



Sh. Gurmej Lal, Whistle Blower,
NCAG Street No. 5,
#1331-5, Vishkarma Bhawan, Down Canal
Road, Simlapuri, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o E.O. Nagar Council, Faridkot.

First Appellate Authority,
O/o E.O. Nagar Council, Faridkot.

...Respondent

Appeal Case No. 2415 of 2022

PRESENT: Sh. Gurmej Lal as Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 10.02.2022, has sought 02-point information regarding ward wise list of maps of buildings Commercial and residential passed along with the detail of owners and copies of challan under 269.270 and assessment sheets of unapproved maps from 01.01.2017 to till date as enumerated in the RTI application concerning the office of the M.C. Nagar Council, Faridkot. The appellant was not provided with the information, after which the complainant filed the complaint on 13.05.2022 which took no action.

The case has come up for hearing today through video conferencing in the office of DAC Faridkot.

The appellant states that no information has been provided by the PIO.

The respondent is absent nor represented. The PIO has sent a letter along with a copy of the reply to the appellant, which is taken on record. The PIO has denied the information stating that the sought information being personal, and it cannot be provided.

Since the PIO is absent today, he is given an opportunity for submissions, if any, with the direction to remain present on the next date of hearing else the case will be decided ex parte.

The case is adjourned. To come up for further hearing on **27.03.2023 at 11 A.M.** through video conference facility available in the office of the Deputy Commissioner, Faridkot/Ludhiana.

Chandigarh
Dated: 19.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Jasbir Singh,
Guru Nanak Nagar, Village BolapurJhabewal,
P.O Ramgarh, Distt Ludhiana

... Appellant

Versus

Public Information Officer,
O/o Commissioner,
Food & Drugs Administration,
Kharar, Distt. Mohali.

First Appellate Authority,
O/o Commissioner,
Food & Drugs Administration,
Kharar, Distt Mohali.

...Respondent

Appeal Case No. 5012 of 2021

PRESENT: Sh.Jasbir Singh as the Appellant
Sh. Amandeep Singh, APIO for the Respondent

ORDER:

The appellant, through an RTI application dated 12.08.2021, has sought information on 11 points relating to the joining date of Sh.Satnam Singh, Food Safety Officer, Amritsar- his first posting – documents attached with the application for recruitment – higher education if any, obtained by the officer after joining duty – a copy of the order/rule under which the officer was promoted –date of retirement with total salary –details of govt facilities and allowances provided - posting details after joining – complaints received against him and other information as enumerated in the RTI application from the office of Department of Social Security Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 13.09.2021, which did not decide on the appeal.

On the date of hearing on 06.06.2022 through video conferencing at DAC Ludhiana. The appellant was present at Chandigarh and informed that the PIO has not supplied the information.

The respondent was absent. There was nothing on record which shows that the PIO has attended to the RTI application. There has been an enormous delay of more than nine months in attending to the RTI application. The Commission directed the PIO 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. He/she should file an affidavit in this regard. The PIO is again directed to provide whatever information is available in the record to the appellant within 10 days of receiving the order as per the RTI application.

On the date of the hearing on 03.10.2022 the appellant claimed that the PIO had not supplied the information.

The respondent was absent on 2nd consecutive hearing nor had not filed a reply to the show cause notice.

The PIO was given one last opportunity to file a reply to the show cause notice and appear before the Commission personally on the next date of hearing otherwise, it will be presumed that the PIO has nothing to say on the matter and the Commission will take decision ex-parte. The PIO was directed to send the details of PIOs from the date of filing of the RTI application (Name of PIO – Period of stay – present posting).

Appeal Case No. 5012 of 2021

Hearing dated 19.12.2022

The case has come up for hearing today through video conference at DAC Ludhiana. The appellant claims that the PIO has not supplied the information. He has sent an email which has been taken on record.

