

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
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Ms Kamaldeep Kaur, D/o Sh Pritpal Singh,
R/o Village Gumtala, Oppo Dispensary,
Ward No-5, Amritsar.

... Appellant

Versus

Public Information Officer,
O/o ADA,
Amritsar.

First Appellate Authority,
O/o Addl, Chief Administrative,
ADA, Amritsar.

...Respondent

Appeal Case No. 2059 of 2019

PRESENT: Ms.Kamaldeep Kaur as the Appellant
Sh.Simarpreet Singh, JE -ADA Amritsar for the Respondent

ORDER:

This order should be read in continuation to the earlier order.

The case was first heard on 11.12.2019. The respondent present informed that the information is not available in their record and the appellant has already been sent reply on 15.05.2019.

Having gone through the reply of the PIO and hearing both the parties, the Commission found that the PIO has not applied his mind and the reply given is wishy washy. The respondent also does not know about the case. The PIO was directed to relook at the RTI application and provide the information as per the RTI application. The PIO was also directed to ensure that the person appearing before the Commission is fully aware of the appeal case.

The case was last heard on **14.01.2020**. The respondent brought the information and handed over to the appellant. The appellant wanted to go through the information and sought time.

Hearing dated 29.06.2020:

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that the information has been supplied to the appellant.

The appellant is absent. The appellant vide email has informed that he has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated 29..06.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Sudhir Sharma,C/o Shiv Enterprises,
Opposite Triveni Palace,
Paitala Road, Nabha.

... Appellant

Versus

Public Information Officer,
O/o EO, Nagar Council,
Nabha, Distt Patiala.

...Respondent

Complaint Case No. 95/ 2019, 109/2019, 110/2019, 111/2019

PRESENT: Sh.Sudhir Sharma as the Appellant
Sh.Jatinder Singh, Jr. Assistant O/c NC Nabha for the Respondent

ORDER: This order should be considered in continuation to the previous order.

The case was first heard by Sh.A.S.Chanduraian, State Information Commissioner on 13.03.2019. Sh.Gagandeep Singh, JE appeared on behalf of the respondent who sought adjournment which was granted.

The case was again heard by this bench on **30.07.2019**. The complainant was absent and vide email informed that the PIO has not provided the information. The respondent was also absent.

Having gone through the file, the Commission observed that there has been an enormous delay of eight months in attending to the RTI application, the PIO was issued a **show cause notice** under section 20 of the RTI Act and directed to file reply on an affidavit. The PIO was again directed to provide the information to the complainant within 10 days.

The case was further heard on **06.11.2019**. The appellant was absent and telephonically sought exemption. The appellant further informed that the PIO has not provided the information.

The respondent present pleaded that he had recently joined this office on 23.07.2019 and the delay had occurred on the part of the earlier PIO. The respondent also submitted his reply which was taken on the file of the Commission. In the reply, the respondent stated that after assuming the charge, he immediately asked the concerned junior engineer Sh.Gaganpreet Singh vide letter dated 23.07.2019 to provide the information to the appellant. Sh.Gaganpreet Singh was again instructed vide letter dated 16.08.2019 to provide the information to the appellant and be present before the Commission on the date of hearing on 06.11.2019. Sh.Gaganpreet Singh has been transferred and now posted in NC- Bagha Purana.

The PIO was directed to submit a detailed reply to the show cause notice on an affidavit and be present on the next date of hearing.

The case was last heard on **23.01.2020**. The respondent present submitted a reply to the show cause notice on an affidavit which was taken on the file of the Commission. The respondent also submitted a list of officers posted as PIOs at NC Nabha from the date of filing of RTI application till date. The respondent also informed that Sh.Rakesh Garg was the PIO-cum-EO NC Nabha when the RTI application was filed and he is now posted as EO-MC Bhawanigarh.

Complaint Case No. 95/ 2019, 109/2019, 110/2019, 111/2019

Having gone through the list, the Commission observed that Sh.Rakesh Garg had a significant tenure of stay as PIO in NC Nabha, but the RTI application was not attended to by him. Sh.Rakesh Garg, EO-MC Bhawanigarh was directed to appear personally before the Commission on the next date of hearing and explain the reasons why the RTI application was not attended to within the time prescribed under the RTI Act.

Hearing dated 29.06.2020:

The case has come up for hearing today through video conferencing at DAC Patiala.

