CASE NO.990/2017**

*which the penal consequences shall follow.”*

 *“The case has come up today. The respondents submit that they have provided him the details of information relating to employees recruited by them during the period from 01.11.2016 to 14.08.2017. However, the certified copies of the applications, qualifications and testimonials etc. submitted by them could not be supplied being the personal information of the applicants. It is debatable as to whether such personal documents can be shared with the complainant as they have been furnished to the respondents in their fiduciary relationship.*

 *In the face of the fact that the complainant is alleging large scale bungling in the recruitment of the applicants it shall be in the fitness of things to invoke the proviso of larger public interest to direct the respondents to part with the information thus stated to have been deficient. The respondents shall do the needful well before the next date of hearing.”*

 *“The case has been taken up today.*

 *It transpires that the matter is being looked into personally by the Secretary of the Shiromani Gurdwara Parbhandak Committee, Amritsar and the concerned record is in his possession. The onus shifts on him under Section 5(4) of the Act. Accordingly, he is directed to pass on the information to the appellant well before the next date of hearing. Be it noted that he shall be deemed as a PIO for this purpose.”*

 *“The case has again been taken up today. The information has been handed over on spot to the complainant. He intends to go through it before reacting it.”*

The case has again come up today. The complainant was desired to comment on the information already provided to him. Nothing has been heard from him. The Commission presumes that sufficient information has been furnished to him to his satisfaction. No further action is required.

 The complaint is closed.

 **Sd/-**

**11.07.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Secretary, Shiromani Gurdwara Parbandhak Committee, Amritsar.**

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Sh. Baldev Singh Sirsa,

Village Khanwala,

Dr. Sarang Dev Tehsil Ajnala

Distt. Amritsar. Complainant

Versus

Public Information Officer,

O/o Shiromani Gurdwara Parbandhak Committee,

Amritsar Respondent

 **COMPLAINT CASE NO.1089/2017**

Date of RTI application : 28.08.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 05.10.2017

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

 **1.Sh. Simerjit Singh, PIO, SGPC, and**

 **2. Sh. Kuldip Singh, Assistant Supervisor, SGPC, Amritsar – for Respondents.**

**ORDER**

 The case has been heard through video conferencing.

 The following order was made by the Commission on 17.01.2018:

 *“The instant case relates to the information concerning various advertisements issued by the SGPC in newspapers from 20.09.2015 to 30.11.2015.*

 *The respondent submits that the details of the advertisements issued along with the expenses incurred on the same have already been provided to the complainant.*

 *The complainant is seeking the photo copies of the cuttings of the newspapers. The respondent says that these are not readily available with them. The Commission desires them to arrange to provide the proto-type or the drafts of the advertisements thus issued to the newspapers for publishing before the next date of hearing positively.”*

 *“The case has been taken up today.*

 *Contd..page…2*

 *-2-*

***COMPLAINT CASE NO.1089/2017***

 *It transpires that the matter is being looked into personally by the Secretary of the Shiromani Gurdwara Parbhandak Committee, Amritsar and the concerned record is in his possession. The onus shifts on him under Section 5(4) of the Act. Accordingly, he is directed to pass on the information to the appellant well before the next date of hearing. Be it noted that he shall be deemed as a PIO under the Act.*

 *Sh. Simerjit Singh, PIO submits that the information comprised in 75 pages has been sent to the complainant under registered cover from the Silliguri post office. They have shown us a copy of the postal receipt as well. The complainant denies its receipt. The Commission presumes that it should be in transit and probably he shall get it soon.”*

The case has come up today.

 The complainant is not present. It is a settled proposition that the documents sent under registered cover if not returned by the postal authorities as undelivered, shall be deemed to have been served on the addressee. The silence on the part of the complainant suggests that he is in receipt of the same. The Commission does not intend to further intervene into the issue.

 The matter is **disposed.**

 **Sd/-**

**11.07.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Secretary, Shiromani Gurdwara Parbandhak Committee, Amritsar.**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Jasbir Singh

Village Bholapur, Jhabewal,

Post office Ramgarh, Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Deputy Commissioner,

Ludhiana

First Appellate Authority

O/o Deputy Commissioner,

Ludhiana Respondents

 **APPEAL CASE NO.6/2018**

Date of RTI application : 26.09.2017

Date of First Appeal : 04.11.2017

Date of Order of FAA : Reply 03.10.2017

Date of 2nd Appeal/complaint :20.12.2017

**Present: None.**

**ORDER**

None is present on behalf of the Parties.

