

PUNJAB STATE INFORMATION COMMISSION
RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email:psic22@punjabmail.gov.in

Sh. Swaran Singh,
Village Mehmood Khane Ke,
P.O Amir Khas, Tehsil Jalalabad (West),
Fazilka.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block Guruharsahai, Distt. Ferozepur.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Distt. Ferozepur.

Respondents

Appeal Case Nos.2610 and 2641 of 2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
13.04.2018/10.08.2017	Nil	16.05.2018/20.09.2017	Nil	03.04.2018/02.08.2018

Present: Sh. Swaran Singh, Appellant in person.
None on behalf of the Respondents.

Order

The following order was passed by this forum on 14.11.2018:

“Since the appellant and the respondents are similar, and the information sought for is almost identical, single order shall dispose of the above appeals.

Due to a technical glitch video conferencing could not mature. The appellant is present in the Court at Chandigarh.

The Commission finds that no written reply has been filed by the respondents. The appellant denies having received the information. The respondents are directed to provide him the information before the 30th of November, 2018 positively and explain in writing the reasons for having failed to do so in due time.”

The case has come up today. Despite the Commission’s clear instructions the respondents are neither present nor any written statement has been filed. The Commission takes it as a blatant violation of the provision of the RTI Act and issues a show cause notice to the PIO – cum – BDPO, Block Guruharsahai, District Ferozepur to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum

Appeal Case Nos.2610 and 2641 of 2018

of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for 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 he should ensure that the information sought for is provided to the appellant under intimation to the Commission. No further opportunity shall be afforded and the penal consequences shall follow.

To come up on **24.01.2019 at 11.30 AM.**

13.12.2018

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

PUNJAB STATE INFORMATION COMMISSION
RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Fateh Singh,
S/o Late Sh. Pritam Singh,
Village-Bharatpur, P.O- Bhago Majara,
Distt.-S.A.S Nagar.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Kharar, Distt. S.A.S Nagar.

First Appellate Authority,
O/o Additional Deputy Commissioner,
S.A.S Nagar.

Respondents

Appeal Case No.3027/2018

Date of RTI application: 29.06.2017
Date of First Appeal : 20.04.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 05.09.2018

Present: Sh. Fateh Singh, Appellant in person.
Sh. Harmesh Singh, Panchayat Secretary, O/o BDPO, Kharar – for Respondents.

Order

The following order was made on 23.10.2018:

“The appellant had sought information about the erection of harijan dharamsala in the village and the information connected thereto.

Sh. Harmesh Singh, Panchayat Secretary appearing on behalf of the respondents says that the record is in the office of the District Development & Panchayat Officer, Mohali as he is enquiring into a complaint on the subject.

Be that as it is, the documents sought should be arranged to be provided to him before the next date of hearing positively. The District Development & Panchayat Officer, Mohali shall be considered as deemed PIO in case the record lies with him. He should ensure that the certified copies are provided to the appellant through the Block Development & Panchayat Officer, Kharar immediately.”

Despite the express order of the Commission, the District Development & Panchayat Officer, Mohali has neither responded nor arranged to provide the information. Sh. Harmesh Singh, Panchayat Secretary appearing on behalf of the respondents reiterates his earlier position that the record is maintained by the DDPO, Mohali and he is not in a position to provide the information. Apparently, the DDPO, Mohali has rendered himself liable for penal consequences.

Accordingly, Sh. D.K.Saldi, District Development & Panchayat Officer, Mohali, is 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

Appeal Case No.3027/2018

Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for 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, he 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 **24.01.2019 at 11.30 AM.**

13.12.2018

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

CC: The District Development & Panchayat Officer, Mohali, for n/a.

PUNJAB STATE INFORMATION COMMISSION
RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Fateh Singh,
S/o Late Sh. Pritam Singh,
Village-Bharatpur, P.O- Bhago Majara,
Distt.-S.A.S Nagar.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Kharar, Distt. S.A.S Nagar.

First Appellate Authority,
O/o Additional Deputy Commissioner,
S.A.S Nagar.

