**PUNJAB STATE INFORMATION COMMISSION**

 **RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGRH**

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Sh. Nirmal Singh, Naib Tehsildar (Retd),

House No.1100, Sector-69,

S.A.S. Nagar Appellant

Versus

Public Information Officer,

O/o Tehsildar,

Dera Bassi, Distt. S.A.S. Nagar.

First Appellate Authority

O/o Sub Divisional Magistrate,

Dera Bassi Distt.S.A.S.Nagar Respondents

 **APPEAL CASE NO.2139 of 2017**

Date of RTI application : 10.05.2017

Date of First Appeal : 27.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :03.08.2017

**Present:** Sh. Nirmal Singh, Appellant in person.

 1. Sh. Parveen Kumar Singla, PIO – cum - Tehsildar, Dera Bassi,

. 2. Sh. Rajiv Kumar, Reader, SDM Office, Dera Bassi – for Respondents.

**ORDER**

 The following order was passed by the Commission on 30.11.2017:

 *“The following order was passed by this forum on 02.11.2017:*

 *“Since the nature of information sought in the connecting appeals, the appellant and the respondents are the same, the single order shall dispose of the above appeals.*

 *The appellant had sought a certified copy of the Stay Register relating to the year 2006 and 2007 wherein the entries of the stays issued by any competent Court are recorded. He has made specific reference of order passed in COCP 1762 of 2006 by the Honble Punjab & Haryana High Court, Chandigarh.*

 *Sh. Karamjit Singh, Naib Tehsildar is present. He says that the relevant information has been given to the appellant. The appellant denies its receipt. He further submits that the copy of the Register commencing from 2011 only has been provided whereas he has sought the information concerning 2006 and 2007.*

 *Contd…page…2*

 *-2-*

***APPEAL CASE NO.2139 of 2017***

 *The Commission takes serious exception to the conduct of the respondents and takes it as a case of willful denial of information. A final opportunity is afforded to Sh. Parveen Kumar, PIO – cum – Tehsildar, Dera Bassi to provide the sought for information along with his explanation for having failed to give the information in stipulated period.*

 *Be it noted that the neglect or indifference shown to the this order shall invite serious consequences.”*

 *“The case has come up today.*

 *Sh. Parveen Kumar Singla, Tehsildar, Dera Bassi who is PIO in the Appeal Case
No.2139/2017, is present. He has filed a written reply which has been taken on record. It further transpires that the PIO in AC: 2140 and 2141 of 2017 is different and relates to the office of Sub Divisional Magistrate, Dera Bassi. It shall be in the fitness of things to segregate the issue as the PIOs are different. The PIO in the office of Sub Divisional Magistrate is absent. Nothing has been heard from him also. It seems that the office of the SDM, Dera Bassi has more to hide than to reveal in the case. The Commission takes strong exception to their conduct. He is directed to file his written statement positively before the next date of hearing failing which the penal consequences shall follow.”*

Sh. Parveen Kumar Singla has nothing to say on the matter. The Commission is inclined to take a serious view of the issue. Apparently, the stay register carrying the orders of the Hon’ble Court has been intentionally misplaced to facilitate the registration of sale deeds of the land the alienation of which was stayed by the orders of the Hon’ble Punjab & Haryana High Court. The issue cannot be taken lightly. Responsibility is desirable to be fixed not only for scandalous conduct Contd..page…3

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***APPEAL CASE NO.2139 of 2017***

 of the officials but to take the things to logical ends. Deputy Commissioner, Mohali should get an enquiry conducted into the same, fix the responsibility for the loss of the record in consideration and inform the Commission within two months from the receipt of this order.

 To come up on **13.03.2018 at 11.30 AM.**

 **Sd/-**

**26.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Nirmal Singh, Naib Tehsildar (Retd),

House No.1100, Sector-69,

S.A.S. Nagar Appellant

Versus

Public Information Officer,

O/o Tehsildar,

Dera Bassi, Distt. S.A.S. Nagar.

First Appellate Authority

O/o Sub Divisional Magistrate,

Dera Bassi Distt.S.A.S.Nagar Respondents

 **APPEAL CASE NO.2141 of 2017**

Date of RTI application : 10.05.2017

Date of First Appeal : 27.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :03.08.2017

**Present:** Sh. Nirmal Singh, Appellant in person.

 1. Sh. Parveen Kumar Singla, PIO – cum - Tehsildar, Dera Bassi,

. 2. Sh. Rajiv Kumar, Reader, SDM Office, Dera Bassi – for Respondents.