The respondent present pleaded that the information has been provided to the complainant. The complainant pleaded that the information is incomplete and the PIO has not provided the information as per the RTI application. The appellant further informed that he also filed first appeal before the First Appellate Authority on 12.02.2020 which directed the PIO vide order dated 04.03.2020 to supply the information within a week. However, the PIO has not provided the complete information.

Hearing both the parties, the appellant is directed to inspect the record by fixing a mutually convenient date and time with the PIO and get the relevant information. The PIO is directed to allow the inspection to the appellant and provide relevant information as per the RTI Act. If the information is not available, to give in writing on an affidavit that the information supplied is complete and no further information is available.

The Commission observes that the complainant in has sought information in CC-95/2019, CC-109/2019, CC-110/2019 & CC-111/2019 from the same department i.e. EO-NC Nabha, all four cases are clubbed together and the PIO is directed to provide information in all these cases as per the RTI Act.

In the last hearing, it was informed by Sh.Amrik Singh, EO-cum-PIO Nabha that the delay had occurred at the level of Sh.Rakesh Garg, PIO-EO, NC Nabha (Now transferred and posted as PIO-cum-EO -NC Bhawanigarh). Sh.Rakesh Garg, EO-MC Bhawanigarh (Earlier PIO-cum-EO NC Nabha) was directed to appear personally before the Commission on the next date of hearing and explain the reasons why the RTI application was not attended to within the time prescribed under the RTI Act. Sh.Rakesh Garg, EO-NC Bhawanigarh is absent nor has sent any reply to the show cause notice.

Keeping the above-mentioned facts of the case, it is clear that Sh.Rakesh Garg, EO-NC Bhawanigarh (earlier PIO-cum-EO, NC Nabha) is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders in complaint case No. CC-95/2019, CC-109/2019, CC-110/2019 & CC-111/2019

To secure an erring PIO's presence before the commission the Information Commission is empowered to issue warrants to Under Section 18(3) of the RTI Act. A bailable Warrant of the Sh.Rakesh Garg, EO-NC Bhawanigarh (earlier PIO-cum-EO,NC Nabha) is hereby issued through Senior Superintendent of Police, Sangrur for his presence before the Commission on **15.07.2020**.

To come up for further hearing on **15.07.2020 at 11.00 AM**.

Chandigarh
Dated: 29.06.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

**BAILABLE WARRANT OF PRODUCTION
BEFORE
SHRI KHUSHWANT SINGH
STATE INFORMATION COMMISSIONER, PUNJAB
AT CHANDIGARH**

In case: Sudhir Sharma V/s Public Information Officer, MC Nabha

APPEAL CASE NO. 95/ 2019, 109/2019, 110/2019, 111/2019

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing :15.07.2020

To

**The Senior Superintendent of Police,
Sangrur**

Whereas Sh.Rakesh Garg, EO-MC Bhawanigarh (Earlier PIO-cum-EO, NC Nabha) has failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to the Sh.Rakesh Garg, EO-MC Bhawanigarh (Earlier PIO-cum-EO, NC Nabha) to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on **15.07.2020 at 11.00 AM.**

**Chandigarh
Dated: 29.06.2020**

**(Khushwant Singh)
State Information Commissioner**



Sh Bhagwant Singh, S/o Sh Sukhdev Singh,
R/o village Ageta, Tehsil Nabha,
Distt Patiala.

... Complainant

Versus

Public Information Officer,
O/o Chairman, PSPCL,
The Mall, Patiala.

...Respondent

Complaint Case No. 898 of 2019 and 910 of 2019

PRESENT: Sh.Bhagwant Singh as the Complainant
Sh.Jaswinder Singh, Sr.Xen(Enforcement) PSPCL Patiala for the
Respondent

ORDER:

The case was first heard on 18.02.2020. The respondent present in CC-898/2019 pleaded that since the enquiry is pending and the information will be provided after the enquiry is completed. The Commission also received a letter on 10.2.2020 from the PIO-cum-Dy Chief Engineer/Enforcement, PSPCL Patiala stating that the enquiry is pending and the reply has been sent to the complainant vide letter dated 02.08.2019.

The commission observed that the complainant had also filed another complaint case No.910/2019 for seeking exactly the same information from the office of SDO(Rural)PSPCL Nabha. In this case, the Assistant Executive Engineer, Sub-Division(Rural) Nabha vide letter received in the Commission on 17.02.2020 had stated that the enquiry in this case was being conducted by Dy Superintending Engineer, Enforcement, PSPCL Patiala and sent copies of the correspondence done with them to the Commission.

