

PUNJAB STATE INFORMATION COMMISSION
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Helpline No. 0172-2864100



Smt. Jasbir Kaur Arora, Principal
3439, MIG, Urban Estate-2, Dugri, LudhianaAppellant

..Vs

Public Information Officer,
O/o DEO (SE), Ludhiana

First Appellate Authority
O/o DEO (SE), LudhianaRespondent

AC No. 2995 of 2021

Present: (i) Smt. Jasbir Kaur Arora the appellant
(ii) For the respondent : Sh. Jiwan Singh, PIO (9417897293) Smt. Jaswinder Kaur, DEO(SE) 8847687900)

ORDER

1. Brief facts of the case are that the appellant Smt. Jasbir Kaur Arora demanded information on 05.04.2021 from PIO, o/o DEO(SE) Ludhiana. On not receiving any information, she filed First appeal with the First Appellate Authority and second appeal was filed in the Commission on 29.06.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for 27.10.2021 before the Bench of former SIC, Sh. Avtar Singh Kaler. During the hearings dated 27.10.2021, 23.11.2021 and 07.12.2021, the respondent was not present hence compensation amounting to Rs. 3000/- compensation was awarded to the appellant. After retirement of Sh. Avtar Singh Kaler, SIC, the above said appeal case was re-allocated to the undersigned Bench and listed for hearing on 18.02.2022.

2. On 18.02.2022, the respondent sent his reply which was scanned in the orders and the case was adjourned to be heard on 30.05.2022. On the next date of hearing, i.e. 30.05.2022, the Respondent had provided the copy of information along with the amount of compensation to the appellant. The Appellant had gone through the same and stated that she was not satisfied with the information provided, hence DEO(SE) Ludhiana was directed to come present. The appellant had also pointed out deficiencies in the provided information to the respondent Further, the case was adjourned to be heard on 06.07.2022.

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AC No. 2995 of 2021

Since, the Respondent was not present during the hearing dated 06.07.2022 hence, a bailable warrant was issued against her and the case was adjourned on 31.08.2022

3. On the next date of hearing i.e. 31.08.2022, the Appellant had returned the DD of compensation with her submission stating that the amount of compensation had not been paid from the funds of Public Authority, as directed by Former SIC Sh Avtar Singh Kaler vide his orders dated 07.12.2021. Hence, the Respondent-PIO was directed to bring demand draft of compensation, as per directions given by the former SIC Sh Avtar Singh Kaler during the hearing dated 07.12.2021. Further, he was also directed to file point-wise affidavit along with information, on the next date of hearing i.e 21.09.2022.

4. Today Smt. Jaswinder Kaur, DEO(SE), Ludhiana is appearing personally and has filed -point-wise reply on oath along with information, after the removal of deficiencies, as pointed out by the Appellant and C.D. The same is handed over to the appellant. The appellant has gone through the information and pointed out that the same is not attested. Sh. Jeewan Singh , PIO is present in the case, hence he attested all the information in the Commission. C.D. was also got checked on computer in front of the appellant in the Commission office. The same is working. Further the respondent also handed over demand draft of Rs. 3000/- to the appellant, which again the appellant has refused to accept stating that the same has not been paid from the funds of public authority as per the directions.

The Respondent has also filed their reply regarding the same on affidavit, as under:-

“2. ਇਹ ਕਿ ਪ੍ਰਾਰਥੀ ਨੂੰ ਬੈਂਕ ਡਰਾਫਟ ਨੰਬਰ 040929 ਮਿਤੀ 20.09.2022 ਰਕਮ 3000-00 (ਕੇਵਲ ਤਿੰਨ ਹਜ਼ਾਰ ਰੁਪਏ) ਬੈਂਕ *AXIS BANK Mullanpur, Ludhiana*) ਵੀ ਮੁੱਹਈਆ ਕਰਵਾਇਆ ਜਾ ਰਿਹਾ ਹੈ। ਇੱਥੇ ਇਹ ਸਪਸ਼ਟ ਕਾਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਮੁਆਵਜ਼ੇ ਦੀ ਵਜੋਂ ਦਿੱਤੀ ਜਾਣ ਵਾਲੀ ਕਰਮ ਸੂਚਨਾ ਦੇਣ ਵਿੱਚ ਅਣ-ਗਹਿਲੀ ਕਰਨ ਵਾਲੀ ਕਰਮਚਾਰਨ ਪਾਸੋਂ ਵਸੂਲ ਕੀਤੀ ਕਰਕੇ ਬੈਂਕ ਡਰਾਫਟ ਬਣਾਇਆ ਗਿਆ ਹੈ। ਇੱਥੇ ਇਹ ਵੀ ਸਪਸ਼ਟ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਇਸ ਦਫਤਰ ਪਾਸ *Public Authority* ਦਾ ਕੋਈ ਫੰਡ ਉਪਲਬਧ ਨਹੀਂ ਹੈ।“

