**PUNJAB STATE INFORMATION COMMISSION**

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

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Sh. Kuldip Kumar Kaura,

5-C, Phase I, Urban Estate,

Focal Point, Ludhiana Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council, Jagraon,

Distt. Ludhiana

First Appellate Authority

O/o Executive Officer,

Municipal Council, Jagraon,

Distt. Ludhiana Respondents

**APPEAL CASE NO.3723 /2017**

Date of RTI application : 21.08.2017

Date of First Appeal : 27.10.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :09.12.2017

**Present: Sh. Kuldip Kumar Kaura, appellant in person**

 **Sh. Satya Jeet, JE, MC Office, Jagraon - for Respondents.**

**ORDER**

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

 It is in continuation of the order passed on 04.07.2018. This is a long standing case. Interim orders directing the respondents to provide the information relating to the execution of development works and the compliance to the various statutes protecting the interest of the labourers were passed. The respondents so far have stone-walled the information on one pretext or the other.

 The Commission is inclined to believe that the respondents are willfully denying the information at the behest of a contractor who probably has got some vested interests. Apparently, the respondents have rendered themselves liable for penal consequences. Sh. Sukhdev Singh Randhawa, PIO – cum – EO, Municipal Council, Jagraon is hereby 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

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**APPEAL CASE NO.3723 /2017**

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.

 Meanwhile the respondents should ensure that the complete information in all respects is provided to the information seeker which has already been inordinately delayed. The matter shall be reheard on **21.11.2018 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**12.09.2018**  **(Yashvir Mahajan)**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Jaspal Singh

S/o Sh. Rajesh Arora,

319/3, Gurdeep Nagar,

Jagraon, Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council, Jagraon,

Distt. Ludhiana

First Appellate Authority,

O/o Regional Dy. Director,

Urban Local Bodies Department,

Ludhiana Respondents

 **APPEAL CASE NO.1427/2017**

Date of RTI application : 15.03.2017

Date of First Appeal : 18.04.2017

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint 23.05.2017

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

 **Sh. Satya Jeet, JE, NC Office, Jagraon – for Respondents.**

**ORDER**

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

 This is again a very long standing case. Numerous orders have been passed directing the respondents to provide the information to the information seeker. However they seemingly are defying all the directions of the Commission deliberately. It cannot be taken lying down.

 Sh. Sukhdev Singh Randhawa, PIO – cum – EO, Municipal Council, Jagraon is hereby 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.

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**APPEAL CASE NO.1427 /2017**

 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 **21.11.2018 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**12.09.2018**  **(Yashvir Mahajan)**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Jaspal Singh

S/o Sh. Ramesh Arora,

319/3, Gurdeep Nagar, Jagraon,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council, Jagraon,

(Distt. Ludhiana)

First Appellate Authority,

O/o Deputy Director, Local Govt.

Ludhiana Respondents

 **APPEAL CASE NO. 4208 of 2016**

 **Date of RTI Application :24.09.2016**

 **Date of First Appeal :29.10.2016**

 **Date of Order of FAA :NIL**

 **Date of Second Appeal :19.12.2016**

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

 **Sh. Satya Jeet, JE, NC Office, Jagraon – for Respondents.**

**ORDER**

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

 This is also a very long standing case. Numerous orders have been passed directing the respondents to provide the information to the information seeker. However they seemingly are defying all the directions of the Commission deliberately. It cannot be taken lying down.

 Sh. Sukhdev Singh Randhawa, PIO – cum – EO, Municipal Council, Jagraon is hereby 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.

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**APPEAL CASE NO.4208 /2017**

 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 **21.11.2018 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**12.09.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**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 Commissioner,

Municipal Corporation,

Ludhiana

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Ludhiana. Respondents

 **APPEAL CASE NO.3421/2017**

Date of RTI application : 14.09.2017

Date of First Appeal : 14.10.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :30.11.2017

**Present: Sh. Jasbir Singh, Appellant in person at Commission’s office, Chd.**

**Sh. Maharani Deen, Assistant, Zone ‘A’, MC Office, Ludhiana – for Respondents.**

**ORDER**

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

The proxy appearing on behalf of the respondents says that the dealing official is hospitalized being injured in an accident. He requests for an adjournment. It is accepted.