The complainant highlighted that there is an ambiguity in the information that has been provided since in the document provided by the PIO in an earlier RTI application on 24.07.2017, it was stated that the account No.AP02/744 is in the name of Partap Singh s/o Bhag Singh. However, the reply submitted to the Commission by the AEE Nabha, it is stated that the account which was held in the name of Sh.Partap Singh s/o Sh.Bhag Singh has been transferred on 28.09.2006 vide new PDCO No.26/73152 in the name of Sh.Bhagat Singh s/o Sh.Kehar Singh with new account No.AP02/757.

Since the ambiguity pointed out by the complainant was justified, the Commission marked this to the Chief Engineer, Enforcement, PSPCL Patiala to look into the matter and ensure that the correct information is provided again and if there is any fraud, to conduct an enquiry and send enquiry report to the Commission.

Further since the information sought in CC-898/2019 was the same as sought in the CC No.910 of 2019, both the cases were clubbed together and the Chief Engineer, Enforcement, PSPCL Patiala was directed to provide complete status on the matter.

Complaint Case No. 898 of 2019 and 910 of 2019

Hearing dated 29.06.2020:

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent present pleaded that they have issued a letter to the concerned Tehsildar to inform the khasra number of the property at which the connection was released.

The case is adjourned. To come up for further hearing on **19.08.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Patiala.

**Chandigarh
Dated 29.06.2020**

**Sd/-
(Khushwant Singh)
State Information Commissioner**

**CC to :1. Chief Engineer, Enforcement,
PSPCL, Patiala.**

**2. PIO-SDO(Rural),
PSPCL Nabha**

PUNJAB STATE INFORMATION COMMISSION
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Sh. Gurmukh Singh, S/o Sh.Mohinder Singh,
H No-610, Sector-11, Preet Nagar,
Kharar, Distt.Mohlai.

... Appellant

Versus

Public Information Officer,
O/o General Manager,
PRTC, Chandigarh.

First Appellate Authority,
O/o PRTC, Head Officer,
Patiala.

...Respondent

Appeal Case No. 143 of 2019

Present: Sh.Gurmukh Singh as the Appellant
Sh.Gurvinder Singh, PIO O/o PRTC Patiala (Earlier PIO-PRTC Chandigarh)
and Sh.Hardeep Singh, Clerk-PRTC Chandigarh for the Respondent

ORDER: This order should be read in continuation to the earlier order.

In this case, due to enormous delay in providing the information, the PIO-O/o General Manager, PRTC was issued a show cause notice on 09.04.2019 and directed to reply to file reply on an affidavit. On the date of hearing on 28.05.2019, the respondent Mrs.Meena Bansal, PIO appeared and informed that the information has been provided to the appellant. The respondent did not bring any reply to the show cause notice and said that the delay had occurred at the level of previous PIO Sh.Gurvinder Singh. Sh.Gurvinder Singh was directed to file reply to the show cause notice for not supplying the information within the time prescribed under the RTI Act.

On the next date of hearing on 05.08.2019, Sh.Gurvinder Singh appeared and informed that the information has been provided to the appellant. The appellant was not satisfied. The respondent also submitted reply to the show cause notice which was taken on the file of the Commission. The PIO was directed to remove the discrepancies and provide whatever the information available on record.

On 13.11.2019, Sh.Gurvinder Singh appeared late and informed that the information has been sent to the appellant. He was directed to bring original record in the Commission at the next date of hearing.

On the last date of hearing which was held on 23.01.2020, Sh.Gurvinder Singh, PIO appeared and informed that complete information has been provided to the appellant and the appellant has received the information.

However, since the reply to the show cause notice submitted by the PIO on 05.08.2019, was not found justified, a penalty of Rs.10000/- was imposed upon Sh.Gurvinder Singh, PRTC Patiala (earlier PIO-PRTC Chandigarh) and PIO, PRTC Chandigarh was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

Appeal Case No. 143 of 2019

The PIO-PRTC Chandigarh was also directed to pay an amount of **Rs.2500/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO was directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

The case has come up for hearing today through video conference facility available in the office of Deputy Commissioner, Patiala. The respondent present from the office of PRTC Chandigarh has submitted a copy of challan as a proof of having deposited the amount of penalty in the Govt Treasury which is taken on the file of the Commission. The respondent has also handed over a demand draft No.653620 drawn on SBI for Rs.2500/- to the appellant during the hearing.