Respondents

Appeal Case No.3028/2018

Date of RTI application:	29.06.2017
Date of First Appeal :	20.04.2018
Date of Order of FAA or Reply:	Nil
Date of 2 nd Appeal/complaint:	05.09.2018

Present: **Sh. Fateh Singh, Appellant in person.**
 Sh. Harmesh Singh, Panchayat Secretary, O/o BDPO, Kharar – for Respondents.

Order

The following order was made by the Commission on 23.10.2018:

“Sh. Harmesh Singh, Panchayat Secretary appearing on behalf of the respondents says that he has recently joined and is unaware of the issue. He should have done his home work properly. His excuse is not justified. Nonetheless, the Commission directs him to arrange to provide him the information under intimation to the Commission before the next date of hearing.”

Sh. Harmesh Singh, Panchayat Secretary again states that the record of the entire village is with the District Development and Panchayat Officer, SAS Nagar. He is again advised to provide him the information expeditiously. Further laxity shall invite penal consequences.

To come up on **24.01.2019 at 11.30 AM.**

13.12.2018

Sd/-
(Yashvir Mahajan)
State Information Commissioner

CC: The District Development & Panchayat Officer, Mohali, for n/a.

PUNJAB STATE INFORMATION COMMISSION
RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Rajesh Kumar,
Chief Editor, RTI Activist,
Vice Chairman, Rashtriya Krantikari Press Association,
C/o 2253/1, Peepliwalatown, Manimajra,
Chandigarh.

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council,
Zirakpur, Distt. SAS Nagar.

First Appellate Authority,
O/o Deputy Director,
Local Government Bodies,
Patiala.

Respondents

Appeal Case Nos.2972 and 2974 of 2018

Date of RTI application:	24.04.2017
Date of Reply :	Nil
Date of First Appeal :	02.06.2017
Date of Order of FAA :	Nil
Date of 2 nd Appeal/complaint:	31.08.2018

Present: Sh. Rajesh Kumar, Appellant in person.
None on behalf of the Respondents.

Order

Sh. Rajesh Kumar, Appellant has come present. None is present on behalf of the Respondents.

The appellant has written to the Commission that his appeals should be heard by some other bench.

The undersigned bench as such recuses itself from hearing the appeals. The Deputy Registrar is desired to put up these case files to the Ld. CIC for transfer to another bench.

Sd/-

13.12.2018

(Yashvir Mahajan)
State Information Commissioner

CC: DR, PSIC, along with original case files.

PUNJAB STATE INFORMATION COMMISSION
RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Tarjinder Singh,
S/o Sh. Mohan Singh,
R/o House No.60, Royal Residency,
Nijjer-Chhaju Majra Road,
Sector-127, Chhaju Majra,
P.O-Landran.

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council,
Kharar, Distt. SAS Nagar.

First Appellate Authority,
O/o Executive Officer,
Municipal Council,
Kharar, Distt. SAS Nagar.

Respondents

Appeal Case No.2828/2018

Date of RTI application: 20.05.2018
Date of First Appeal : 23.06.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 20.08.2018

Present: Sh. Tarjinder Singh, Appellant in person.
None on behalf of the Respondents.

Order

The following order was made on 25.10.2018:

"A simple information pertaining to a residential project in the jurisdiction of the Public Authority has been sought. The chronology of filing application, first appeal and second appeal has been mentioned above. A dodgy reply which is without any authenticity of its postage has been sent to the appellant with frivolous objections which are not sustainable. The identity of the appellant is very much there in the shape of a copy of the Aadhaar card. A non-sustainable plea of third party information has also been taken to refuse the information.

The Commission understands that the Public Authority is dealing with the issue since its inception. Such inane observation does not speak well of it. It can be construed that it is malafidely stone-walling the information which is entitled to a citizen. They have not given a convincing explanation orally on hearing as well. The Commission considers that a willful attempt has been made to withhold and deny the information to the appellant.

Appeal Case No.2828/2018

According, Sh. Rajesh Kumar, PIO – cum – E.O., Municipal Council, Kharar is 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 him for 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 he will ensure that the sought for information is supplied to the appellant before the next date of hearing positively.”

