

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

Ph: 0172-2864101, Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com



Sh. Jatinder Singh,
S/o Sh. Joginder Singh,
R/o House No 110, Type E-1,
Punjab University Campus, Sector 14,
Chandigarh-160014.
M : 9530661455

Appellant

Vs

Sh. Lakhwinder Singh
Public Information Officer,
O/o DEO (SE), Gurdaspur.

First Appellate Authority
O/o DEO (SE), Gurdaspur.

Respondents

Appeal Case No. 4585 of 2023

Present:- Sh. Jatinder Singh, the appellant in person.
Sh. Lakhwinder Singh, Deputy DEO (9464133244) along with Sh. Sumeet Kumar, Clerk (9041800912) on behalf of the respondents.

ORDER

This case may be read with reference to the previous order dated 28.03.2024.

2. The respondent placed on record that the concerned school does not fall under the ambit of the RTI Act, 2005 and sent an email in this regard, which is taken on record.
3. The appellant submits that information had already been supplied in other appeal cases (AC No. 398 of 2022 and AC No. 5437 of 2021) which were disposed of & closed on 29.04.2022 and 24.02.2022 by the Commission respectively. Further, he submits that he has sent a reply regarding public authority on 04.10.2023 and 09.06.2024, which are taken on record.
4. After having detailed deliberations with both the parties and examining the documents placed on record, it emerges that at this stage Himalaya Modern Senior Secondary School, Jail road, Village Babowal, District Gurdaspur be impleaded as a necessary party so that onus lies upon the said School to prove that the Himalaya Modern Senior Secondary School does not fall under the purview of RTI Act, 2005. The appellant alleged that he has filed two other appeal cases in the Commission bearing appeal case numbers 398 of 2022 and 5437 of 2021, which were disposed of & closed by the Commission wherein the information was provided; respondent PIO which is about to be impleaded and the information was concerned with the Himalaya Modern Senior Secondary School, Jail road, Village Babowal, District Gurdaspur and DEO (SE), Gurdaspur was party in the said cases and the information was provided to him.

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Appeal Case No. 4585 of 2023

5. The DEO (SE), Gurdaspur is directed to verify the issue under what provisions information was provided in Appeal Case numbers 5437 of 2021 and 398 of 2022 and at present taking another stand that the said school does not come under the ambit of RTI Act, 2005. It shows malafide of the school and as well as the conduct of the school shows that the school is violating the provisions of RTI Act, 2005 i.e. law of the land and it is not fair and sustainable in the eyes of law.
6. The DEO (SE), Gurdaspur is directed to verify this issue why school is having double standard stand for providing the information and legal action be taken against the said school, if required.
7. A copy of this order along with RTI application is **being sent** to the Principal Himalaya Modern Senior Secondary School, Jail road, Village Babowal, District Gurdaspur with directions to represent this case on the next date of hearing to take the matter to its logical end.
8. With aforesaid directions, matter is adjourned for further hearing on **31.07.2024 at 11:30 A.M.** at Chandigarh.

Date :20.06.2024

G

(Inderpal Singh)
Chief Information Commissioner
Punjab

CC:

The Principal
Himalaya Modern Senior Secondary School,
Jail road, Village Babowal,
District Gurdaspur

Encl. RTI application

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Sh. Paramjit Singh Handa,
House No 476,
Shaheed Udham Singh Road,
Sunam Udham Singh Wala, Sangrur.
(M : 9501598939)

..Appellant

Vs

Sh. Harjinder Singh,
Deputy Director(Establishment)-cum-
Public Information Officer,
O/o The Director ,
Higher Education (Colleges) Pb.,
Vidya Bhawan, P.S.E.B. Complex,
Sector 62,S.A.S. Nagar (Mohali) (Punjab)

First Appellate Authority
O/o The Director ,
Higher Education (Colleges) Pb.,
Vidya Bhawan, P.S.E.B. Complex,
Sector 62,S.A.S. Nagar (Mohali) (Punjab)

..Respondent(s)

Appeal Case No. 4592 of 2023

Present : Sh. Paramjit Singh Handa the appellant in person .
i) Sh. Harjinder Singh, Deputy Director-cum-PIO, in person ;
ii) Sh. Sarabjeet Singh(M.-9464741009), Senior Assistant, on behalf of the respondent.