The respondent stated that the sought information relates to Civil Surgeon, Amritsar, and the RTI application of the appellant has been transferred to them vide letter dated 22.7.2022. He has submitted a copy of the same before the Commission, which has been taken on record. He further submitted that the reply to the show cause notice could not be submitted due to non-receipt of the previous order.

After going through the case file and hearing both the parties, PIO o/o Civil Surgeon, Amritsar, is impleaded as necessary party in this case and directed to submit a response/supply information before the next date of hearing.

As per respondent, Smt. Jasbir Kaur PIO o/o Commissioner, Food & Drugs Administration, Kharar, Distt Mohali, is the PIO. Smt. Jasbir Kaur, PIO, is given one final opportunity to file a reply to the show cause notice and appear before the Commission on the next date of hearing.

The case is adjourned. To come up for further hearing on **27.03.2023** at 11 A.M. through video conference facility available in the office of the Deputy Commissioner, Ludhiana.. Smt. Jasbir Kaur PIO o/o Commissioner, Food & Drugs Administration, Kharar, Distt Mohali to appear at Chandigarh.

Chandigarh
Dated: 19.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

cc
Smt. Jasbir Kaur PIO
o/o Commissioner,
Food & Drugs Administration, Kharar,
Distt Mohali



Sh. Kuldeep Singh, S/o Sh. Gurmail Singh,
R/o VPO Mansooran,
Tehsil & Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Secretary/President,
Local Gurdwara Parbandhak Committee,
Gurudwara Sahib BahiBurhaJi, Village Mansooran,
Distt. Ludhiana.

First Appellate Authority,
O/o Secretary, SGPC,
Amritsar.

... Respondent

Appeal Case No. 5672 of 2021

PRESENT: Sh.Kuldeep Singh as the Appellant
Sh.Simarjit Singh, PIO for the Respondent

ORDER:

The appellant, through an RTI application dated 30.07.2021 has sought details of agricultural land in the name of Gurudwara Budha Sahib Mansura alongwith contract income in the year 2014-15 and the name of the contractor – details of the employees working in the Gurudwara from April 2014 to April 2021 – details of langar expenses for the years from 2014 to and other information as enumerated in the RTI application concerning the office of O/o Secretary, Local Gurdwara Parbandhak Committee Gurudwara Sahib BahiBurhaJi, Village Mansooran, Distt.Ludhiana.

The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 13.09.2021, which did not decide on the appeal.

On the date of the hearing on 06.06.2022 the PIO had not supplied the information.

The respondent was absent. There was nothing on record which shows that the RTI application has been attended to. There has been an enormous delay of more than ten months in attending to the RTI application. The Commission directed the PIO to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act and provide whatever information available to the appellant and send a compliance report to the commission.

On the date of the hearing on 03.10.2022, as per the appellant, the PIO had not supplied the information.

The respondent Sh.Simarjit Singh was present at DAC Bathinda and sought some more time to provide the information on the plea that some of the record was received from the Local Gurudwara Committee, but as per the sought information, some of their record was sent for audit. The respondent had assured to provide information within three weeks.

The PIO was directed to provide information to the appellant within three weeks of the receipt of the order and send a compliance report to the Commission. If any of the information is not available, to file an appropriate reply.

Hearing dated 19.12.2022:

The case has come for hearing today through video conference at DAC Ludhiana. The appellant stated that the appellant has not supplied complete information pertaining to point no. 1 as he has not provided the detail of contract of land as sought in his RTI application and nothing has been supplied pertaining to point no. 2 and 3 of his RTI application.

The respondent present has sought some more time stating that the concerned record has been sent to the audit party and assured to provide the complete information relating to point-1 and information pertaining to point no. 2 and 3 within a month. .

The PIO is directed to sort out the discrepancy in the information on point-1 and provide information relating to point-2 & 3 within a month with a copy to the Commission.

To come up for further hearing on **27.03.2023** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 19.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Dr. Manu Bhargav,
Vrindavan House, Mohalla Kali Kambli Ashram,
Backside Aman Hospital, Hoshiarpur.

