

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

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

Whatsapp No. 62848-20189



Sh. S.K. Chaudhary, (M 9878182001)

Chamber No. 372,

New Court Complex, Jalandhar.

Complainant

vs

Public Information Officer,

o/o Punjab School Education Board, Mohali.

First Appellate Authority,

o/o Punjab School Education Board, Mohali.

Sh. Nirbay Singh, Asst. Secretary cum

Asstt. Public Information Officer

o/o Punjab School Education Board, Mohali.

Sh. Rajnish Sharma,

Asstt. Publication Officer (Allotment)

o/o Punjab School Education Board, Mohali.

Respondent

Complaint Case No. 471 of 2022

Now converted to Appeal Case No. 471 of 2022

(Video Conference Proceedings)

Present:

Sh. S.K. Chaudhary, appellant. (on VC)

Sh. Nirbay Singh, Asst. Secretary cum APIO (M 9478501096) and Sh. Rajneesh Sharma,
Asst. Publication Officer (M9815991784). (at Chandigarh).

Order

This order may be read with reference to the previous order dated 24.8.2022 vide which this case was converted into appeal case. The case was adjourned and fixed for hearing today i.e. 21.9.2022. The appellant has sought the following information:

That the certified copies of the entire record file and official proceedings are required as to my application forwarded on 25/2/2020 with subject "Regarding Re-confirmation of the Eligibility Criteria of printing firm " forwarded from Email ID: advsalilchaudhary@gmail.com to Email ID : secretary.pseb@punjab.gov.in, secretary@pseb.ac.in, ddc@pseb.ac.in, publicationpseb400@gmail.com to :

- (1) Sh. Rajnish Sharma Assistant Publication Officer, PSEB
- (2) Ms. Amarjit Kaur Dalam, Academic Branch, PSEB
- (3) Mr. Nirbhay Singh, Assistant Secretary (Administration, Publication and Estate), PSEB
- (4) Mr. Gurtej Singh, Deputy Secretary (Administration, Publication and Estate), PSEB
- (5) Mr. J.R. Mehrook, Joint Secretary (General), PSEB

(A) After receiving above applications

(B) Before receiving above applications

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2

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2. The appellant has sent an email along with the applications addressed to the officers shown in his RTI application and order dated 1.6.2022 passed by FAA in this case. The appellant states that the PIO has not provided the information pertaining to his applications dated 25.2.2020 after receiving and before receiving his applications despite the order passed by FAA to supply the information within 10 working days. The email so received is taken on record.

3. The APIO states that the information has been sent to the appellant. A copy of the same has been sent to the Commission which is taken on record. The representative of the PIO submits the file before the Commission for perusal.

4. After hearing both the parties and perusal of the reply and file of the respondents, the Commission does not accept the reply of the PIO. The appellant has sought the status and action taken on his applications dated 25.2.2022 addressed to the officers as shown above but the PIO has provided irrelevant reply and file submitted before the Commission has no relevant documents. It is also observed that there is ambiguity in the sought information as the appellant has sought information status of his "applications before receiving application". Therefore, the contention to provide status of his applications before submission is not accepted by the Commission.

5. Viewing the attitude in dealing with the RTI application by the respondent in a casual manner, **Sh. Nirbay Singh, Asst. Secretary cum Asstt. Public Information Officer and Sh. Rajnish Sharma, Asstt. Publication Officer(Allotment)**, are, thus, 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 a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing wilful 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 wilful delay/denial of the information for detriment suffered by him.

In addition to the written reply, the above said officers are 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. They may take a note that in case they do not file written reply and do not avail themselves of the opportunity of personal hearing on the next date, it will be presumed that they have nothing to say and the Commission will proceed ex-parte.

6. Keeping in view of the above, the applications dated 25.2.2020 **are sent** along with the order with the direction to the PIO/ APIO to file response/ supply status of applications dated 25.2.2020 of the appellant after receiving applications of the appellant before the next date of hearing and bring the original concerned file on the next date of hearing.

7. To come up on 21.10.2022 at 12.30 P.M. to be heard through video conference facility available in the office of the Deputy Commissioner, Jalandhar for the appellant and at Chandigarh for the respondents.

sd

Dated 21.9.2022

@s

(Suresh Arora)

Chief information Commissioner, Punjab

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Sh. S.K. Chaudhary, (M 9878182001)

Chamber No. 372,

New Court Complex, Jalandhar.

