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PSiC Used information Characteria

Helpline NO.0172-2864100 (10.00 AM to 04.00 PM on working days)

Shri Manjinder Singh R/o #2469, Sunny Enclave Sector-125, Kharar, District SAS Nagar (Mohali).

.....Appellant

Versus

Public Information Officer

O/o The Secretary, Regional Transport Authority, Bathinda.

First Appellate Authority

O/o State Transport Commissioner, Punjab, Sector-17C, Chandigarh.

....Respondents

AC No.1423 of 2020

Present:	(i) (ii)	Appellant- absent. Shri Baljit Singh, Section Officer/PIO, O/o Secretary, R.T.A., Bathinda.
ORDER:		

(Heard through Video Conferencing)

1. This order may be read with reference to the order dated 29.07.2020 passed by this Bench on the previous date of hearing.

2. The case has been heard today through V.C. at DC Office, Bathinda. The appellant has not come present to attend the hearing before the Bench. However, an e.mail dated 15.09.2020 has been received from him stating that he is unwell and hence, will not be able to attend the hearing. He further states that no information has been received by him.

3. Shri Baljit Singh, Section Officer/PIO O/o Secretary, RTA Bathinda comes present to attend the hearing through V.C. He states that the RTI application is not available with their office due to which information could not be supplied to the appellant.

4. The Bench expresses its concern on the handling of RTI cases by the office of Secretary, R.T.A. Bathinda and notes that the RTI application is of 16 December, 2019 and First Appeal is dated 10.02.2020. The Bench on perusing the case file, further observes that the RTI Application and First Appeal have been sent by the appellant by registered post. In spite of that, after a lapse of more than nine months, the statement of the PIO that RTI application has not been received by the PIO is strange and unacceptable. The Bench advises the Secretary, R.T.A. Bathinda to get the matter investigated as to how the office handles the receipt of RTI applications and how has the RTI application been misplaced.



AC No.1423/2020

5. The Bench apprises the PIO that RTI application and First Appeal will be enclosed along with the order. The PIO is directed to ensure supply of the requisite information to the appellant before the next date of hearing.

6. With the aforesaid directions, the matter is adjourned. To come up for hearing on
16.11.2020 at 11.30 AM through V.C. in D.C. Office, Bathinda. Copies of order be given to the concerned parties.

Chandigarh 15.09.2020

Sd/-(Lt Gen Ajae Kumar Sharma,(Retd)) State Information Commissioner, Punjab

Enc: Copy of RTI Application and First Appeal.

Shri Manjinder Singh R/o #2469, Sunny Enclave Sector-125, Kharar, District SAS Nagar (Mohali). PSiC State Mormation

.....Appellant

Versus

Public Information Officer

O/o The Secretary, Regional Transport Authority, Jalandhar.

First Appellate Authority

O/o State Transport Commissioner, Punjab, Sector-17C, Chandigarh.

....Respondents

AC No.1422 of 2020

Present: (i) Appellant- absent.

(ii) None on behalf of the PIO.

ORDER:

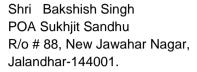
1. This order may be read with reference to the order dated 29.07.2020 passed by this Bench on the previous date of hearing.

2. The case was scheduled to be heard today through V.C. at DC Office, Jalandhar. The appellant has not come present to attend the hearing before the Bench. However, an e.mail dated 15.09.2020 has been received from him stating that he is unwell and hence, will not be able to attend the hearing. He states that information has not been received by him.

3. Neither the PIO has come present nor any official has been deputed to attend the hearing through V.C. in DC Office, Jalandhar. However, an e-mail has been received from Shri Eshan Sharma, Section Officer, office of Secretary, R.T.A. Jalandhar stating that due to some unavoidable circumstances, he is unable to attend the hearing. He has informed that partial information has been given to the appellant vide letter dated 17.08.2020. The PIO has requested for giving another date of hearing.

In view of the above, the matter is adjourned. To come up for hearing on 16.11.2020 at
11.30 AM through V.C. in D.C. Office, Jalandhar. Copies of order be given to the concerned parties.