... Appellant

Versus

Public Information Officer,
O/o State Health Agency,
Pb, Sector-34-A, Chandigarh.

First Appellate Authority,
O/o State Health Agency,
Pb, Sector-34-A, Chandigarh.

...Respondent

Appeal Case No. 1370 of 2022

PRESENT: None for the Appellant
Sh. Gursimran Singh Riar for the Respondent

ORDER:

The appellant, through an RTI application dated 06.10.2021, has sought information regarding Indus Hospital Fatehgarh sahib – action taken on the complaint filed on 104 helpline against the said hospital in Ayushman Bharat Scheme from the initiation of the scheme to till date as enumerated in the RTI application from the office of State Health Agency, Pb Chandigarh. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 29.11.2021 which did not decide on the appeal.

On the date of hearing on 04.10.2022 both parties were absent.

There was nothing on record which showed that the RTI application has been attended to by the PIO. There has been an enormous delay of more than one year in attending to the RTI application. The Commission having taken a serious view of this, issued a **show cause notice** to the PIO under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file reply on an affidavit.

Hearing dated 19.12.2022:

The case has come up for hearing today.

The appellant is absent and, vide email dated 19.12.2022 has sought an exemption stating that he has to attend some other court. He has also stated in the email that the PIO has not furnished the information.

The respondent has filed a reply by way of an affidavit along with the annexure R1 and R2 in compliance to the previous order of the Commission, which has been taken on record. It has been mentioned in the reply that since the information sought in the RTI application being a query, cannot be provided under section 8 of the RTI Act. and the reply was sent to the appellant on 22.10.2021. Further, the First Appellate Authority has also disposed of the appeal upholding the PIO's view. The respondent has enclosed the order of FAA as Annexure R-2. The respondent has further informed that this decision was taken after obtaining a legal opinion from their counsel.

Appeal Case No. 1370 of 2022

Having gone through the case file, the Commission does not accept the plea for denial of the information as the PIO has denied the information stating that it is a query, yet invoked section 8 to deny the information. Moreover, merely invoking section 8 and not specifically mentioning any subsection of Section 8 of the RTI Act, 2005 holds no merit in denying the information.

The bench has also examined the legal opinion that has been sought, and prima - facie it appears to be a document created hurriedly for the purpose of this hearing.

Interim order-

The PIO is directed to place on record the letter or email through which the legal opinion was sought from the advocate. The PIO is further directed to supply the information to the appellant before the next date of hearing under the intimation to the Commission. The decision of the show cause notice issued to the PIO will be taken on the next date of the hearing.

To come up for further hearing on **27.03.2023** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Hoshiarpur.

Chandigarh
Dated: 19.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Ms. Inderjeet Kaur, W/o Sh, Surinder Pal,
Village ChakGujran, P.O BassiBallo,
Tehsil & Distt Hoshiarpur.

... Complainant

Versus

Public Information Officer,
O/o XEN,
Water Supply cum Mining Officer,
Hoshiarpur.

... Respondent

Complaint CaseNo. 428 of 2022

Present:

None for appellant.
None for the respondents.

Order

The complainant, through an RTI application dated 18.05.2022 has sought information of 03 points regarding copies of letters dated 07.06.2021, 29.10.2021 issued by the Mining Department and copies of applications along with the documents received in response to the above letters as enumerated in the RTI application from the office of XEN Water Supply cum Mining Officer, Hoshiarpur. The appellant was not provided any information after which the appellant filed a complaint before the Commission on 01.07.2022.

The case has come up for hearing today through video conference facility available in DAC Hoshiarpur.

None of the parties is present today. Both parties were sent notice of hearing through registered post. The notice issued to the appellant was returned with the postal remarks "The concerned is not available in the house". However, the appellant has contacted the Commission on the telephone and informed that she is out of station.

Since the respondent PIO is absent without any intimation to the Commission, the Commission has taken a serious view of this and hereby directs the PIO 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. He/she 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 person(s) of the show cause and direct them to appear before the Commission along with the written replies before the next date of hearing.