Since the information has been provided, the amount of penalty has been deposited in the Govt treasury and the compensation has been provided to the appellant, no further course of action is required.

The case is **disposed off and closed.**

Chandigarh
Dated: 29.06.2020

Sd/-
(KhushwantSingh)
State Information Commissioner

CC to:Sh.Gurvinder Singh,
O/o PRTC - Patiala
(Earlier PIO-PRTC,Chandigarh.)



Sh. Krishan Gopal,
Ward No-16-B,190,
Sangrur Road, Dhuri,
Distt Sangrur. .

... Appellant

Versus

Public Information Officer,
O/o Chairman, PSPCL,
Lower Mall, Patiala.

First Appellate Authority,
O/o Chairman, PSPCL,
Lower Mall, Patiala

...Respondent

Appeal Case No. 3487 of 2019

PRESENT: None for the Appellant
Sh.Uttam Bansal, Sr.Xen for the Respondent

ORDER:

The appellant through RTI application dated 15.06.2019 has sought information regarding deduction of service tax from 2010 to 2018 by different Chief Engineers, Distribution Divisions and other information concerning the office of Chairman, PSPCL, Lower Mall, Patiala. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 20.07.2019 which took no decision on the appeal.

The case was last heard on 22.01.2020. Both the parties were absent. In the interest of justice, one more opportunity was given and the case adjourned. The appellant was however, directed to clarify whether he has sought this information earlier or not.

Hearing dated 29.06.2020:

The case has come up for hearing today through video conference facility available in the office of Deputy Commissioner, Patiala

The appellant vide email has informed that he does not require the information and his appeal case be closed.

Since the appellant has withdrawn the appeal case, the case is **disposed off and closed.**

Chandigarh
Dated 29.06.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Bachan Lal,
S-20/219, Khanpur Chowk,
(Near Ice Factory), Pathankot.

... Complainant

Versus

Public Information Officer,
O/o PSPCL,
The Mall, Patiala.

...Respondent

Complaint Case No. 869 of 2019

PRESENT: Sh.Bachan Lal as the Complainant
Sh.Suresh Kumar, SDO-PSPCL Pathankot for the Respondent

ORDER:

The complainant through RTI application dated 31.12.2018 has sought information regarding location of channels and distance from wall of a kothi which is 90' away from the ain street and other information concerning the office of PSPCL Patiala The complainant was not provided the information after which the complainant filed a complaint in the Commission on 27.09.2019.

The case was last heard on 18.02.202. The complainant claimed that the PIO has not provided the information. From the record, it was not clear that what information the complainant exactly requires. After hearing the complainant, the Commission observed that the complainant is seeking the criteria which the department uses while putting up poles especially distance from boundary wall and pole to pole distance.

Since in this particular case, the complainant had come to the Commission without going to the First appellate Authority, the case was remanded back to the First Appellate Authority with the direction to consider and dispose off the appeal within 30days from the receipt of this order.

However, there had been an enormous delay of more than one year in handling the RTI application. The Commission received a letter from Nodal Officer/RTI Cell, PSPCL Patiala whereby they had asked the PIO-cum-Deputy Chief Engineer/Operation Div, PSPCL Gurdaspur to provide the information and attend the hearing.

The PIO-cum- Deputy Chief Engineer/Operation Div, PSPCL Gurdaspur was absent. The PIO-cum-Dy Chief Engineer, Operational Division, PSPCL Gurdaspur was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

Hearing dated 29.06.2020:

The case has come up for hearing today through video conference facility available in the office of Deputy Commissioner, Patiala. The PIO-cum- Deputy Chief Engineer/Operation Div, PSPCL Gurdaspur is absent nor has sent any reply to the show cause notice. The respondent present does not know about the case. The First Appellate Authority has not taken any decision.

Giving the benefit of doubt to the First Appellate Authority due to the lockdown, the First Appellate Authority is again directed to look at the RTI application of the complainant who is seeking the criteria which the department uses while putting up poles i) from boundary wall and ii) pole to pole distance. The First Appellate Authority to dispose off the appeal within a period of 30 days.

Complaint Case No. 869 of 2019

The PIO-cum- Deputy Chief Engineer/Operation Div, PSPCL Gurdaspur is given one last opportunity to appear personally on the next date of hearing alongwith written reply to the show cause notice on an affidavit, otherwise it will be presumed that the PIO has nothing to say in the matter and the Commission will take action against the PIO under the RTI Act.