**ORDER**

 The following order was passed by this forum on 30.11.2017:

 *“The following order was passed by this forum on 02.11.2017:*

 *“Since the nature of information sought in the connecting appeals, the appellant and the respondents are the same, the single order shall dispose of the above appeals.*

 *The appellant had sought a certified copy of the Stay Register relating to the year 2006 and 2007 wherein the entries of the stays issued by any competent Court are recorded. He has made specific reference of order passed in COCP 1762 of 2006 by the Honble Punjab & Haryana High Court, Chandigarh.*

 *Sh. Karamjit Singh, Naib Tehsildar is present. He says that the relevant information has been given to the appellant. The appellant denies its receipt. He further submits that the copy of the Register commencing from 2011 only has been provided whereas he has sought the information concerning 2006 and 2007.*

 *Contd…page…2*

 *-2-*

***APPEAL CASE NO.2141 of 2017***

 *The Commission takes serious exception to the conduct of the respondents and takes it as a case of willful denial of information. A final opportunity is afforded to Sh. Parveen Kumar, PIO – cum – Tehsildar, Dera Bassi to provide the sought for information along with his explanation for having failed to give the information in stipulated period.*

 *Be it noted that the neglect or indifference shown to the this order shall invite serious consequences.”*

 *“The case has come up today.*

 *Sh. Parveen Kumar Singla, Tehsildar, Dera Bassi who is PIO in the Appeal Case
No.2139/2017, is present. He has filed a written reply which has been taken on record. It further transpires that the PIO in AC: 2140 and 2141 of 2017 is different and relates to the office of Sub Divisional Magistrate, Dera Bassi. It shall be in the fitness of things to segregate the issue as the PIOs are different. The PIO in the office of Sub Divisional Magistrate is absent. Nothing has been heard from him also. It seems that the office of the SDM, Dera Bassi has more to hide than to reveal in the case. The Commission takes strong exception to their conduct. He is directed to file his written statement positively before the next date of hearing failing which the penal consequences shall follow.”*

Sh. Rajiv Kumar, Reader appearing on behalf of the respondents is totally blank. Some serious allegations by the appellant have been made but the conduct of the PIO is indifferent and irresponsible. The things have to be taken to the logical end. The PIO – cum – SDM, Dera Bassi who reportedly has not appointed PIO is hereby directed to come present on the next date of hearing

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***APPEAL CASE NO.2141 of 2017***

along with an affidavit as to why he should not be personally held responsible for willful denial and withholding the information concerning an issue in which allegedly irreparable wrong has been done to an official and a fraudulent transaction has been allowed by intentionally ignoring the order of the High Court by misplacing the records.

 To come up on **30.01.2018 at 11.30 AM.**

 **Sd/-**

**26.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Sub Divisional Magistrate, Dera Bassi, Distt. Mohali. PUNJAB STATE INFORMATION COMMISSION**

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Sh. Nirmal Singh, Naib Tehsildar (Retd),

House No.1100, Sector-69,

S.A.S. Nagar Appellant

Versus

Public Information Officer,

O/o Tehsildar,

Dera Bassi, Distt. S.A.S. Nagar.

First Appellate Authority

O/o Sub Divisional Magistrate,

Dera Bassi Distt.S.A.S.Nagar Respondents

 **APPEAL CASE NO.2140 of 2017**

Date of RTI application : 10.05.2017

Date of First Appeal : 27.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :03.08.2017

**Present:** Sh. Nirmal Singh, Appellant in person.

 1. Sh. Parveen Kumar Singla, PIO – cum - Tehsildar, Dera Bassi,

. 2. Sh. Rajiv Kumar, Reader, SDM Office, Dera Bassi – for Respondents.

**ORDER**

 The following order was passed by this forum on 30.11.2017:

 *“The following order was passed by this forum on 02.11.2017:*

 *“Since the nature of information sought in the connecting appeals, the appellant and the respondents are the same, the single order shall dispose of the above appeals.*

 *The appellant had sought a certified copy of the Stay Register relating to the year 2006 and 2007 wherein the entries of the stays issued by any competent Court are recorded. He has made specific reference of order passed in COCP 1762 of 2006 by the Honble Punjab & Haryana High Court, Chandigarh.*

 *Sh. Karamjit Singh, Naib Tehsildar is present. He says that the relevant information has been given to the appellant. The appellant denies its receipt. He further submits that the copy of the Register commencing from 2011 only has been provided whereas he has sought the information concerning 2006 and 2007.*

 *Contd…page…2*

 *-2-*

***APPEAL CASE NO.2140 of 2017***

 *The Commission takes serious exception to the conduct of the respondents and takes it as a case of willful denial of information. A final opportunity is afforded to Sh. Parveen Kumar, PIO – cum – Tehsildar, Dera Bassi to provide the sought for information along with his explanation for having failed to give the information in stipulated period.*

 *Be it noted that the neglect or indifference shown to the this order shall invite serious consequences.”*

 *“The case has come up today.*

 *Sh. Parveen Kumar Singla, Tehsildar, Dera Bassi who is PIO in the Appeal Case
No.2139/2017, is present. He has filed a written reply which has been taken on record. It further transpires that the PIO in AC: 2140 and 2141 of 2017 is different and relates to the office of Sub Divisional Magistrate, Dera Bassi. It shall be in the fitness of things to segregate the issue as the PIOs are different. The PIO in the office of Sub Divisional Magistrate is absent. Nothing has been heard from him also. It seems that the office of the SDM, Dera Bassi has more to hide than to reveal in the case. The Commission takes strong exception to their conduct. He is directed to file his written statement positively before the next date of hearing failing which the penal consequences shall follow.”*

Sh. Rajiv Kumar, Reader appearing on behalf of the respondents is totally blank. Some serious allegations by the appellant have been made but the conduct of the PIO is indifferent and irresponsible. The things have to be taken to the logical end. The PIO – cum – SDM, Dera Bassi who reportedly has not appointed PIO is hereby directed to come present on the next date of hearing

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***APPEAL CASE NO.2140 of 2017***

along with an affidavit as to why he should not be personally held responsible for willful denial and withholding the information concerning an issue in which allegedly irreparable wrong has been done to an official and a fraudulent transaction has been allowed by intentionally ignoring the order of the High Court by misplacing the records.

 To come up on **30.01.2018 at 11.30 AM.**

 **Sd/-**

**26.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Sub Divisional Magistrate, Dera Bassi, Distt. Mohali.**

 **PUNJAB STATE INFORMATION COMMISSION**

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Ms. Rachna,

H.No.1700, Sector-4,

Panchkula ( Haryana) Appellant

Versus

Public Information Officer,

O/o Municipal Council,

Zirakpur, (Dera Bassi), Distt. S.A.S. Nagar.

First Appellate Authority

O/o Executive Officer,

Municipal Council,

Zirakpur, (Dera Bassi), Distt. S.A.S. Nagar Respondents

 **APPEAL CASE NO.2813/2017**

Date of RTI application : 22.05.2017

Date of First Appeal : 30.07.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :10.10.2017

**Present:** None on behalf of the Appellant.

 Sh. Gursewak Singh, Jr. Assistant, O/o MC, Zirakpur – for Respondents.

**ORDER**

The following order was passed by the Commission on 30.11.2017:

 *“Being aggrieved with the inaction of the respondents in providing him the information in response to his application of 22.05.2017, the appellant has filed the second appeal with the Commission. The respondents say that the appellant was requested to come and inspect the record which he failed to do. The appellant submits that his couple of visits went futile as he was not attended to by an official to impart him the information.*

 *There is a significant delay in responding to the application which warrants serious notice. The respondents are to get the relevant record inspected by the appellant on 08.12.2017 at 11.00 AM in their office. It should be ensured that the custodian of the record is available on the scheduled time.”*

 Contd..page..2

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 **APPEAL CASE NO.2813/2017**

 Sh. Gursewak Singh, Jr. Assistant appearing on behalf of the respondents says that in compliance with the order passed on 30.11.2017 the inspection of the record has been got done and the requisite information sans a couple of building plans has been provided. The respondent assures to do the needful quickly.

 **Disposed.**

 **Sd/-**

**26.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Pritam Singh Swaitch,

Advocate Chamber No.4, Civil Court Complex,

Amloh,Tehsil Amloh, Distt. Fatehgarh Sahib. Complainant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

Amloh, Distt. Fatehgarh Sahib. Respondent

 **COMPLAINT CASE NO.1067/2017**

Date of RTI application : 20.05.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :04.10.2017

**Present:** Adv. Arvind Kashyap, Counsel for the Complainant.

 None on behalf of the Respondent.

**ORDER**

The Commission had passed the following order on 30.11.2017”

*“Heard.*

*The complainant had sought an information about the encroachments made on some vital roads in the Sub Division of Amloh and the action having been taken by the respondents to remove them.*

*Sh. Khushwinder Singh, Panchayat Secretary appearing on behalf of the respondents is oblivious to the facts of the case. It can be made out that the application has been attended to in a very slip-shod manner. An attempt has been made to pass the buck to various departments. No attempt has been made to identify the departments to which the information belongs and forward the application to them accordingly.*

*The Commission takes a strong exception to the indifferent conduct of the PIO in the office of the Sub Divisional Magistrate, Amloh. Being a Nodal Officer he/she is directed to ensure that the appropriate information/replies are obtained from the concerned departments and are transmitted to the complainant within fifteen days positively from the receipt of this order. Simultaneously, he/she shall file a reply before the Commission for the inordinate delay in passing on the information showing cause as to why penal action should not be taken against him/her.”*

 *Contd…page..2*

 *-2-*

**COMPLAINT CASE NO.1067/2017**

The case has come up today. Despite having conveyed its displeasure, PIO in the office of the SDM, Amloh is absent. Nothing has been heard from him also. The defiance on the part of the respondent cannot be taken lying down.

 The PIO, O/o SDM, Amloh is, 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 maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on himfor causing 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 the detriment suffered by him.

 In addition to the written reply, the PIO 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 note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the 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.

 It transpires that the road under consideration is under the superintendence and maintenance of the Public Works Department and the information provided by them to the SDM office is very sketchy. The Commission is not inclined to accept the same. The PIO – cum – XEN, Public Works Department, Fatehgarh Sahib is thus directed to give candid information to the complainant under intimation to the Commission. He is also directed to attend the hearing on the next date in person.

 To come up on **18.01.2018 at 11.30 AM.**

 **Sd/-**

**26.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The PIO – cum – XEN, Public Works Department, Fatehgarh Sahib for n/a.**

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Sh. Brish Bhan Bujarak

S/o Sh. Saroop Chand

Ward No. 33, Kahangarh Road,

Patran (Patiala) Complainant

Versus

Public Information Officer,

O/o Superintendent, (Home Br.-4),

Punjab Civil Sectt.-1,

Chandigarh. Respondents

 **COMPLAINT CASE NO.705/2017**

Date of RTI application : 25.03.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 17.07.2017

**Present: None.**

**ORDER**

 The Parties are absent on trot. Nothing has been heard from them.

 The complainant seemingly is satisfied with the state of affairs. No action seems called for.

 The complaint is **disposed.**

 **Sd/-**

**26.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Ashok Kumar,

S/o Sh. Ajmer Gir,

Village Chandpur P.O. Sialba,

Tehsil Kharar, Distt. S.A.S.Nagar. Appellant

Versus

Public Information Officer,

O/o Block Development & Panchayat Officer,

Block Majri P.O. Sialba , Tehsil Kharar,

Distt. S.A.S.Nagar

First Appellate Authority

O/o Block Development & Panchayat Officer,

Block Majri, P.O. Sialba , Tehsil Kharar,

Distt. S.A.S.Nagar Respondents

 **APPEAL CASE NO.1225/2016**

 **Date of RTI Application : 10.02.2017 Date of First Appeal : 10.03.2017**

 **Date of Order of FAA : Nil**

 **Date of Second Appeal : 04.05.2017**

**Present:** Adv. Hemant Sharma, Counsel for the Appellant.

1. Smt. Dilawar Kaur, PIO – cum – BDPO, Block Majri, and

 2. Sh. Surinder Pal Singh, Panchayat Secretary, O/o BDPO, Majri – for Respondents.

**ORDER**

 This is in continuation of order passed on 28.11.2017.

 The parties are present. The appellant has inspected the record and certified copies to the extent of 270 pages have been handed over on spot to the appellant. A couple of queries have also been answered. The Respondents say that by inadvertence they could not bring along measurement books. The same shall be got inspected and the copies thereof delivered before the next date of hearing positively.