ORDER

This order may be read with reference to the order dated 28.03.2024. On that day of hearing, the appellant submitted the deficiencies vide a letter dated 26.03.2024, however, none was present on behalf of the respondent PIO, hence, a show-cause notice was issued to Sh. Harjinder Singh, Deputy Director(Establishment)-cum-PIO under Section 20(1) of RTI Act, 2005. Further, the respondent PIO was also directed to file an affidavit pertaining to point no. 05 and 06 of the RTI application that the record is not traceable else supply the complete information in this regard and if the file is not traceable then action under rules to lodge a FIR/DDR be submitted.

Contd...2/-

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Appeal Case No. 4592 of 2023

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2. The appellant, Sh. Paramjit Singh Handa orally submits that he has received information at point no. 05. The statement of the appellant has also been placed on record. The statement is in two parts i. e. 20.06.2024 and another submission is also dated 20.06.2024, which is placed in the case-file, which seems that information at point no. 05 has been received and information at point no. 1, 2, 3, 4, 6, 7 and 08 is pending.

3. After perusing the earlier order dated 28.03.2024 passed by the Commission, it emerges that on that day only information at point no. 05 and 06 of the RTI application was pending and accordingly directions were passed by the Commission. The respondent PIO present, Sh. Harjinder Singh, Deputy Director, submits that out of point no. 05 and 06, information at point no. 05 has been supplied and the appellant acknowledges the same. At present only information at point no. 06 is remaining and he has assured that remaining information at point no. 06 would be supplied to the appellant by putting more efforts, which requires sufficient time and requested for an adjournment in this case.

4. The request is granted and the respondent PIO is to supply the remaining information at point no. 06 to the appellant by or on the next date fixed.

5. Further, the present PIO, Sh. Harjinder Singh, Deputy Director, submits a reply dated 20.06.2024 to the show-cause issued to him vide orders dated 28.03.2024 and a decision on the same will be announced on the next date fixed.

6. With this, the case is **adjourned to 31st July, 2024 at 11:30 A. M. for hearing.**

Date :20th June, 2024

R

(Inderpal Singh)
Chief Information Commissioner
Punjab

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Sh. Amin Chand
S/o Late Sh. Tek Chand,
H. No. 205, Ghumar Mandi,
Ludhiana (Punjab)
(M.-987678019)

.....Appellant

Vs

Public Information Officer,
O/o The Tehsildar(East),
Ludhiana (Punjab)

First Appellate Authority
O/o The Deputy Commissioner,
Ludhiana (Punjab)

.....Respondents

Appeal Case No. 4544 of 2023

Present : None on behalf of the appellant.
None on behalf of the respondent.

ORDER

This order may be read with reference to the order dated 28.03.2024. On that day of hearing, the respondent handed over a copy of list carrying vasika number to the appellant. The respondent PIO was directed to file a counter reply regarding the submission made by the appellant regarding 'larger public interest' involved in seeking the information.

2. The appellant sent an e-mail intimating that he cannot attend today's hearing, the request made by the appellant is sustainable and justified, hence, the request is allowed.

3. Neither the respondent PIO in person nor any of his representative is present in today's hearing. The absence of the respondent seems intentional and willful which is not sustainable in the eyes of the law so a show cause notice is hereby issued to Tehsildar(East)-cum-PIO, Ludhiana or/and the then Tehsildar(East)-cum-PIO, Ludhiana (when the RTI application dated 31.03.2023 was moved by the appellant) to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to a 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 to show cause why a compensation under section 19(8) of the RTI Act, 2005, may not be paid to the appellant for causing willful delay/denial of the information for detriment suffered by him.

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Appeal Case No. 4544 of 2023

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In addition to the written reply, the Public Information Officer 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 a note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the next date, it will be presumed that he has nothing to say and the Commission will proceed ex-parte.

4. A copy of this order **being sent** to Ms. Sakhshi Sawhney, Deputy Commissioner Ludhiana with the advice to ensure the presence of the present PIO Tehsildar(East)-cum-PIO, Ludhiana or/and the then Tehsildar(East)-cum-PIO, Ludhiana, who was designated as PIO, when the RTI application dated 31.03.2023 was moved by the appellant, on the next date of hearing.

5. With this, the case is **adjourned to 31st July, 2024 at 11:30 A. M. for hearing.**

Date :20th June, 2024

R

(Inderpal Singh)
Chief Information Commissioner
Punjab

Ms. Sakhshi Sawhney,
The Deputy Commissioner,
Ludhiana (Punjab)