(Lt Gen Ajae Kumar Sharma,(Retd)) State Information Commissioner, Punjab



PSiC

.....Appellant

Versus

Public Information Officer

O/o Executive Officer, Improvement Trust, Ludhiana.

First Appellate Authority,

O/o Deputy Director, Local Government, Ludhiana.

AC No.1218 of 2020

....Respondents

Present: (i) (ii		Bakshish Singh, Appellant on behalf of the PIO.
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<u>ORDER</u>

(Heard through Video Conferencing)

1. This order may be read with reference to the order dated 26.08.2020 passed by this Bench on the previous date of hearing.

2. The case has been heard through V.C. at DC Office, Jalandhar. The appellant , Shri Bakshish Singh, comes present to attend the hearing through V.C. and states that he has not been supplied any information.

3. Neither the PIO has come present to attend the hearing through V.C. nor any official has been deputed to attend the hearing on behalf of PIO nor any information has been provided to the appellant..

4. Repeated attempts were made to contact Ms. Kuljit Kaur, Executive Officer, Improvement Trust, Ludhiana on her mobile phone, but there was no response from her side.

5. The Bench observes that the RTI application of the appellant is of 30.10.2019 and First Appeal was filed on 04.12.2019. The appeal in the Commission has been filed on 20.04.2020. It is the third consecutive hearing in the second appeal when neither the PIO nor any representative of the PIO has come present to attend the hearing. Nobody had attended the previous two hearings also. As such, the directions of the Bench have not been complied with and no response to the show cause notice issued earlier has been received.



AC No.1218/2020

6. The facts of the case prove beyond any doubt that the PIO/Respondent does not deserve any leniency. Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, a penalty to the tune of Rs.5,000/- (Rupees Ten Thousand only) is imposed upon PIO, O/o The Executive Officer, Improvement Trust, Ludhiana to be deducted from her salary, which is to be deposited in the State Treasury under the relevant head. The Drawing & Disbursing Officer concerned is directed to deduct the amount of penalty of Rs.5,000/- from the salary of the PIO and deposit the same in State Treasury in the following Head of Account and to report its compliance to the Commission before the next hearing:-

- 0070-Other Administrative Services - 60-Other Services-

-0800-Other Receipts- 86-Fee under the RTI Act, 2005.

7. With the aforesaid directions, the matter is adjourned. To come up for hearing on
18.11.2020 at 11.30 AM through Cisco Webex meet. Copies of the order be sent to the concerned parties.

Chandigarh 15.09.2020 Sd/-(Lt Gen Ajae Kumar Sharma,(Retd)) State Information Commissioner, Punjab

Copy to(By Regd. Post):

Public Information Officer, O/o Executive Officer, Improvement Trust, Ludhiana (By name).

Shri Bakshish Singh R/o # 88, New Jawahar Nagar, Jalandhar-144001.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer, Improvement Trust, Ludhiana.

First Appellate Authority, O/o Deputy Director,

Local Government, Ludhiana.

AC No.1257 of 2020

....Respondents

<u>Present:</u> (i) Shri Bakshish Singh, Appellant (ii) None on behalf of the PIO.

<u>ORDER</u>

(Heard through Video Conferencing)

1. This order may be read with reference to the order dated 26.08.2020 passed by this Bench on the previous date of hearing.

2. The case has been heard through V.C. at DC Office, Jalandhar. The appellant, Shri Bakshish Singh, comes present to attend the hearing through V.C. and states that he has not been supplied any information.

3. Neither the PIO has come present to attend the hearing through V.C. nor any official has been deputed to attend the hearing on behalf of PIO nor any information has been provided to the appellant..

4. Repeated attempts were made to contact Ms. Kuljit Kaur, Executive Officer, Improvement Trust, Ludhiana on her mobile phone, but there was no response from her side.

5. The Bench observes that the RTI application of the appellant is of 27.12.2019 and the First Appeal was filed on 03.02.2020. The appeal in the Commission has been filed on 01.05.2020. It is the third consecutive hearing in the second appeal when neither the PIO nor any representative of the PIO has come present to attend the hearing. Nobody had attended the previous two hearings also. As such, the directions of the Bench have not been complied with and no response to the show cause notice issued earlier has been received.





AC No.1257/2020

6. The facts of the case prove beyond any doubt that the PIO/Respondent does not deserve any leniency. Hence, in exercise of the powers conferred by Section 20(1) of the RTI Act, a penalty to the tune of Rs.5,000/- (Rupees Five Thousand only) is imposed upon PIO, O/o The Executive Officer, Improvement Trust, Ludhiana to be deducted from her salary, which is to be deposited in the State Treasury under the relevant head. The Drawing & Disbursing Officer concerned is directed to deduct the amount of penalty of Rs.5,000/- from the salary of the PIO and deposit the same in State Treasury in the following Head of Account and to report its compliance to the Commission before the next hearing:-

- 0070-Other Administrative Services - 60-Other Services-

-0800-Other Receipts- 86-Fee under the RTI Act, 2005.

7. With the aforesaid directions, the matter is adjourned. To come up for hearing on
18.11.2020 at 11.30 AM through Cisco Webex meet. Copies of the order be sent to the concerned parties.

Chandigarh 15.09.2020 Sd//-(Lt Gen Ajae Kumar Sharma,(Retd)) State Information Commissioner, Punjab

Copy to(By Regd. Post):

Public Information Officer, O/o Executive Officer, Improvement Trust, Ludhiana (By name).

Shri Manjinder Singh R/o #2469, Sunny Enclave Sector-125, Kharar, District SAS Nagar (Mohali).

.....Appellant

Versus

Public Information Officer

O/o The Secretary, Regional Transport Authority, Faridkot.

First Appellate Authority

O/o State Transport Commissioner, Punjab, Sector-17C, Chandigarh.

....Respondents

AC No.1409 of 2020

Present:	(i) (ii)	Appellant- absent. None on behalf of the PIO.
	(11)	None on benait of the PIU.

ORDER:

1. This order may be read with reference to the order dated 29.07.2020 passed by this Bench on the previous date of hearing.

2. The case was scheduled to be heard today through V.C. at DC Office, Faridkot. The appellant has not come present to attend the hearing before the Bench. However, an e.mail dated 15.09.2020 has been received from him stating that he is unwell and hence, will not be able to attend the hearing. He states that information has not been received by him.

3. Neither the PIO has come present nor any official has been deputed to attend the hearing

through V.C. in DC Office, Faridkot.

4. The matter is adjourned. To come up for hearing on 16.11.2020 at 11.30 AM through V.C.

in D.C. Office, Faridkot. Copies of order be given to the concerned parties.

Sd/-

(Lt Gen Ajae Kumar Sharma,(Retd)) State Information Commissioner, Punjab

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Shri Manjinder Singh R/o #2469, Sunny Enclave Sector-125, Kharar, District SAS Nagar (Mohali).

.....Appellant

Versus

Public Information Officer

O/o The Secretary, Regional Transport Authority, Faridkot.

First Appellate Authority

O/o State Transport Commissioner, Punjab, Sector-17C, Chandigarh.

....Respondents

AC No.1424 of 2020

Present:(i)Appellant- absent.(ii)None on behalf of the PIO.

ORDER:

1. This order may be read with reference to the order dated 29.07.2020 passed by this Bench on the previous date of hearing.

2. The case was scheduled to be heard today through V.C. at DC Office, Faridkot. The appellant has not come present to attend the hearing before the Bench. However, an e.mail dated 15.09.2020 has been received from him stating that he is unwell and hence, will not be able to attend the hearing. He states that information has not been received by him.

3. Neither the PIO has come present nor any official has been deputed to attend the hearing

through V.C. in DC Office, Faridkot.

4. The matter is adjourned. To come up for hearing on 16.11.2020 at 11.30 AM through V.C.

in D.C. Office, Faridkot. Copies of order be given to the concerned parties.

Sd/-(Lt Gen Ajae Kumar Sharma,(Retd)) State Information Commissioner, Punjab



Versus

Public Information Officer

O/o Executive Officer, Municipal Council, Khanna, District Ludhiana.

