

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Rakesh Kumar Gupta, (Advocate)
8/237, Jagraon Road, Mandi Mullanpur,
Distt. Ludhiana

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council, Jagraon,
Distt. Ludhiana

First Appellate Authority
O/o Deputy Director, Local Bodies, Punjab
Ludhiana

Respondents

APPEAL CASE NO.2776/2017

Date of RTI application : 31.03.2017
Date of First Appeal : 05.05.2017
Date of Order of FAA : Nil
Date of 2nd Appeal/complaint : 03.10.2017

Present: Sh. Rakesh Kumar Gupta, Appellant in person.
None on behalf of the Respondents.

ORDER

The following order was made by this forum on 26.09.2018:

“The case has been heard through video conferencing.

None is present on behalf of the respondents. The Commission had desired the respondents to clinch an inspection of the record relating to the original application. The appellant apprehends physical harm at the hands of the respondents and the third party. They are directed to bring along the record in the office of the Commission at Chandigarh for inspection on 30.10.2018 at 11.30 AM.”

On the dissatisfaction of the appellant the respondents were directed to produce the record in the Commission. However, the respondents in scant disregard of the order of the Commission, are absent. The Commission feels that they are rendered themselves liable for penal consequences.

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APPEAL CASE NO.2776/2017

The PIO 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 him for 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.

To come up on **11.12.2018 at 11.30 AM.**

Sd/-

30.10.2018

**(Yashvir Mahajan)
State Information Commissioner**

CC: The PIO – cum – Executive Officer, Municipal Council, Jagraon, Distt. Ludhiana, for n/a.

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Sh. Satnam Singh Dhillon,
S/o Sh. Amrik Singh Dhillon,
R/o Naya Gaon, Near Government School,
SAS Nagar.

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council,
Naya Gaon, Distt. SAS Nagar.

Respondent

Complaint Case No.908/2018

| | |
|---|------------|
| Date of RTI application: | 09.07.2018 |
| Date of Reply : | Nil |
| Date of First Appeal : | Nil |
| Date of Order of FAA : | Nil |
| Date of 2 nd Appeal/complaint: | 23.08.2018 |

Present: **Sh. Satnam Singh Dhillon, Complainant in person.**
 Sh. Raghunandandan Singh, Accountant, MC Office, Naya Gaon, – for
 Respondent.

ORDER

Sh. Raghunandan Singh, proxy for the respondent submits that the information asked for has been delivered. The complainant acknowledges its receipt to his satisfaction. There is a marginal delay. The complaint is filed with the caution to the respondent to be watchful in future.

Disposed.

Sd/-

30.10.2018

(Yashvir Mahajan)
State Information Commissioner

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Sh. Amritpal Singh,
S/o Sh. Gurdas Singh
VPO Cheema, Tehsil Sunam,
Distt. Sangrur

Appellant

Versus

Public Information Officer,
O/o President,
Gurdwara Sahib, Nanaksar,
Cheema Tehsil Sunam, Distt. Sangrur

First Appellate Authority
O/o President,
Shiromani Gurdwara Parbhandhak Committee,
Sri Amritsar Sahib.

Respondents

APPEAL CASE NO.3133/2017

Date of RTI application : 16.05.2017
Date of First Appeal : 06.07.2017
Date of Order of FAA : Nil
Date of 2nd Appeal/complaint :03.11.2017

Present: None.

ORDER

None is present on behalf of the Parties.

The matter is adjourned to be heard on **11.12.2018 at 11.30 AM.**

Sd/-

30.10.2018

**(Yashvir Mahajan)
State Information Commissioner**

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Sh. Jagpal Singh,
S/o Sh. Pritam Singh,
R/o Mangat Colony, Kohara road,
Sri Machhiwara Sahib.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Sri Machhiwara Sahib.