With the above, the case is adjourned. To come up for further hearing on **27.03.2023 11 A.M.** to be heard through video conference facility available in the office of the Deputy Commissioner, Hoshiarpur.

Chandigarh
Dated: 19.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Chander Partap, S/o Sh Swami Ji,
Ward nO-2, Kala MajKothi,
G.T Road, Mukerian,
Distt.Hoshiarpur.

... Appellant

Versus

Public Information Officer,
O/o Chairman,
Punjab State Scheduled Castes,
Pb, 4th Floor, Punjab Civil Secretariat-1,
Chandigarh.

First Appellate Authority,
O/o Chairman,
Punjab State Scheduled Castes,
Pb, 4th Floor, Punjab Civil Secretariat-1,
Chandigarh.

...Respondent

Appeal Case No. 3200 of 2022

Present: Sh. Chander Partap as appellant.
Sh. Harminder Singh, Clerk for respondents.

Order

The appellant, through an RTI application dated 25.03.2022 has sought 03 points information regarding copy of complaint 757/21 dated 10.04.2021, copy of application dated 9.10.2021, 24.11.2021 and 15.01.2022 and action taken on application dated 10.04.2021 as enumerated in the RTI application from the office of Chairman, Punjab State Schedule Castes Commission, Punjab, Chandigarh. The appellant was not provided any information after which the appellant filed a first appeal before the First Appellate Authority on 10.05.2022, which took no decision on the appeal.

The case has come up for hearing today through video conference available in the office of DAC Hoshiarpur.

The appellant states that information has not been provided by the PIO.

The respondent states that they had not received the RTI application from the appellant and received the RTI application only along with the notice of hearing of the Commission. The respondent further requested to adjourn the case and assured the Commission that the information will be provided within 15 days.

Hearing the parties and going through the case file, the respondent PIO is hereby directed to supply the information to the appellant within 15 days.

A copy of the RTI application is being sent to the PIO along with the order.

With the above, the case is adjourned. To come up for further hearing on **27.03.2023** through video conference facility available in the office of the Deputy Commissioner, Hoshiarpur.

Chandigarh
Dated: 19.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Avinash Chander, S/o Lt Sh Ram Dev,
37-Basant Vihar, Rakkar Colony,
Una-Himachal Pardesh.

... Appellant

Versus

Public Information Officer,
O/o Tehsildar,
Dasuya, DisttHoshiarpur.

First Appellate Authority,
O/o SDM,
Dasuya,Distt. Hoshiarpur.

...Respondent

Appeal Case No. 3228 of 2022

Present: Sh. Avinash Chander as Appellant.
Sh. Ojasvi, SDM for the respondents.

Order

The appellant, through an RTI application dated 07.09.2018 has sought information on 04 points regarding Jamabandi 1940-41, khewat no. 6,8,10 and 11 contained 1030 kanal land owned by Babu Ram Giyan Chand and others, old and new khasra no., etc. of Hadvast no. 470, Tehsil Dasuya, District Hoshiarpur as enumerated in the RTI application from the Office of Civil Hospital Dasuya, Hoshiarpur.

The record of the First Appeal is not available in the case file however, FAA had called the appellant for a hearing on 17.1.2022. The appellant filed a second appeal in the Commission on 06.07.2022.

The case has come up for hearing today through video conferencing at DAC Hoshiarpur.

The respondent stated that information, as available in the records, has been supplied to the appellant.

Since the appellant has stated dissatisfaction with the provided information, a mutually agreed time has been fixed for the inspection of the record, for which the appellant will visit the office of SDM, Dasuya on 28.12.2022 at 11. A. M.

If parts of the information are in the custody of other public authorities in the district, the SDM Dasuya is authorized to collect it from that particular authority and supply the information.

The case is adjourned. To come up for further hearing on **27.03.2023** at 11 A.M. to be heard through video conference facility available in the office of the Deputy Commissioner Hoshiarpur.

Chandigarh
Dated: 19.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner