

PUNJAB STATE INFORMATION COMMISSION
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Inderjit Singh
S/o SH. Balwinder singh,
Village – Bhadsa, P. O. – Ronta,
Tehsil – Shahkot,
Distt. - Jalandhar (Punjab)
(M. 7626891165)

.... Complainant

V/s

Public Information Officer,
O/o The Senior Superintendent of Police,
Kapurthala (Punjab)

... Respondents

Complaint Case No. 716 of 2022

Present : None on behalf of the complainant.
Sh. Balbir Singh, A. S. I. (M.-8847579004), on behalf of the respondent.

ORDER

Heard in the Commission.

2. The RTI request is dated 01.09.2022. The complaint has been received in the Commission on 19.10.2022.
3. Sh. Balbir Singh, A. S. I., who appeared on behalf of the respondent PIO in today's hearing, states that the information demanded through RTI request is regarding footage of CCTV camera is 'third party' information and a reply has also been sent to the Commission vide letter no. 1017 dated 29.11.2022(received in the Commission vide Diary No. 27541 dated 30.11.2022. It is taken on record.
4. The complainant, Sh. Inderjit Singh, is not present in today's hearing.
5. Nevertheless, an opportunity is given to the Complainant to represent this case in person or through his representative on the next date of hearing so that facts of this could be cleared.

With this, the case is **adjourned to 30th January, 2023 at 12:00 P. M. for hearing.**

Copies of the orders be sent to the parties.

Date :23rd December, 2022

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

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Sh Anuj Karol, (M-88378833792)
House No 2951, Sector 7C,
Ground Floor, Chandigarh-160047

....Appellant

V/s

Public Information Officer,
O/o SSP, Mohali
First Appellate Authority,
O/o SSP, Mohali

...Respondents

Appeal Case No. 4926 of 2022

Present: (i) Ms Ritu Sood, representative for the Appellant
(ii) None for the Respondent

ORDER

1. The RTI application is dated 25.04.2022 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 18.10.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 23.12.2022 in the Commission.
3. Ms Ritu Sood is appearing on behalf of the Appellant with authority letter. She states that no information has been provided to them so far.
4. No one has appeared on behalf of the Respondent today. However, the Respondent has informed telephonically that they shall not be able to attend the hearing today. Further they have also filed their reply via e-mail. Copy of the same is handed over to the representative for the Appellant.
5. After perusing the case file, it is ascertained that, no information has been provided to the Appellant till date. No one has appeared on behalf of the Respondent today. However, the Respondent has filed their reply via e-mail. I have gone through the same and do not agree with it. Hence, the Respondent-PIO is directed to be present on the next date of hearing along with their point-wise specific reply.
6. To come up on **30.01.2023 at 12:00PM** in the Commission office. Copy of the orders be sent to the parties.

Dated : 23.12.2022

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

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Sh Lakhvir Singh, S/o Sh Jarnail Singh,
Village-Dhaandra,
P.O Bararwal, Tehsil-Dhuri,
Distt Sangrur

....Appellant

V/s

Public Information Officer,
O/o Nagar Council, Dhuri,
Distt Sangrur
First Appellate Authority,
O/o ADC (Urban Development) Sangrur

...Respondents

Appeal Case No. 4921 of 2022

Present: (i) None for the Appellant.
(ii) for the Respondent: Sh Ashwani Kumar, EO (96460-60802)

ORDER

2. The RTI application is dated 10.05.2022 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 23.06.2022 and second appeal was filed in the Commission on 18.10.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 23.12.2022 in the Commission.

3. The Appellant is not present today.

4. The Respondent states that their point-wise reply along with the copy of information has been provided to the Appellant. He has also filed a copy of the same today.

5. After perusing the case file, it is ascertained that, the Appellant is not present today. The Respondent states that their point-wise reply along with the copy of information has been sent to the Appellant. Hence, the Appellant is directed to point-out deficiencies in the information provided, if any, to the Respondent, with a copy to the Commission office. Further, the Respondent is directed to provide complete information to the Appellant, after receiving the deficiencies, if any, pointed out by the Appellant.

However, the Respondent-PIO O/o Nagar Council, Dhuri, Distt Sangrur is exempt from further hearings.

6. To come up on **23.01.2023 at 12:00PM** in the Commission office. Copy of the orders be sent to the parties.

Dated : 23.12.2022

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

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Sh Jaswinder Singh, S/o Sh Ajaib Singh, (M-7307164920)
Village Sheikhpura, Block Majri, Tehsil Kharar
Distt. Mohal

....Complainant

V/s

Public Information Officer,
O/o Deputy Commissioner, Mohali

...Respondents

Complaint Case No. 739 of 2022

Present: (i) Sh Jaswinder Singh, Complainant along with Sh Fatehbeer Singh
(ii) None for the Respondent

ORDER

1. The RTI application is dated 26.07.2022 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 19.10.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 01.07.2014 in the Commission
3. The Complainant states that he has not received any information till date.
4. No one has appeared on behalf of the Respondent today.
5. After perusing the case file, it is ascertained that no one appeared on behalf of the Respondent today. The Complainant states that he has not received any information till date. This is the first date of hearing hence, an opportunity is given to the Respondent-PIO to appear before the Commission and file their reply failing which action u/s 20(1) of the RTI Act will be initiated.
6. To come up on **23.01.2023 at 12:00PM** in the Commission office. Copy of the orders be sent to the parties.

Sd/-

Dated : 23.12.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Ms Meenu, D/o Sh Maha Mai Mukhtiar Khas, (M-8872331137)
Village Bhora, Tehsil Nawanshaher,
Distt SBS Nagar

....Appellant

V/s

Public Information Officer,
O/o ADGP, NRI Wing, Punjab
Phase-7, Mohali

First Appellate Authority,
O/o ADGP, NRI Wing, Punjab
Phase-7, Mohali

...Respondents

Appeal Case No. 5056 of 2022

Present: (i) None for the Appellant.
(ii) for the Respondent: Sh Baldhir Singh, HC (81466-33555)

ORDER

1. The RTI application is dated 21.01.2022 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 23.06.2022 and second appeal was filed in the Commission on 27.10.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 23.12.2022 in the Commission.
3. The Appellant is not present today.
4. The Respondent states that they have already sent the copy of information to the Appellant. He has also filed a copy of the same today.
5. After hearing the case file, it is ascertained that, the Appellant is not present today. The Respondent states that they have sent the copy of information to the Appellant. Hence, the Appellant is directed to point-out deficiencies in the information provided, if any, to the Respondent, with a copy to the Commission office. Further, the Respondent is directed to provide complete information to the Appellant, after receiving the deficiencies, if any, pointed out by the Appellant.
6. To come up on **30.01.2023 at 12:00PM** in the Commission office. Copy of the orders be sent to the parties.

Dated : 23.12.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
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Sh. Anil Kumar Joshi, R/o Alpine Apartments
Top Floor, Near Mohan Park,
Solan - 173212

....complainant

V/s

Public Information Officer,
O/o EO, MC, Zirakpur

...Respondents

Complaint Case No. 434 of 2022
(converted into Appeal Case No. 434 of 2022)

Present : Sh. Anil Kumar Joshi the complainant
For the respondent : None is present on behalf of the respondent

ORDER

This order may be read with reference to the previous order dated 21.11.2022, passed by the Commission, vide which the respondent was not present.

2. Today the complainant states that no information has been given to him so far and the respondent was again absent today.

3. The perusal of the file shows that the complainant filed RTI with the PIO, o/o EO, MC, Zirakpur on 25.04.2022, but after lapse of seven months, no information has been given to him so far. This shows that the respondent has no regard for the orders issued by the Commission. This is indeed a serious matter.

4. In view of the above, **PIO- o/o MC, Zirakpur 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

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Complaint Case No. 434 of 2022
(converted into Appeal Case No. 434 of 2022)

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.

5. To come up on **25.01.2023 at 12.00 PM** for further proceedings in the Commission.
Copy of the order be sent to the parties.

Date :23rd December, 2022

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

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Sh. Lakhvir Singh, S/o Sh. Jarnail Singh

Village Dhandra, PO Barawal,
Tehsil Dhuri, Distt. Sangrur
(7009433959)

....Appellant

V/s

Public Information Officer,

O/o Nagar council, Dhuri, Distt. Sangrur
First Appellate Authority,
O/o ADC (Urban Development), Sangrur

...Respondents

Appeal Case No. 4919 of 2022

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Ashwani Kumar, EO-cum-PIO (9646060802)

ORDER

The RTI application is dated 06.06.2022 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 18.10.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 23.12.2022 in the Commission.

3. The appellant is absent today.

4. The Respondent states that point-wise reply along with the copy of information has been provided to the Appellant. He has also filed a copy of the same today in the Commission.

5. After hearing the case file, it is ascertained that, the Appellant is not present today. The Respondent states that point-wise reply along with the copy of information has been sent to the Appellant. Appellant is directed to point-out deficiencies in the information provided, if any, to the Respondent, with a copy to the Commission office. Further, the Respondent is directed to provide complete information to the Appellant, after receiving the deficiencies, if any, pointed out by the Appellant. *However, the Respondent-PIO O/o Nagar Council, Dhuri, Distt Sangrur is exempt from further hearings.*

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Appeal Case No. 4919 of 2022

6. To come up on **23.01.2022 at 12.00 PM** for further proceedings in the Commission. Copy of the order be sent to the parties.

Date :23rd December, 2022

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

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The Principal,
Apeejay School,
Mahavir Marg,
New Jawahar Nagar,
Jalandhar (Punjab)

....Appellant

V/s

First Appellate Authority,
O/o The Deputy District Education Officer(Elem.),
Jalandhar(Punjab)

...Respondent

Sh. Karam Singh,
H. No. 100,
Uday Nagar Wala – 59,
Block - 37, Jalandhar

....Other (Party)

Appeal Case No. 5144 of 2021

ORDER

This case was last heard on 21.11.2022 and the judgment was reserved.

2. Brief facts of the case are that Shri Karam Singh filed an RTI application on 22.07.2021 before the PIO o/o DEO (EE) Jalandhar seeking some information regarding Apeejay School, Jalandhar. The First Appellate Authority vide orders dated 28.10.2021 directed the Principal, Apeejay School, Jalandhar to provide the complete information as sought by the Appellant through his RTI Application, except the Balance Sheet. The said FAA had further written in the aforesaid order that if any of the party has any objection in respect of this order then he/she can file Appeal in PSIC.

3. In view of above, Apeejay School, Mahavir Marg, Jalandhar had approached the Commission in Appeal against the orders of the First Appellate Authority i.e. DEO(EE) Jalandhar.

4. This case was allocated to the Bench of Hon'ble former SIC Sh. Sanjiv Garg and on 03.08.2022 following orders was passed by the said Bench:-

“As the information demanded through RTI request is regarding building safety and fire certificates etc. of a school, which carries ‘Larger Public Interest’ as it relates with lives of Officers/ Officials /students/ of the School, accordingly, Sh. Karam Singh should have been the appellant and Deputy District Education Officer (elem.) , Jalandhar should have



Appeal Case No. 5144 of 2021

been as respondent PIO (respondent party – 01) and Deputy District Education Officer (Elem.) , Jalandhar should have been respondent party – 02 as an First Appellate Authority and further Apeejay School, Mahavir Marg, New Jawahar Nagar, Jalandhar should have been impleaded as necessary party in the instant appeal-case.

Accordingly , Sh. Karam Singh be taken as appellant and PIO office of Deputy District Education Officer (Elem.) , Jalandhar and ii) Apeejay School, Mahavir Marg, New Jawahar Nagar, Jalandhar must be respondent parties and First Appellate Authority be Deputy District Education Officer (Elem.) , Jalandhar”.

5. Since, SIC Sh. Sanjiv Garg had demitted office in September 2021, this case file was re-allocated to the bench of the undersigned. Through order dated 19.10.2022 the concerned parties were directed to be present on the next date of hearing i.e. 21.11.2022. The counsel for the Appellant, Apeejay School, Jalandhar filed written submission on. 21.11.2022 which is as under:-

“7. That it is submitted that the appeal is filed by Apeejay School, Jalandhar , being aggrieved by the communication dated 28.10.2021 issued by the Respondent no. 1. In the appeal filed by Apeejay School, Jalandhar Sh. Karam Singh cannot be taken as appellant and Apeejay School, Mahavir Marg , New Jawahar Nagar, Jalandhar cannot be made a Respondent. If Shri Karam Singh is aggrieved of any order, he must take steps in accordance with law.

6. In view of the aforementioned circumstances, the objection raised by the original appellant –Apeejay School against its transposition as respondent is well founded for the following reasons:-

i) The said order transposing the appellant- Apeejay School as the respondent is not backed by any principle recognized by law, and any plausible object proposed to be achieved by this exercise is also not discernable from the order.

ii) Sh. Karam Singh who is fully satisfied with the order dated 28.10.2021 cannot be compelled to be an appellant.

iii) Transposing Apeejay School-originally appellant in the appeal before Hon'ble SIC as respondent, and Sh. Karam Singh-originally respondent in the appeal before Hon'ble SIC as the appellant may lead to anomalous results such as:-

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Appeal Case No. 5144 of 2021

- *After transposition Sh. Karam Singh, became an appellant and in that capacity he would be entitled to withdraw the appeal in order to practically take away the statutory rights of the Apeejay School conferred U/s 11 & 19 (2) of the RTI Act.*
- *An appellant is not entitled to travel beyond the grounds of challenge pleaded in the appeal. Therefore after his transposition Sh. Karam Singh being the appellant would have to subscribe to the grounds taken by his adversary-Apeejay School in the appeal.*

It is basic principal of the administration of justice that an act of the court/adjudicating authority should not cause prejudice any party, and every court/authority has inherent powers to correct any mistake by recalling the order.

7. Therefore, in the interest of justice the anomalous situation created by the order dated 03.08.2022, passed by former SIC Sh. Sanjiv Garg need to be rectified by recalling the said order and is ordered accordingly. Parties originally arrayed at the time of registration of this appeal case are restored.

8. A copy of this order be sent through registered post to above-said parties to represent this case in person or through their representative on the next date fixed alongwith their written-submissions as well.

9. To come up on **18.01.2023 at 12:00 P. M. for hearing in the Commission.** Copies of the orders be sent to the parties.

Date :26th December, 2022

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