Respondent

Complaint Case No.881/2018

| | |
|---|------------|
| Date of RTI application: | 25.05.2018 |
| Date of Reply : | Nil |
| Date of First Appeal : | Nil |
| Date of Order of FAA : | Nil |
| Date of 2 nd Appeal/complaint: | 04.08.2018 |

Present: **Sh. Jagpal Singh, Complainant in person.**
Sh. Raghbir Singh, Panchayat Secretary, O/o BDPO, Sri Machhiwara Sahib – for Respondent.

ORDER

The complainant has asked for an information pertaining to the various activities of the gram panchayat of village Burj Pubhat, Sri Machhiwara Block from the period from December, 2015 to April, 2018. The information should have been handy as it relates almost to the current record and should have been delivered to the complainant within the stipulated period. Even after filing the complaint also the respondents have failed to provide the information. The proxy for the respondent Sh. Raghbir Singh is evasive and is making some vague submissions which do not cut much ice. The respondents seemingly have rendered themselves liable for penal action under Section 20 of the Act.

The PIO 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 him for 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.

Complaint Case No.881/2018

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.

To come up on **18.12.2018 at 11.30 AM.**

30.10.2018

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
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Sh. Harpal Singh,
R/o Village- Sandhari Majra,
Tehsil- Khamano, Distt. Fatehgarh Sahib.

Appellant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
Fatehgarh Sahib.

First Appellate Authority,
O/o Senior Superintendent of Police,
Fatehgarh Sahib.

Respondents

Appeal Case No.2820/2018

| | |
|---|------------|
| Date of RTI application: | 01.03.2018 |
| Date of Reply : | Nil |
| Date of First Appeal : | 06.06.2018 |
| Date of Order of FAA : | Nil |
| Date of 2 nd Appeal/complaint: | 24.08.2018 |

Present: **Sh. Harpal Singh, Appellant in person.**
ASI Ranjit Singh, Incharge RTI Wing, SSP Office, Fatehgarh Sahib – for Respondents.

ORDER

ASI Ranjit Singh Appearing on behalf of the respondents submits that the information has been got delivered at his residence. The appellant is not satisfied. He is questioning the justification of inference drawn by the Deputy Superintendent of Police in his enquiry report. The respondent says that the available record has been provided and in case he is dissatisfied with the outcome of the enquiry he may approach the higher authorities to have the matter re-probed. The appellant is desired to pin-point the deficiency in the information in terms of Section 2(f) of the RTI Act. The Commission is not authorized to look into the merits of the enquiry.

To come up on **18.12.2018 at 11.30 AM.**

Sd/-

30.10.2018

(Yashvir Mahajan)
State Information Commissioner

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Sh. Ranjit Singh,
S/o Sh. Charan Singh,
R/o 491, Phase-2, Urban Estate-PUDA, Patiala.

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council,
Kharar, Distt. S.A.S Nagar.

First Appellate Authority,
O/o Deputy Director,
Local Government Bodies, Punjab,
Mini Secretariat, Patiala, Punjab.

Respondents

Appeal Case No.2745/2018

| | |
|---|------------|
| Date of RTI application: | 18.09.2017 |
| Date of Reply : | 09.10.2017 |
| Date of First Appeal : | 02.04.2018 |
| Date of Order of FAA : | Nil |
| Date of 2 nd Appeal/complaint: | 14.08.2018 |

Present: **None on behalf of the Appellant.**
 Sh. Amit Kumar, SDO, MC Office, Kharar – for Respondents.

ORDER

The appellant is absent. He is aggrieved with the fact that an old natural storm water channel namely ‘ kachi choi ‘ has been allowed to be encroached the builders with the tacit approval of the respondents. He has referred some khasra numbers with reference to the same. He is seeking action against the delinquent officials and errant builders for their illegal act and bringing them to justice.

The Commission has gone through his appeal. While empathizing with his concern for public cause the Commission is at a loss to identify the information he is seeking from the respondents. It is not within the domain of the Commission to take action against the offenders he is attending. In case he is seeking the demarcation he should approach the revenue authorities who are obliged to do the needful under the relevant provision of law. The appellant may like to comment on the aforesaid observations.