 To come up on **25.01.2018 at 11.30 AM.**

 **Sd/-**

**26.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Smt. Dilawar Kaur, PIO – cum – Block Dev. & Panchayat Officer, Block Majri, Tehsil Kharar, Distt. SAS Nagar, for n/a.**

**CC: Sh. Surinder Pal Singh, PIO – cum – Panchayat Secretary, O/o Block Dev. & Panchayat Officer, Block Majri, Tehsil Kharar, Distt. SAS Nagar, for n/a.**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Shankar Dass alias Ravi Shankar,

531/9, Kishan Chand Colony, Narwana,

Distt. Jind (Haryana) Complainant

Versus

Public Information Officer,

O/o Naib Tehsildar,

Khanauri, Distt. Sangrur Respondent

**COMPLAINT CASE NO.294/2017**

 **Date of RTI Application : 21.10.2016** **Date of First Appeal : Nil**

 **Date of order of FAA : Nil**

 **Date of Second Appeal : Complaint: 15.03.2017**

**Present:** Sh. Shankar Dass alias Ravi Shankar, Complainant in person.

 1. Sh. Harinder Kumar, Naib Tehsildar, Khinauri ,

 2. Sh. Balkar Singh, Patwari, O/o Naib Tehsildar, Khinauri – for Respondent.

**ORDER**

 This may be read in continuation of orders passed by the Commission on 02.11.2017 and 28.11.2017.

 Halqa Patwari Sh. Balkar Singh has brought along the record which has been handed over on spot to the complainant. The Commission finds that sufficient information has been provided.

 The respondent was issued a show cause notice for inordinate delay. They submit that the delay is attributable partially to the extreme short-handedness of the staff. Besides they could not make out of the application which was written in Hindi and they were not very well conversant of the same. Taking a lenient view the respondent is issued a strict reprimand to be watchful in future.

 **Disposed.**

 **Sd/-**

**26.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Sh. Harinder Kumar, PIO – cum – Naib Tehsildar, Khinauri, Distt. Sangrur for immediate action.**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Gurdev Singh

S/o Sh. Bachna Singh

R/o House No.136, Shivalik Vihar, Phase II,

Nayagaon Distt. S.A.S. Nagar. Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Notified Area Committee, Nayagaon

Distt. S.A.S. Nagar.

First Appellate Authority

O/o Regional Deputy Director,

Local Govt. Punjab, R.No.409, Block –A,

3rd Floor, Mini Sectt. Patiala Respondents

 **APPEAL CASE NO.2387/2017**

Date of RTI application : 09.01.2015

Date of First Appeal : 12.07.2017

Date of Order of FAA : Reply 04.02.2015

Date of 2nd Appeal/complaint : 29.08.2017

**Present:** Sh. Gurdev Singh, Appellant in person.

 Sh. Harbhajan Singh, JE, NAC, Nayagaon – for Respondents.

**ORDER**

 The following order was passed by the Commission on 05.12.2017:

 **“**This is a badly delayed case. Way back, vide his application dated 09.01.2015 the appellant had sought certified copies of the estimates and the concomitant documentation in execution of works of laying sewerage/drainage and reconstruction of the road from Karoran to Khandola House.

 The respondents have neither filed any reply nor have provided him the requisitioned information. It is a brazen act of violation of the provisions of the RTI Act & willful denial of information which warrants serious view. In the interest of the principles of natural justice the respondent PIO Sh. Chetan Sharma, E.O. of the NAC, Nayagaon is afforded an opportunity to explain his conduct besides providing the information before the next date of hearing positively.”

 Contd….page..2

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**APPEAL CASE NO.2387/2017**

Neither the concerned E.O. is present nor any written reply has been filed.

 Sh. Harbhajan Singh, JE is present. He says that no work as per their record was executed, the information relating to which has been requisitioned. Sh. Chetan Sharma, who had been holding the charge of Executive Officer during the pendency of application is hereby 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 maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on himfor causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

 In addition to the written reply, the PIO 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 note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the 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.

In the absence of any regular incumbent of office of Executive Officer, the responsibility devolves on Sh. Jawahar Sagar, S.D.O. He is directed to file an affidavit with the Commission about the status of the information, well before the next date of hearing besides appearing in person.

 To come up on **30.01.2018 at 11.30 AM.**

 **Sd/-**

**26.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Sh. Chetan Sharma, Executive Officer, Municipal Committee, Rajpura, for n/a.**

**CC: Sh. Jawahar Sagar, SDO, O/o Executive Officer, Municipal Committee, Zirakpur.**