First Appellate Authority

O/o Regional Deputy Director, Urban Local Bodies, Ludhiana.

AC No.1439 of 2020

....Respondents

.....Appellant

Present; (i) Appellant- absent

(ii) None on behalf of the PIO.

ORDER:

1. This order may be read with reference to the order dated 29.07.2015 passed by this Bench on the previous date of hearing.

2. The case was scheduled to be heard today through V.C. at DC Office, Ludhiana. However, neither the appellant has come present to attend the hearing nor the PIO nor any of his representative has

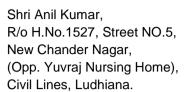
come to attend the hearing. Hence, the hearing could not be held through V.C.

3. The appellant is contacted on mobile phone for being absent from the hearing. He states that his wife is admitted in the hospital and as such, he is unable to attend the hearing. He requests for adjournment of hearing.

In view of the above, the matter is adjourned. To come up for hearing on 16.11.2020 at
11.30 AM through V.C in the office of DC Ludhiana. Copies of order be given to the concerned parties.

Sd/-(Lt Gen Ajae Kumar Sharma,(Retd)) State Information Commissioner, Punjab





PSiC Use

.....Appellant

Versus

Public Information Officer

O/o The Commissioner, Municipal Corporation, Ludhiana.

First Appellate Authority

O/o The Commissioner, Municipal Corporation, Ludhiana.

....Respondents

AC No.1394 of 2020

Present:(i)Appellant- absent.(ii)Shri Anil Bakshi, APIO, O/o Municipal Corporation, LudhianaOn behalf of the PIO.

ORDER:

(Heard Through Video Conferencing)

1. This order may be read with reference to the order dated 29.07.2020 passed by this Bench on the previous date of hearing.

2. The case has been heard today through V.C. at DC Office, Ludhiana. The appellant has not come present to attend the hearing through V.C. He is contacted on mobile phone. He states that he had worked as Sanitary Inspector in Municipal Corporation, Ludhiana under Medical Officer of Health. He has sought copies of his Annual Confidential Reports for the period 15.10.2009 to 11.09.2014, which have not been provided to him.

3. Shri Anil Bakshi, APIO comes present on behalf of the PIO. He states that the officer who was to write the Annual Confidential Reports of the appellant has retired and as such, these could not be made available to the appellant yet.

4. The Bench is surprised at the statement of APIO as the ACR of an official is required to be initiated on occurrence year after year. But in the instant case, ACRs have not been initiated for nearly five years, which is not a healthy sign of appropriate functioning of the concerned office of Municipal Corporation. Such practice definitely needs to be corrected.



AC No.1394/2020

5. Post deliberations on the case, the Bench directs the PIO to ensure that the copies of Annual Confidential Reports are made available to the appellant before the next date of hearing.

With the aforesaid directions, the matter is adjourned. To come up for hearing on
 16.11.2020 at 11.30 AM through V.C in the office of DC Ludhiana. Copies of order be given to the concerned parties.

Chandigarh 15.09.2020 Sd/-(Lt Gen Ajae Kumar Sharma,(Retd)) State Information Commissioner, Punjab



Shri Inderpal Singh, S/o S. Surjit Singh R/o 1558/1, Amarpura, Ludhiana. Presently: #240, Block-B, Ahluwalia Colony, Jamalpur District Ludhiana.

Versus

.....Appellant

Public Information Officer

O/o Municipal Corporation, Ludhiana.

Public Information Officer

O/o Superintendent, Tehbazari Branch, Municipal Corporation, Ludhiana.

First Appellate Authority-cum-

The Commissioner, Municipal Corporation, Ludhiana.

AC No.1559 of 2020

....Respondents

Present: (i) Shri Inderpal Singh, appellant.

(ii) Shri Gurjit Singh, Draftsman, Drawing/Building Branch, Municipal Corporation, Ludhiana, on behalf of the PIO.

ORDER:

(Heard through Video Conferencing)

1. This order may be read with reference to the order dated 29.07.2020 passed by this Bench on

the previous date of hearing.