To come up on **18.12.2018 at 11.30 AM.**

30.10.2018

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Email: psic22@punjabmail.gov.in

Sh. Mukesh Kumar,
R/o House No. 4518,
Mauli Jagran Complex, Chandigarh.

Appellant

Versus

Public Information Officer,
O/o Superintendent of Police (Headquarters),
Nodal Officer, RTI Branch,
District Administrative Complex, Sector-76,
SAS Nagar.

First Appellate Authority,
O/o Superintendent of Police (Headquarters),
Nodal Officer, RTI Branch,
District Administrative Complex, Sector-76,
SAS Nagar.

Respondents

Appeal Case Nos.2784 and 2785 of 2018

| | |
|---|------------|
| Date of RTI application: | 14.11.2017 |
| Date of Reply : | Nil |
| Date of First Appeal : | 29.01.2018 |
| Date of Order of FAA : | Nil |
| Date of 2 nd Appeal/complaint: | 20.08.2018 |

Present: **Sh. Mukesh Kumar, Appellant in person.**
None on behalf of the Respondents.

ORDER

Since the appellant, the respondents and information is almost identical single order shall dispose of the above appeals.

The respondents are absent. A communication has been received from them in both the appeals that the information was sent to him by registered post on 21.08.2018. The appellant denies having received such information. The respondents are directed to produce the proof of having dispatched the information and bring along the copy of such information sent to him on the next date of hearing in the Court itself.

To come up on **22.11.2018 at 11.30 AM.**

Sd/-

30.10.2018

(Yashvir Mahajan)
State Information Commissioner

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Sh. Inderjeet Singh, Advocate
R/o Sunder Nagar, St.No.3, 1st Crossing
Hanumangarh Road, Abohar.
Distt. Fazilka.

Sh. Vishal Singh Chauhan, Advocate,
H.No.127, Sector 10 – A, Chandigarh.

Appellants

Versus

Public Information Officer,
O/o Special Secretary to Govt. of Punjab,
Department of Home Affairs & Justice,
Punjab Civil Sectt.- 1, Chandigarh

Public Information Officer,
O/o Judicial - 1 Branch,
Department of Home Affairs and Justice, Govt. of Punjab,
Punjab Civil Sectt. – 1, Chandigarh.

First Appellate Authority
O/o Secretary to Govt. of Punjab
Department of Home Affairs & Justice,
Punjab Civil Sectt.-1, Chandigarh.

Respondents

APPEAL CASE NOS. 2559/2017, 938 and 939 of 2018

Date of RTI application : 03.07.2017/30.08.2017/17.07.2017
Date of First Appeal : 03.08.2017/27.10.2017/31.08.2017
Date of Order of FAA : 06.09.2017/12.01.2018/Reply 27.09.2017/04.08.2017
Date of 2nd Appeal/complaint : 11.09.2017/12.03.2018/06.03.2018

Present: **Sh. Sourav Dhir, Counsel for Sh. Vishal Singh Chauhan, Appellant.**
1. **h. P. S. Bajwa, Additional Advocate General, Punjab,**
2. **Adv. Sehajbir Singh for Respondent No.11, 18, 24 and 35,**
3. **Adv. Kiran Verma, for respondents,**
4. **Sh. Harmanjot Singh, Sr. Assistant, Judicial - 1 Br., Pb. Civil Sectt. – for Respondents.**

ORDER

On the request of Sh. Inderjeet Singh, one of appellants, hearing in Appeal Case No. 2559 of 2017 was pre-poned. His appeal was allowed to be withdrawn and a suitable order was passed on 09.10.2018.

The issue in hand now relates to Appeal Case Nos. 938 and 939 of 2018 only.

Contd...page...2

APPEAL CASE NOS. 2559/2017, 938 and 939 of 2018

The respective parties have made their submissions and filed counter affidavits to put forward their respective view-points. The matter shall be taken up for argument on **27.11.2018 at 11.30 AM.**

Sd/-

30.10.2018

**(Yashvir Mahajan)
State Information Commissioner**