 The matter shall be reheard on **05.12.2018 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**12.09.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Parveen Kohli,

S/o Sh. Savdesh Kohli,

451/2, College Road, 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.1678/2017**

Date of RTI application : 16.03.2017

Date of First Appeal : 24.04.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :17.06.2017

**Present: Sh. Parveen Kohli, Appellant in person.**

1. **Sh. Balwinder Singh, PIO – cum – EO, Bilga,**
2. **Sh. Kuldeep Singh, the then PIO – cum – EO, Jagraon, and**
3. **Sh. Satya Jeet, JE, NC Office, Jagraon – for Respondents.**

**ORDER**

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

The following order was made by the Commission on 04.07.2018:

 *“A penalty of Rs.10,000/- (Rupees Ten Thousand only) on the delinquent PIO – cum – EO, Nagar Council, Jagraon was imposed vide order dated 27.12.2017. Sh. Sukhdev Singh Randhawa, PIO has submitted an application that he was incorrectly penalized as the delay could not be attributed to him. Taking cognizance of his submission, the implementation of the above order was withheld by this forum.*

 *The case has come up today. The delay has to be accounted for. He is directed to send the history of the postings of the PIO – cum – EOs of the Public Authority in question to the Commission from the date the original application seeking information was filed by the appellant.”*

 *“The case has again come up today. The respondents have communicated the details of officials who were incumbents during the period of default. It transpires that one Sh. Gurdip Singh and Sh. Balwinder Singh had been holding the charge during the period of delinquency. The*

 *Contd…page…2*

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***APPEAL CASE NO.1678/2017***

*show cause notice issued to Sh. Sukhdev Singh is directed to be served on them. They should show cause as to why penalty already imposed on Sh. Sukhdev Singh should not be recovered equally from them having been responsible for the default in dispensing the information. In case they fail to show any cause the penalty of Rs.10,000/- shall be directed at them and recovered accordingly.”*

The case has come up today. Sh. Balwinder Singh and Sh. Kuldeep Singh, the then PIOs – cum – EOs, Jagraon are present.

 Sh. Kuldeep Singh submits that during the tenure of his incumbency he had supplied him the information timely. If there was any infirmity, that was to be looked into by his successor. More so he held the charge for a limited period. He is desired to file his statement in writing.

 Sh. Balwinder Singh also submits that his tenure has been for a couple of months only and during the currency of his office this issue was not brought to his notice. He has transferred out even before the first date of hearing matured in the Commission. The current incumbent
Sh. Sukhdev Singh Randhawa is holding the charge ever since and if any delinquency has been found that is attributable to him only.

 The PIO – cum - EO, Nagar Council, Jagraon is not present. His proxy is totally unaware of the issue. As he has failed to controvert the contentions made by Sarvshri Kuldeep Singh and Balwinder Singh the Commission thus accepts their submissions and upholds the original order passed on 27.12.2017. The current incumbent is directed to comply with it under intimation to the Commission.

 A copy of this order be also forwarded to Sh. Balwinder Singh and Sh. Kuldeep Singh, the then PIOs – cum – EOs, Nagar Council, Jagraon.

 To come up on **05.12.2018 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**12.09.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**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: Sh. Jasbir Singh, Appellant in person at Commission’s office, Chd.**

 **Sh. Gagandeep Singh, Clerk, Estt. Br., DC Office, Ludhiana – for Respondents.**

**ORDER**

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

The issue concerns the evasion of a significant amount of stamp duty. Allegedly the department is sleeping over the complaint made by him.

 Sh. Gagandeep Singh, Clerk appearing on behalf of the respondents says that the Sub Divisional Magistrate (W), Ludhiana, is looking into it. The appellant shows his concern over stone-walling the issue by the respondents for more than a year. Be that as it is, the respondents are advised to apprise him of the current status of the matter immediately under intimation to the Commission.

 To come up on **05.12.2018 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**12.09.2018** **(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.**

**Inspector Dev Raj, RTI Br., DCP Office, Ludhiana -– for Respondents**.

**ORDER**

 The following order was passed by this forum on 11.07.2018:

 *“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.”*

 Insp. Dev Raj appearing on behalf of the respondents submits that the enquiry is being conducted by Sh. Harmohan Singh Sandhu, AIG (E.O. Wing), Police Hqrs. Chandigarh. He pleads that revelation of the information at this stage shall impede its progress and completion. As the charges are criminal, the Commission is inclined to accept the version of the respondent and allow the defence taken under Section 8(g) of the Act.

 The appeal accordingly is **disposed.**

 **Sd/-**

**12.09.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**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 Commissioner,

Municipal Corporation,

Ludhiana

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Ludhiana. Respondents

 **APPEAL CASE NO. 313/2018**

Date of RTI application : 23.10.2017

Date of First Appeal : 24.11.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :10.01.2018

**Present: Sh. Jasbir Singh, Appellant at Commission’s off. Chandigarh.**

 **Sh. Charanjit Singh, Superintendent, MC office, Zone ‘D’, Ludhiana - for Respondents.**

**ORDER**

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

The appellant is in receipt of the information. He has shown his satisfaction over it. He is not inclined to further pursue the matter.

The appeal is **disposed.**

 **Sd/-**

**12.09.2018 ( Yashvir Mahajan )**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Rohit Sabharwal,

Kundan Bhawan, 126,

Model Gram, Ludhiana. Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation, Zone A,

Near Mata Rani Chowk, Ludhiana.