 The matter is deferred to be heard on **12.09.2018 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**11.07.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Sarabjeet Singh Gill,

H.No.60-35 – P-376-1, Street No.8, Maha Singh Nagar,

P.O. Dhandari Kalan, Ludhiana Appellant

Versus

Public Information Officer,

O/o Commissioner of Police,

Ludhiana

First Appellate Authority

O/o Commissioner of Police,

Ludhiana. Respondents

 **APPEAL CASE NO.94/2018**

Date of RTI application : 21.10.2017

Date of First Appeal : 22.11.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :23.12.2017

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

**1. Inspector Dev Raj, RTI Br., DCP Office, Ludhiana and**

**2. HC Tarsem Singh ( No.1689), RTI Br., DCP Office, Ludhiana at Commission’s office, Chandigarh – for Respondents**.

**ORDER**

 The status quo remains. The respondents are again directed to file an appropriate reply and convince this forum as to how the revelation of information is going to impede the investigation of the case. The mere pendency of investigation does not entitle them to withhold the information. A final opportunity is afforded to the respondents to file an appropriate written statement else they should part with the information as sought by the appellant well before the next date of hearing.

To come up on **12.09.2018 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**11.07.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Jaspal Singh,

S/o Sh. Ramesh Arora,

H.No.319/3, Gaurdeep Nagar,

Jagraon Distt. Ludhiana. Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council, Jagraon

Distt. Ludhiana

First Appellate Authority

O/o Regional Deputy Director,

Urban Local Bodies, Punjab,

Ludhiana. Respondents

**APPEAL CASE NO. 822/2018**

Date of RTI application : 14.12.2017

Date of First Appeal : 15.01.2018

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :01.03.2018

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

Sh. Ranjit Singh, Jr. Assistant, O/o Nagar Council, Jagraon – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

The following order was made by this forum on 16.05.2018:

 *“Sh. Amarpal Singh, Clerk, o/o Executive Officer, Nagar Council appearing on the behalf of the respondents submits that information has been provided. The appellant rebuts their standpoint and denies having received it. He is making a serious allegation about irregularities and malfeasance in the construction of an important road.*

 *The Commission finds a larger public interest in revelation of such an information. The respondents are directed to allow him the inspection of the entire record and provide him the certified copies of the documents. It should be identified by him within 20 days from today positively. The respondents shall file a written reply to the notice of the Commission well before the next date of hearing positively.”*

The respondents have communicated in writing vide their memo dated 09.07.2018 Contd…page..2

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**APPEAL CASE NO. 822/2018**

that in compliance with the order dated 16.05.2018 made by the Commission the appellant has been furnished with the documents identified by him. He has acknowledged the receipt of the same as well. No further action is called for.

  **Disposed.**

 **Sd/-**

**11.07.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Harjinder Singh

S/o Sh. Kapur Singh

Village Gobindgarh, P.O. Jugiana,

Distt. Ludhiana Appellant

Versus

Public Information Officer

O/o Commissioner,

Municipal Corporation,

Ludhiana

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Ludhiana Respondents

 **APPEAL CASE NO.99/2018**

 Date of RTI application :21.09.2017

Date of First Appeal :20.10.2017

Date of order of FAA :Nil

Date of 2nd Appeal/complainant: 21.12.2017

**Present: Adv. Ravinder Singh, Counsel for the Appellant.**

 **None on behalf of the Respondents.**

**ORDER**

 **The case has been heard through video conferencing.**

The following order was made on 23.05.2018 by this forum:

 *“The original application was filed by the appellant on 21.09.2017. Despite the lapse of about six months no cogent action seems to have been taken on it. The respondents represented by Sh. Gaurav Kumar, Jr. Draftsman say that he has brought along a reply to one of the points made in the original application. It has been advised to be handed over to the appellant on spot. The appellant may like to go through and respond in case he so desires.*

 *Meanwhile, Sh. Harvinder Singh, PIO – cum – Assistant Town Planner is issued a show cause notice for having failed to provide the information within the stipulated period of thirty days. Any further dereliction shall invite serious consequences.”*

 *“Sh. Havinder Singh, PIO submits that the issue is under process and as and when the action is completed the appellant shall be duly informed. The plea of the respondent is misplaced. They are directed to inform the appellant about the current status and provide certified copies of the documents available on relevant file before the next date of hearing positively.*

 *Be that as it is, no further opportunity shall be afforded and penal action shall be taken as a show cause notice stands already issued to him.”*

 *Contd…page…2*

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 **APPEAL CASE NO.99/2018**

The case has come up today. The matter has been probed and discussed. The appellant had referred a letter citing its number and date issued by the Director of Local Government, Punjab, and sought to know the action having been taken on the same. Vide their communication dated 20.03.2018 the respondents have communicated that as of now no action has been taken thereby informing him the status of the issue. This forum cannot monitor the progress of actions to be taken on ground in the course of a time. It can only help to arrange and provide the information which exists materially on record as on day. In such a scenario no further directions can be issued to the respondents. The available information has been furnished to the appellant. The respondents are directed to apprise him of the matter as and when something tangible matures. **Disposed.**