2. The case has been heard today through V.C. in D.C. Office, Ludhiana. The appellant Shri Inderpal Singh comes present. He states that he had made a complaint regarding illegal construction by an eminent industrialist on GT Road on 03.05.2018 followed by reminders dated 18.07.2018 and 12.07.2019. He further states that he has sought the information regarding action taken on his complaints. However, no information has been provided as yet.

3. Shri Gurjit Singh, Draftsman, Drawing/Building Branch, M.C. Ludhiana comes present and states that the RTI application does not relate to Drawing/Building Branch and it relates to Superintendent, Tehbazari Branch, Zone-C, Municipal Corporation, Ludhiana.

4. The Bench expresses its concern on the statement made by representative of the PIO. If the RTI application did not relate to the Drawing/Building Branch of Municipal Corporation, it should have been transferred to the Branch to which it relates, under the relevant provisions of the RTI Act within the specified time.



AC No.1559/2020

5. The PIO, Drawing/Building Branch, Municipal Corporation, Ludhiana is issued show cause notice to explain as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for not transferring the RTI application to the concerned Branch under the relevant provisions of the RTI Act. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

6. In addition to the written reply, PIO is hereby given an opportunity u/s 20(1) proviso thereto for a personal hearing before the imposition of such a penalty, on the next date of hearing. He may take note that in case he does not file the written reply and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceeding against him ex-parte.

7. The Superintendent/PIO, Tehbazari Branch, Zone-C, Municipal Corporation, Ludhiana is impleaded as respondent. He is directed to supply information to the appellant before the next date of hearing and also attend the next hearing along with the PIO of Drawing/Building Branch.

With the aforesaid directions, the matter is adjourned. To come up for hearing on
 16.11.2020 at 11.30 AM through V.C in the office of DC Ludhiana. Copies of order be given to the concerned parties.

Chandigarh 15.09.2020

Sd/-(Lt Gen Ajae Kumar Sharma,(Retd)) State Information Commissioner, Punjab

Copy (By Regd.Post) to: The Superintendent/PIO, Tehbazari Branch, Zone-C, Municipal Corporation, Ludhiana.

-2-



Shri Raviderpal Singh, S/o Shri Kanwaljit Singh R/o 2360, Amarpura, Near Krishan Model School, Kidwai Nagar, Ludhiana.

.....Appellant

Versus

Public Information Officer O/o Municipal Corporation, Ludhiana.

First Appellate Authority-cum-

The Commissioner, Municipal Corporation, Ludhiana.

....Respondents

AC No.1560 of 2020

Present:(i)Shri Ravinderpal Singh, appellant.(ii)Shri Ajay Kumar, Building Inspector, O/o Municipal Corporation, Ludhiana
On behalf of the PIO.

ORDER:

(Heard through Video Conferencing)

1. This order may be read with reference to the order dated 29.07.2020 passed by this Bench on the previous date of hearing.

2. The case has been heard today through V.C. at DC Office, Ludhiana. Shri Ravinder pal Singh, appellant comes present. He states that he had submitted a complaint to the Municipal Corporation against the illegal construction of buildings in Ludhiana which was followed by reminder dated 07.12.2019. But he has not received any information in this regard.

3. Shri Ajay Kumar, Building Inspector comes present to attend the hearing on behalf of the PIO. He states that the information being voluminous, the appellant was called to the office of PIO to inspect the official record with Shri Dalip Kumar Soni, Building Inspector, but the appellant has not come to inspect the record and to identify the information he requires.

4. Post deliberations, the appellant is advised to visit the office of PIO on any date before next hearing to identify information. The PIO is directed to provide the entire information as available in the official records, to the appellant before the next date of hearing and to file an affidavit duly signed by the PIO and



attested by the Notary Public to the effect that the information as available in the official records in AC No.1560/2020 has been supplied to the appellant. Nothing has been concealed therein. The statement made is correct and authentic. Original copy of the affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

5. With the aforesaid directions, the matter is adjourned. To come up for hearing on 16.11.2020 at 11.30 AM through V.C in the office of DC Ludhiana. Copies of order be given to the concerned parties.