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AC No. 2995 of 2021

The original copy of the affidavit along with the copy of information is handed over to the Appellant.

3. Further, the Appellant started shouting and passed insinuating remarks. She also used insinuating language against the undersigned, inspite of several warnings. This attitude of the appellant is beyond tolerance and does not behave like a civilized person. The language she has used was couched in a very indecent manner.

In *P. Jayasankar v Chief Secretary to Govt of Tamilnadu and Gunasellan, IPS* decided by Madras High Court on 18.02.2013, which was held that “no information seeker can be allowed to insinuate or defame the Commissioners in the guise of prosecuting their cases. Under such circumstances, when power is vested on the Commissioner and the Commission had proceeded against the information seeker, who had abused the Commissioner in the course of his proceedings, it will be open to the said authority to disqualify a particular information seeker by passing a speaking order.

4. In a similar case, the State Information Commission Tamil Nadu was forced to blacklist a petitioner from seeking any further information from the Commission and with a direction that the petitions made by the petitioner should not be entertained. This extreme decision was taken as the information seeker had misbehaved during the hearing and had made defamatory and insinuating remarks. Consequently, High Court of Madras in WP 3778 of 2013 had upheld the decision of the State Information Commission and observed:

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AC No. 2995 of 2021

“Henceforth no information seeker can be allowed to insinuate or defame the Commissioner in the guise of prosecuting their cases”

5. The Commission advises the appellant, who is presumed to know the law, to be sane enough to see reason in not abusing the RTI and behave like a responsible citizen.
6. Further, after perusing the documents placed on record, it is ascertained that the Respondent-PIO has filed their affidavit today. I have gone through the same and do not agree with the contention of the Respondent that there is no fund of public authority available in their office. I overrule the same and direct the Respondent-PIO to provide the amount of compensation from the funds of public authority only at the earliest.
7. To come up on 21.10.2022 at 12:00PM in the Commission office. Copy of the orders be sent to the parties.

Sd/-

Dated :21.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh Ashok Kumar,
#214, Pine Homes, Dhakoli, Zirakpur
M-8837787496

..Vs

.....Appellant

Public Information Officer,
O/o ADC (Urban Development)
Sector-76, Mohali

First Appellate Authority ,
O/o ADC (Urban Development)
Sector-76, Mohali

Public Information Officer,
O/o EO, Nagar Council, Lalru

.....Respondent

AC No. 2960 of 2022

Present: (i) Sh.Ashok Kumar the appellant
(ii) For the respondent: Sh. Rajesh Sharma, EO-cum-PIO

ORDER

This order may be read with reference to the previous order dated 24.08.2022 vide which the appellant was not present and PIO, o/o EO, Nagar Council, Lalru was impleaded as respondent no.2.

2. Today the appellant Sh. Ashok Kumar states no information has been given to him so far.

3. Sh. Rajesh Sharma, EO the respondent has sought some time.

4. On the request of the respondent the appeal case is adjourned on **21.10.2022 at 12.00 PM** for further proceedings. The respondent is directed to send point-wise specific reply to the appellant before the next date of hearing with a copy to the appellant. Copy of the order be sent to the parties.

Sd/-

Dated :21.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh Jagshir Singh, (M-8195800345)
S/o Late Sh Gian Singh,
#9/20, Mandi Mullanpur, Ludhiana

.....Appellant

..Vs

Public Information Officer,
O/o DGP, Pb,
Punjab Police Headquarter, Sector-9,
Chandigarh
First Appellate Authority
O/o DGP, Pb,
Punjab Police Headquarter, Sector-9,
Chandigarh
2. Public Information Officer,
O/o Bureau of Investigation, Punjab
Punjab Police Headquarter, Sector -9, Chandigarh

.....Respondent

AC No. 5247 of 2021

Present: (i) Sh Jaghsir Singh the appellant
(ii) For the respondent : Sh. Sukhwinder Singh, HC (8054196375), Sh. Ramesh,
ASI (7837803000)

ORDER

This order may be read with reference to the previous order dated 05.09.2022 vide which the appellant was not present.

2. Today, the appellant states that he has not received information as per direction given during the hearing dated 04.07.2022.

3. Respondent Sh. Ramesh, o/o C.P.Ludhiana states that they have not received transferred letter from BOI, Punjab.

4. Copy of the RTI and transferred letter is handed over to the respondent o/o C.P.Ludhiana with these directions that complete information will be provided to the appellant before the next date of hearing.

5. To come up on **21.10.2022 at 12.00 PM** for further proceedings in the Commission. Copy of the order be sent to the parties.

Sd/-

Dated :21.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Ravjot Singh,
83-J, Sarabha Nagar, Ludhiana – 141001
(9814500076)

.....Appellant

..Vs

Public Information Officer,
O/o Assistant Inspector General Police
Admin-2 (BOI) Punjab
Sector 9, Chandigarh

First Appellate Authority ,
O/o IGP (BOI) Punjab
Sector 9, Chandigarh

.....Respondent

AC No. 2852 of 2022

Present: (i) Sh Ravjot Singh the appellant alongwith Advocate Vaibhav Sehgal
(ii) For the respondent : Sh. Ramesh Kumar, ASI (7837803000), o/o
C.P.Ludhiana and Sh. Sukhwinder Singh, HC (8054196375), o/o BOI, Punjab

ORDER

This order may be read with reference to the previous order dated 29.08.2022, passed by the Commission.

2. Today the appellant states that no information has been given to him so far.
3. The respondent, o/o C.P. Ludhiana states that the information pertaining to point nos. 4 and 5 has already been provided to the appellant.
4. After hearing both the parties and going through the case file, it is observed that the appellant demanded information on five points. Regarding information on point nos. 1,2 and 3 is in shape of question. Information regarding point nos. 4 and 5 is lying with the office of Commissioner of Police, Ludhiana. Sh. Ramesh Kumar is appearing before the Commission on behalf of the office of Commissioner of Police , Ludhiana and states whatever information available with the department has already been provided to the appellant . The appellant states that he is not satisfied with the same.

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AC No. 2852 of 2022

The respondent, o./o C.P. Ludhiana is directed to file point-wise reply regarding point nos. 4 and 5 indicating the position of each issue as to whether the information has been supplied and if not, the reason thereof.

5. To come up on **09.11.2022 at 12.00 PM** for further proceedings. Copy of the order be sent to the parties.

Sd/-

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Dated :21.09.2022

REGISTERED POST:

CC: PIO, Commissioner of Police, Ludhiana

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Smt.AvinderKaur,(M-9463455725)
W/o Sh. Bhupinder Singh, Ward No 3,
Jandali Khurd, Tehsil Ahmedgarh,
Malerkotla.

.....Appellant

..Vs

Public Information Officer,
O/o Nagar Council, Ahmedgarh,
DisttMalerkotla.
First Appellate Authority,
O/o ADC (Urban), Malerkotla.

.....Respondent

AC No. 2147 of 2022

Present: (i) Smt. Arvinder Kaur the appellant alongwith Sh. Bhupinder Singh
(ii) For the respondent : None is present on behalf of the respondent

ORDER

This order may be read with reference to the previous order dated 31.08.2022 vide which the respondent was not present.

2. The appellant Smt. Arvinder Kaur states that no information has been given to him so far.

3. The respondent is absent today.

4. After hearing the appellant and examining the case file, it is observed that the respondent is absent for second consecutive hearing. This shows that the respondent has no regard for the orders issued by the Commission .

5. In view of the above, **PIO- Nagar Council, Ahmedgarh, Distt. Malerkotla is directed** to show cause in writing or through affidavit under Section 20(1) of the RTI Act, as to why penalty be not imposed upon him for willful delay/ denial of the information to the RTI applicant and why the compensation be not awarded to the complainant under Section 19 (8)(b) of the Act for detriment suffered.

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AC No. 2147 of 2022

In addition to his submission, the PIO is also hereby 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 note that in case he does not file his submission 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 proceedings against him ex-parte.