To come up for further hearing on **19.08.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Patiala. The PIO-cum- Deputy Chief Engineer/Operation Div, PSPCL Gurdaspur to appear at Chandigarh.

**Chandigarh
Dated 29.06.2020**

**Sd/-
(Khushwant Singh)
State Information Commissioner**

**CC to 1. PIO-cum- Deputy Chief Engineer
Operation Div, PSPCL Gurdaspur**



Sh Raj Singh, S/o Sh Ishar Singh,
Village Todarwal, P.O Babarpur,
Tehsil Nabha, Distt Patiala.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Patiala.

First Appellate Authority,
O/o IGP, Patiala Range,
Patiala.

...Respondent

Appeal Case No. 1764 of 2019

PRESENT: Sh.Raj Singh as the Appellant
None for the Respondent

ORDER:

The case was first heard on 18.09.2019. The appellant through RTI application dated 26.11.2018 sought information regarding FIR No.34/2017 PS - enquiry report alongwith copies of zimnies from the office of SSP Patiala.

The respondent present submitted a letter dated 16.09.2019 from the PIO stating that since as per report of concerned police station, the challan has been presented in the court, thus information cannot be provided and the reply has been sent to the appellant. The appellant was absent. The case was adjourned.

The case was again heard on **10.12.2019**. The respondent present pleaded that since the investigation is complete and the challan alongwith the case file has been presented in the court, the information cannot be provided. The appellant was absent and vide email had sought adjournment.

The case was last heard on **17.02.2020**. The respondent present pleaded that since the challan alongwith complete record has been presented in the court, the information cannot be provided. The copy of FIR was provided to the appellant during the hearing. The respondent was directed to send appropriate reply to the appellant that why information on other points is being denied.

Hearing dated 29.06.2020:

The case has come up for hearing today through video conference facility available in the office of Deputy Commissioner, Patiala.

The appellant is present and informed that he tried to get the documents from the concerned court on 09.03.2020, however, they have informed that the asked documents in copy form i.e. i) complaint No.2344 dated 08.05.2017, 2) statement & other documents relating to this complaint, cannot be provided as they are not a part of the judicial file, neither mentioned in the challan report provided by police. The appellant has also clarified other points of the information sought in the RTI application.

Appeal Case No. 1764 of 2019

In the last hearing, the respondent was directed to send appropriate reply to the appellant that why information on other points is being denied. The respondent is absent nor has sent any reply. The PIO is directed to provide information on all points as clarified by the appellant, a copy of which is attached with the order for the PIO, as per RTI Act. However, the zimmies may not be provided.

The case is adjourned. To come up for compliance on **19.08.2020 at 11.00 AM** through video conference facility available in the office of **Deputy Commissioner, Patiala**.

Chandigarh
Dated 29.06.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Vinod Kumar Prashar,
476, Green Field, Majitha Road,
Amritsar.

... Appellant

Versus

Public Information Officer,
O/o Deputy Chief Engineer, (Personnel),
PSPCL, The Mall, Patiala.

First Appellate Authority,
O/o Chief Engineer, HRD,
PSPCL, Patiala.

... Respondent

Appeal Case No. 3636 of 2019

PRESENT: None for the Appellant
Sh. Ranbir Singh, Superintendent PSPCL Patiala for the Respondent

ORDER:

The appellant through RTI application dated 10.07.2019 has sought information regarding instructions/circulars relating to promotion criteria/policy of PSPCL – punishment of decision of show cause notices/charge sheets, guidelines relating to ACRs and other information concerning the office of Deputy Chief Engineer, (Personnel), PSPCL, The Mall, Patiala.. The appellant was not satisfied with the reply of PIO dated 30.07.2019 after which the appellant filed first appeal before the First Appellate Authority on 13.08.2019 which disposed off the appeal on 06.09.2019 with the decision that the information has been provided to the appellant. .

The case was last heard on 28.01.2020. The respondent present pleaded that the information has been supplied to the appellant vide letter dated 30.07.2019 and again on 27.01.2020. The respondent also brought a copy of the information regarding point-1.

The appellant was absent. A copy of the information was attached with the order for the appellant. The appellant was directed to point out the discrepancies in writing.

Hearing dated 29.06.2020:

The respondent present pleaded that the information has been provided to the appellant. At the last hearing, the respondent had brought the information. A copy of the information was attached with the order for the appellant and the appellant was directed to point out the discrepancies in writing.

The appellant is absent nor has communicated any discrepancies. It is presumed that the appellant has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated 29.06.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