First Appellate Authority,

O/o Commissioner,

Municipal Corporation,

Ludhiana. Respondents

 **Appeal Case No.1523/2018**

Date of RTI application: 07.12.2017

Date of First Appeal : 11.01.2018

Date of Order of FAA or Reply: 01.02.2018

 Date of 2nd Appeal/complaint: 26.04.2018

**Present: Ms. Sukhjinder Kaur, Counsel for the Appellant.**

**Sh. Charandeep Singh, Superintendent, Zone ‘D’, MC Office, Ludhiana**

 **– for Respondents.**

**ORDER**

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

In the order passed on 18.07.2018 a typographical error about the exemption of Zone ‘C’ occurred. The order seeking the confirmation related to Zone ‘C’ of the Corporation only and it should have been read accordingly. Zone ‘C’ has not stated that complete information has been provided with reference to the subject.

 The PIO in Zone ‘C’ is again directed to submit in writing that complete information has been given well in advance before the next date of hearing under intimation to the appellant.

 To come up on **05.12.2018 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**12.09.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The PIO, Zone ‘C’, Municipal Corporation, Mata Rani Chowk, Ludhiana. For n/a.**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Darshan Singh,

S/o Sh. Sadhu Ram,

R/o H. No. 1751, Islam Ganj, Near Gopal Mandir,

Near PS Division No.2, Ludhiana. Appellant

Versus

Public Information Officer,

O/o Superintendent,

Health Branch, Midda Chowk,

Municipal Corporation, Ludhiana.

First Appellate Authority,

O/o Commissioner,

(Health Branch) Municipal Corporation,

Ludhiana. Respondents

 **Appeal Case No.1552/2018**

Date of RTI application: 09.01.2018

Date of First Appeal : 26.02.2018

Date of Order of FAA or Reply: 15.03.2018

 Date of 2nd Appeal/complaint: 24.04.2018

**Present: Adv. Deepti Saluja, Counsel for the Appellant.**

 **Dr. Vipin Malhotra , PIO – cum - Health Officer, MC Office, Ludhiana – for Respondents.**

**ORDER**

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

The following order was made by this forum on 18.07.2018:

 *“The respondents claim exemption from revelation of information under Clause ‘J’ of Section 8(1) of the Act. The appellant refutes their contention in the face of a criminal case having been registered against him. Be that as it is, the respondents are directed to file a written reply to the Commission with an advance copy to the appellant who may like to file a rejoinder on the same before the next date of hearing.”*

The case has come up today. As already observed the respondents deny it on the ground of unwarranted interference into the personal information of someone. The appellant is alleging that the third party has procured a job by some foul play and impersonation. In such a scenario, the truth should prevail. Invoking the proviso of Section 8(2) whereof the larger public interest outweighs the personal harm, if any, the Commission overrules the defence taken by the respondents and directs them to pass on the information under intimation to the Commission.

 To come up on **05.12.2018 at 1130 AM through video conference at Ludhiana.**

 **Sd/-**

**12.09.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

 **PUNJAB STAE INFORMATION COMMISSION**

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Sh. P.D.Bansal (President),

Lok Sewa Club, Shop No.57,
Sant Market, G.T. Road, Khanna

Distt. Ludhiana Complainant

Versus

Public Information Officer

O/o Executive Officer,

Municipal Council, Khanna,

Distt. Ludhiana Respondents

**COMPLAINT CASE NO.14/2018**

 Date of RTI application :28.10.2017

Date of First Appeal : Nil

Date of order of FAA :Nil

Date of 2nd Appeal/complainant:26.12.2017

**Present: Sh. P.D.Bansal, Complainant in person.**

**Sh. Ravneet Singh, PIO – cum – EO, Rajpura at Commission’s off. Chd. – for Respondents.**

**ORDER**

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

Sh. Ravneet Singh, EO has submitted a written reply. He is directed to forward a copy of the same to the complainant. In case the complainant wants to advert on the same he should send it in writing to the respondent with a copy to the Commission before the next date of hearing.

 To come up on **05.12.2018 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**12.09.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**Cc: Sh. Ravneet Singh, PIO – cum – EO, Municipal Council, Rajpura for n/a.**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Ravinder Singh,

S/o Sh. Balwant Singh,

R/o H. No. 986, Roop Vihaar,

Moga. Appellant

Versus

Public Information Officer,

O/o Assistant Commissioner (Grievances),

District Administrative Complex,

Sector 76, S.A.S Nagar.

First Appellate Authority,

O/o Assistant Commissioner (Grievances),

District Administrative Complex,

Sector 76, S.A.S Nagar. Respondents

**Appeal Case No.1550/2018**

Date of RTI application: 15.01.2018

Date of First Appeal : 26.02.2018

Date of Order of FAA or Reply: 23.02.2018

 Date of 2nd Appeal/complaint: 24.04.2018

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

**Sh. Navjot Tiwari, Sadar Kanungo, DC Office, Mohali, at Commission’s office, Chandigarh – for Respondents.**

**ORDER**

 Due to technical glitch the video conferencing could not mature.

 The matter shall be reheard at **Chandigarh on 16.10.2018 at 11.30 AM.**

 **Sd/-**

**12.09.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**