Complainant

vs

Public Information Officer,

o/o Punjab School Education Board, Mohali.

First Appellate Authority,

o/o Punjab School Education Board, Mohali.

Respondent

Complaint Case No. 472 of 2022

Now converted to Appeal Case No. 472 of 2022

(Video Conference Proceedings)

Present: Sh. S.K. Chaudhary, appellant. (on VC)

Sh. Niranjana Lal, APIO, (M 8427755895), Asstt. Secretary cum APIO.

Order

This order may be read with reference to the previous order dated 24.8.2022 vide which this case was converted into appeal case. The case was adjourned and fixed for hearing today i.e. 21.9.2022. The appellant has sought the following information:

- 3.1 the complaints received by Mr. Yograj Chairman PSEB/ the office of Chairman PSEB against Enquiry Officer of PSEB named Mr. Inderpal Singh Malhotra on 29/9/2020
- 3.2 the reply, submissions and counter complaints received in the office of PSEB from Enquiry Officer Mr. Inderpal Singh Malhotra regarding the complaints as to 3.1 above.
- 3.3 the file received from the Department of School Education, Punjab with entire annexures to Punjab School Education Board regarding the complaints made by Enquiry Officer Mr. Inderpal Singh Malhotra in reference to happenings in the room of Enquiry Office in PSEB on 29/9/2020
- 3.4 the proceedings undertaken by PSEB/office of the Chairman PSEB/ Mr. Yograj Chairman PSEB after receiving complaints as per 3.1, 3.2 and 3.3 above
- 3.5 the Disciplinary/ Departmental punishment and/or orders, etc., pronounced by Mr. Yograj Chairman PSEB in the complaints as to 3.1, 3.2 and 3.3 above
- 3.6 reasons recorded for punishment/orders as to 3.5 above ✓

2. The appellant has sent an email dated 20.9.2022 which is taken on record. The appellant states that the PIO has denied him the information on the pretext of section 8(1)(h) of the RTI Act, 2005 by claiming that the matter is under consideration of the Government. He further states that his first appeal was also disposed of by the FAA on the ground that FAA was satisfied with the reply of PIO. The appellant states that he has sought the status of his

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2

Complaint Case No. 472 of 2022

Now converted to Appeal Case No. 472 of 2022

complaint dated 29.9.2020 against Sh. Inder Pal Singh Malhotra, Inquiry Officer which was received by the Chairman PSEB.

3. The APIO states that the information cannot be provided to the appellant as the matter is under consideration of the Government. The respondent APIO submit the concerned file for perusal of the Commission.

4. After hearing both the parties, going through the record and discussion of RTI application point wise, it is noticed that the respondent APIO is not able to establish the pendency of the case at Government level in context to the information to be supplied. Therefore, in the interest of justice and before reaching any conclusion, the APIO is hereby, directed to submit point wise reply of the RTI application before the Commission before next date of hearing and remain present on the next date of hearing along with the original record so as to take the matter to its logical end.

Dated 21.9.2022

@s

sd

(Suresh Arora)

Chief information Commissioner, Punjab

To come up on 21.10.2022 at 12.30 P.M. to be heard through video conference facility available in the office of the Deputy Commissioner, Jalandhar for the appellant and at Chandigarh for the respondents.

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Sh. Rimple Kumar
s/o Sh. Piara Singh
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BastiJodhewal, Rahon Road,
Ludhiana 141007
9464378179 7986770066

.. appellant

Vs

Public Information Officer
o/o District Project Director,
Samgra Education Abhiyan-cum-
DEO (EE), Jalandhar

First Appellate Authority
o/o DEO (EE)
Jalandhar

..Respondents

Appeal Case No. 2193 of 2022
(Video Conference Proceedings)

Present:- None on behalf of the appellant.
Ms Harvinder Kaur, LA 9914490863 on behalf of the respondents

ORDER

This order may be read with reference to the previous order dated 25.8.2022 vide which the PIO was direct to supply a copy of each of the statements of accounts concerning point no. 4 of the RTI application and in case the same are not available in the official record then an undertaking be filed before the next date of hearing regarding its non-availability. The case was adjourned and fixed for hearing for today i.e. 21.9.2022.

2. Both the parties have sent written submissions which are taken on record. The case was discussed in detailed with the parties.

3. After hearing both the parties, the decision in this case is 'Reserved' to be pronounced later.

sd

Dated 21.9.2022

@s

(Suresh Arora)

Chief information Commissioner, Punjab