 **Sd/-**

**11.07.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Roop Singh,

House No 3205/1, Chungi No 7,

Agwara Rada, Jagraon, Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Nagar Council, Jagraon, Distt Ludhiana

First Appellate Authority,

O/o Deputy Director, Local Government, Punjab

 Ludhiana Respondents

 **APPEAL CASE NO.860/2018**

Date of RTI application: 01.09.2017

Date of First Appeal : 06.12.2017

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint 03.03.2018

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

 **Sh. Harish Kumar, Clerk, NC Office, Jagraon – for Respondents.**

 **ORDER**

 **The case has been heard through video conferencing.**

The following order was made by the Commission on 23.05.2018:

 *“The appellant is not present. Sh. Anil Kumar, Sanitary Inspector appearing on behalf of the respondents submits that the information asked for is massive. The appellant was desired to make payment of Rs.8,572/- being the cost of information. Having failed to do so he is not entitled to the information. The appellant may like to react on the submissions thus made by the respondent.”*

The case has come up today. The respondents reiterate their stance. As mentioned above the appellant has failed to deposit the cost of information sought by the respondents. In the absence of it he is not entitled to the information which is quite huge and massive. Even so, the Commission feels that such an elaborate and indiscriminate information tends to dislodge the normal Contd…page…2

 -2-

**APPEAL CASE NO.860/2018**

functioning of the office. The information sought should be feasible to be provided by the Public Authority and should reflect the intention to promote transparency and accountability in an office rather than disrupting its functioning. No action is called for.

 The appeal is **disposed.**

 **Sd/-**

**11.07.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Jasbir Singh

Village Bholapur Jhabewal,

P.O. Ramgarh, Distt. Ludhiana Appellant

Versus

Public Information Officer

O/o Commissioner,

Municipal Corporation, Ludhiana

First Appellate Authority

O/o Commissioner,

Municipal Corporation, Ludhiana Respondents

**APPEAL CASE NO.13/2018**

 Date of RTI application : 26.09.2017

Date of First Appeal :06.11.2017

Date of order of FAA :Nil

Date of 2nd Appeal/complainant:20.12.2017

**Present: None.**

 **ORDER**

 The following order was made on 23.05.2018:

 *“The appellant is again absent. Sh. Anish Bansal, Superintendent appearing on behalf of the respondents says that the information has since been supplied to him. They have enclosed a copy of the same which seems to be in order. Final opportunity is afforded to him to react on the information thus sent to him failing which it shall be presumed that he is satisfied with the information thus provided to him.”*

The appellant is not present. He has not been able to pin-point any deficiency in the information stated to have been delivered on him. In the absence of any communication from him despite the observations the Commission is inclined to believe that sufficient information has reached him. No further cause of action is left.

 The appeal is **disposed.**

 **Sd/-**

**11.07.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

 **PUNJAB STAE INFORMATION COMMISSION**

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Sh.Sushil Kumar,

House No.1410, Phase 1, Urban Estate,

Dugri Road, Ludhiana

 Complainant

Versus

Public Information Officer

O/o Chief Incharge/Zonal Commissioner,

Zone –D, Municipal Corporation,

Ludhiana Respondent **COMPLAINT CASE NO.5/2018**

 Date of RTI application :16.10.2017

Date of First Appeal :Nil

Date of order of FAA :Nil

Date of 2nd Appeal/complainant:19.12.2017

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

 **Sh. Balwinder Singh, SDO, Zone ‘D’, MC office, Ludhiana – for Respondent.**

**ORDER**

 **The case has been heard through video conferencing.**

The following order was made on 23.05.2018:

 *“Sh. Balwinder Singh appearing on behalf of the respondent says that they have endeavoured to contact the complainant to arrange to provide him the information. However, that did not mature. This is not a valid defence. The respondent is directed to convey it in writing by post to the complainant under intimation to the Commission.”*

The case has come up today.

 The complainant is absent. Sh. Balwinder Singh, SDO appearing on behalf of the respondent has drawn our attention to a memo sent by the PIO on 22.05.2018 wherein a point-wise reply has been sent to the complainant. Its perusal suggests that the complainant had a grouse about the quality of a road having been laid by the respondents. He is seeking to know about the enquiry having been held, and the action taken on the ground to correct a malady in the construction of the road.

 What transpires is that no action whatsoever has been taken by the Contd…page…2

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**COMPLAINT CASE NO.5/2018**

respondents. The Commission would like to underline that it is not within the domain of this forum to redress the grievance of a citizen. There are platforms like the senior officers in the Department, the Government, or the Civil Court who should be approached to seek such redressals. This forum cannot direct the respondents to repair a road. From the perusal of the communications and the statements made by the respondents the Commission feels that the complainant has been briefed about the information available on record. No further action seems called for.

 The complaint is **filed.**

  **Sd/-**

**11.07.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**