The case has come up today. The Commission is constrained to find that despite the issue of show cause notice the respondents have maintained a stoic stance. A final opportunity is afforded to the PIO – cum – Executive Officer, M.C., Kharar, to explain his conduct. Meanwhile he should ensure to suitably inform the appellant.

The matter shall be reheard on **10.01.2019 at 11.30 AM.**

13.12.2018

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

PUNJAB STATE INFORMATION COMMISSION
RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Malkeet Singh,
S/o Sh. Surinder Singh,
R/o Village Neelpur, Tehsil-Rajpura,
Distt. Patiala.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Rajpura, Patiala.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Patiala.

Respondents

Appeal Case No.2892/2018

Date of RTI application:	14.05.2018
Date of First Appeal :	17.07.2018
Date of Order of FAA or Reply:	Nil
Date of 2 nd Appeal/complaint:	29.08.2018

Present: Sh. Malkeet Singh, Appellant in person.
None on behalf of the Respondents.

Order

The following order was passed by the Commission on 25.10.2018:

“The appellant had sought the information concerning the various activities relating to the resolutions passed, income accrued and expenses incurred on various development works etc. by the gram panchayat of village Neelpur, Tehsil Rajpura.

The respondents required him to deposit an amount of Rs.1540/- being the cost of providing information. The appellant says that the respondents did not provide him the bank account number as he intended to deposit it to their bank account only. The respondents now have informed him the bank account of the Panchyat. They are directed to provide him the information sought for on receipt of payment within the stipulated period positively.”

The case has come up today. The respondents are absent. The Commission takes serious note of the dismissive attitude of the respondents. The appellant submits that despite having deposited the full amount as asked for, complete information has not been provided. On being further probed, he says that if he is provided with the statements of the bank accounts maintained by the Panchayat he shall be satisfied. The respondents are directed to ensure that the bank statements as well are provided to him as sought for by him under intimation to the Commission.

To come up on **24.01.2019 at 11.30 AM.**

Sd/-

13.12.2018

(Yashvir Mahajan)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email:psic22@punjabmail.gov.in

Sh. Tejinder Singh Advocate,
R/o Vill. Bholapur, P.O-Ramgarh,
Chd. Road, Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Sub Registrar,
Tehsil-Kharar, S.A.S Nagar.

First Appellate Authority,
O/o Sub District Magistrate,
Kharar, S.A.S Nagar.

Respondents

Appeal Case No.2721/2018

Date of RTI application: 28.01.2018
Date of First Appeal : 06.05.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 13.08.2018

Present: None.

ORDER

The appellant is absent on trot. The Commission has gone through the reply of the respondents and finds that the appellant has been suitably informed. No further action is called for. The appeal is **disposed**.

13.12.2018

Sd/-
(Yashvir Mahajan)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Paramjeet Singh,
S/o Sh. Nath Singh,
R/o Village Faizulapur, Shamshpur,
Tehsil- Amluh, Distt. Fatehgarh Sahib.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Amluh, Fatehgarh Sahib.

First Appellate Authority,
O/o Block Development and Panchayat Officer,
Amluh, Fatehgarh Sahib.

Respondents

Appeal Case No.2286/2018

Date of RTI application: 12.04.2017
Date of First Appeal : 01.11.2017
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 02.07.2018

Present: None on behalf of the Appellant.
Sh. Rajinder Kumar, PIO – cum – Panchayat Secretary – for Respondents.

ORDER

Sh. Rajinder Kumar, PIO – cum – Panchayat Secretary has come present. He has produced copies of the salary statements wherefrom it is ascertained that the amount of penalty imposed has been recovered. However, the Public Authority has not intimated about the payment of compensation to the appellant. The Commission believes that the same shall be done without further delay.

Disposed.

Sd/-

13.12.2018

(Yashvir Mahajan)
State Information Commissioner

CC: Sh. Rajinder Kumar, PIO – cum – Panchayat Secretary, Gram Panchayat Fazoolapur, Block Amluh, O/o Block Dev. & Panchayat Officer, Amluh.