6. To come up on **21.10.2022 at 12.00 PM** for further proceedings. Copy of the order be sent to the parties.

Dated :21.09.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh Sumeet Singh, # 1089,
New Housing Board Colony,
Extension, Sector 13, Karnal, Haryana
(8222098000)

.....Appellant

..Vs

Public Information Officer,
O/o AIGP/BOI, Punjab
Punjab Police Headquarter, Sector 9
Chandigarh

First Appellate Authority ,
O/o AIGP/BOI, Punjab
Punjab Police Headquarter, Sector 9
Chandigarh

.....Respondent

AC No. 2953 of 2022

Present: (i) Sh Abhimanyu Batish on behalf of the appellant
(ii) For the respondent : Sh. Bhoora Ali, HC (9915546786)

ORDER

This order may be read with reference to the previous order dated 24.08.2022 passed by the Commission vide which directions were given that no person below the rank of PIO/APIO shall be allowed to appear.

2. Today Sh. Abhimanyu Batish is appearing on behalf of the appellant states that no information has been given to him so far.

3. Sh. Bhoora Ali ,HC appeared on behalf of the respondent and has shown acknowledgment given by the appellant in token of having received the information.

4. After hearing both the parties and going through the case file , it is observed that appellant has not received any information so far. But the representative of the respondent has shown the acknowledgment given by the appellant. It is observed that after repeated directions given in various cases that no person below the rank of PIO/APIO shall be allowed to appear, the respondent has not obeyed the orders of the Commission. This is the crux of Law. This shows that the respondents have no regard for the orders issued by the Commission.

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AC No. 2953 of 2022

5. In view of the above, **PIO- o/o AIGP, Bureau of Investigation is directed** to show cause in writing or through affidavit under Section 20(1) of the RTI Act, as to why penalty be not imposed upon him for willful delay/ denial of the information to the RTI applicant and why the compensation be not awarded to the complainant under Section 19 (8)(b) of the Act for detriment suffered.

In addition to his submission, the PIO is also hereby 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 note that in case he does not file his submission 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 proceedings against him ex-parte.

6. To come up on **21.10.2022 at 12.00 PM** for further proceedings in the Commission. Copy of the order be sent to the parties.

Sd/-

Dated :21.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Registered post:

- CC: 1. Director General of Punjab, Punjab Police Headquarter, Sector 9, Chandigarh to take necessary action against the PIO/APIO, o/o BOI, Punjab
2. O/o AIGP/BOI, Punjab, Punjab Police Headquarter, Sector 9, Chandigarh

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Sh. Mohit Bansal, C/o Bansal Provision store,
Village Adial, PO Shahpur Kandi Township,
Tehsil and Distt. Pathankot – 145029

.....Appellant

..Vs

Public Information Officer,
O/o The Senior Superintendent of Police
SAS Nagar (Mohali) Punjab

First Appellate Authority,
O/o The Inspector General of Police, Punjab
Roopnagar Range, Roopnagar (Punjab)

.....Respondent

AC No. 3147 of 2022

Present: (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Ajit Singh, SI (9815600249), Police Station,
Zirakpur, SAS Nagar

ORDER

This order may be read with reference to the previous order dated 26.08.2022, passed by the Commission vide which the respondent sought some time.

2. The appellant is absent today. He has sent his submissions via mail which is taken on record.

3. The respondent , o/o Police Station, Zirakpur , SAS Nagar has again sought sometime today.

4. The perusal of the file shows that the respondent filed RTI with the PIO, SSP, Mohali. Further PIO, o/o SSP Mohali wrote a letter to SHO, Zirakpur to appear before the Commission, as the information is lying with them. Today, Sh. Ajit Singh, SI appeared from Police Station, Zirakpur and has sought time to provide complete information to the appellant. During the last hearing, dated 26.08.2022, the respondent was also sought time. Respondent may note that this is the last opportunity given to provide complete

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AC No. 3147 of 2022

information to the appellant, failing which action under Section 20 (1) of the RTI Act 2005.

5. To come up on **21.10.2022 at 12.00 PM** for further proceedings in the Commission.

Copy of the order be sent to the parties.

Sd/-

Dated :21.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

REGISTERED POST:

- CC: 1. Director General of Punjab, Punjab Police Headquarter, Sector 9, Chandigarh
2. SHO, Police Station, Zirakpur, SAS Nagar to appear before the Commission on the next date of hearing.