Chandigarh 15.09.2020 Sd/-(Lt Gen Ajae Kumar Sharma,(Retd)) State Information Commissioner, Punjab



Shri Harjit Singh, R/o # 10-B, Medical Enclave, Circular Road, Amritsar-143001

.....Appellant

Versus

Public Information Officer

O/o The Secretary, Regional Transport Authority, Amritsar.

First Appellate Authority-cum-

Principal Secretary to Govt. of Punjab, Department of Transport, Punjab Civil Secretariat-2, Sector-9, Chandigarh.

....Respondents

AC No.1416 of 2020

Present:	(i)	Shri Harjit Singh, appellant.
	(ii)	None on behalf of the PIO.

ORDER:

(Heard through Video Conferencing)

1. This order may be read with reference to the order dated 29.07.2020 passed by this Bench on the previous date of hearing.

2. The case has been heard today through V.C. at DC Office, Amritsar. The appellant Shri Harjit Singh comes present. He states that he has not been provided any information by the PIO.

3. Neither the PIO has come present nor he has deputed any of his representative to attend the hearing through V.C.

4. The Bench observes that the PIO has not provided the information to the appellant and he is also absent for the hearing, in spite of the letter dated 28.07.2020 sent to the PIO by the office of State Transport Commissioner, Punjab, Chandigarh for attending the hearing. The absence of the PIO is viewed adversely by the Bench.

5. The PIO, O/o Secretary, Regional Transport Authority, Amritsar is issued show cause notice to explain his absence and also to explain as to why penalty should not be imposed in the instant case for not providing information to the appellant even after the lapse of more than nine months. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.



AC No.1416/2020

6. In addition to the written reply, PIO is hereby given an opportunity u/s 20(1) proviso thereto for a personal hearing before the imposition of such a penalty, on the next date of hearing. He may take note that in case he does not file the written reply and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceeding against him ex-parte.

7. The PIO is directed to supply complete information to the appellant before the next hearing.

8. With the aforesaid directions, the matter is adjourned. To come up for hearing on 16.11.2020 at 11.30 AM through V.C in the office of DC Amritsar. Copies of order be given to the concerned parties.

> Sd/-(Lt Gen Ajae Kumar Sharma,(Retd)) State Information Commissioner, Punjab

Chandigarh 15.09.2020 -2-

Shri Surinder Kumar. S/o Shri Bhagwan Dass. Partap Nagar Welfare Society, Ward No.8, Fatehgarh Churian, District Gurdaspur.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer, Municipal Council, Fatehgarh Churian District Gurdaspur.

First Appellate Authority

O/o Deputy Director, Urban Local Bodies, Amritsar.

AC No.1502 of 2020

Shri Surinder Kumar, appellant Present: (i) None on behalf of the PIO.

(ii)

ORDER:

(Heard through Video Conferencing)

1. This order may be read with reference to the order dated 29.07.2020 passed by this Bench on the previous date of hearing.

2. The case has been heard today through V.C. in D.C. Office, Gurdaspur. The appellant Shri Surinder Kumar comes present and states that information to him is not correct/authentic. He further adds that deficiencies have also been pointed out by him to the PIO.

3. Shri Bhupinder Singh, Executive Officer, Municipal Council, Fatehgarh Churian is contacted on mobile phone. He is apprised of the version of the appellant in the present case. He is directed to call the appellant to his office on any working day to allow appellant to access the official records. The appellant will inspect the official records and identify the information as per his RTI application. The PIO will ensure to provide the information so identified by the appellant, after removing the deficiencies.

4. The PIO is further directed to file an affidavit, before the next hearing, duly signed by the PIO and attested by the Notary Public to the effect that the information as available in the official records in AC No.1502 of 2020, has been supplied to the appellant. Nothing has been concealed therein. The statement made is correct and authentic. Original copy of affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.



....Respondents



AC No.1502/2020

5. With the aforesaid directions, the matter is adjourned. To come up for hearing on
16.11.2020 at 11.30 AM through V.C in the office of D.C. Gurdaspur. Copies of order be given to the concerned parties.

Chandigarh 15.09.2020 Sd/-(Lt Gen Ajae Kumar Sharma,(Retd)) State Information Commissioner, Punjab