

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864111,

Visit us @ www.infocommpunjab.com, Email: psic21@punjabmail.gov.in



Ravinder Kataria,

64, New Sant Fateh Singh Nagar,
Dugri Road, Ludhiana.

Versus

Public Information Officer,

o/o Secretary, Regional Transport Authority (RTA),
Sangrur.

First Appellate Authority,

o/o State Transport Commissioner, Punjab, Chandigarh.

Appeal Case No. 2798 of 2019

PRESENT:

(Appellant) Absent

Gurcharan Singh Sandhu, PIO-Cum-ATO (Respondent) 98140-69272

ORDER:

*(To be read in continuity with earlier orders on **3.10.19** and **29.11.19**)*

1. The RTI application is dated **6.5.19** vide which the appellant has sought **information pertaining to the issue and renewal of commercial driving licenses etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **1.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **29.11.19**, wherein the respondent PIO was directed to arrange an inspection of the relevant record by the appellant.

2. The appellant is absent and has intimated the commission of his inability to attend this hearing.

3. The respondent PIO-Cum-ATO, Gurcharan Singh Sandhu, informed that as per directions of this Commission, the appellant was invited for inspection of the record on 5.12.19. He was given complete cooperation and was supplied the information requested in his RTI application.

4. However, the appellant, in his email of 20.12.19, has contended that the information given to him is only partial and copies of certificates deposited for the commercial driving licenses, as sought in the RTI application, have not been provided.

5. The respondent PIO is directed to retrieve this record and supply to the appellant or cite legal provisions from the RTI Act for not doing so in writing.

6. **Next hearing on 22.1.20 at 11.00 am for Compliance**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

20.12.19

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REGISTERED

Ravinder Kataria,
64, New Sant Fateh Singh Nagar,
Dugri Road,
Ludhiana.

Versus

Public Information Officer,
o/o Secretary,
Regional Transport Authority (RTA),
Bathinda.

First Appellate Authority,
o/o State Transport Commissioner,
Punjab, Chandigarh.

Appeal Case No. 2799 of 2019

PRESENT:

(Appellant) Absent

(Respondent) Absent

ORDER:

(To be read in continuity with earlier orders on 3.10.19 and 29.11.19)

1. The RTI application is dated **6.5.19** vide which the appellant has sought **information pertaining to the passing and registration of vehicles, registration certificates, fees, pollution certificates etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **11.6.19**, and second appeal was filed in the Commission on **1.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **29.11.19**.

2. The appellant is absent and has intimated the commission of his inability to attend this hearing.

3. The respondent PIO is absent without intimation to this Commission and this is for the third time since this appeal case was first heard on **3.10.19**. There has been no communication from the respondent PIO either to this Commission or to the appellant. The Commission takes a very serious view of the PIO's questionable conduct in this appeal case.

4. The respondent PIO is absent despite show cause notice issued to him on 29.11.19. Neither has he bothered to appear at this hearing with a written reply, as directed by this Commission, nor has he chosen to take the opportunity for the personal hearing offered to him before the imposition of a penalty.

Order: Keeping all the facts of the case in mind, this is a fit case to invoke Section 20 of RTI Act and impose a penalty on the respondent PIO Section 20(1), which reads as under:

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“Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub Section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of 250/- Rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed Twenty Five Thousand Rupees;

Provided that the Central Public Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him;

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be.”

The onus and responsibility lie on the **PIO-Cum-ATO, Bhupinder Singh, District Administrative Complex, Regional Transport Authority (RTA), Bathinda**, to ensure the transmission of the complete information to the appellant. The PIO-Cum-ATO, Bhupinder Singh, District Administrative Complex, Regional Transport Authority (RTA), Bathinda, is hereby held guilty for not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request and for repeated and wilful defiance of the Punjab State Information Commission's orders.

A penalty of Rupees Five Thousand (Rs. 5,000.00) is hereby imposed upon the PIO-Cum-ATO, Bhupinder Singh, District Administrative Complex, Regional Transport Authority (RTA), Bathinda, which be deducted from his salary and deposited in the Punjab Government Treasury under head **“0070-Other Administrative Services-60-other Services-800-Other Receipts-86-Fees Under the Right to Information Act.”** The PIO-Cum-ATO, Bhupinder Singh, District Administrative Complex, Regional Transport Authority (RTA), Bathinda, is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan at the next hearing of this appeal case.

5. Next hearing on 13.2.20 at 11.00 am.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

20.12.19

CC: Principal Secretary to Government of Punjab,
Department of Transport,
Punjab Mini Secretariat,
Sector- 9, Chandigarh.

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REGISTERED

Ravinder Kataria,
64, New Sant Fateh Singh Nagar,
Dugri Road, Ludhiana.

Versus

Public Information Officer,
o/o Secretary,
Regional Transport Authority (RTA), Patiala.
First Appellate Authority,
o/o State Transport Commissioner Punjab, Chandigarh.

Appeal Case No. 2800 of 2019

PRESENT:
(Appellant) Absent
(Respondent) Absent

ORDER:
(To be read in continuity with earlier orders on **3.10.19** and **29.11.19**)

1. The RTI application is dated **6.5.19** vide which the appellant has sought **information pertaining to the renewal of commercial licenses etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **11.6.19**, and second appeal was filed in the Commission on **1.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **29.11.19**.
2. The appellant is absent and has intimated the commission of his inability to attend this hearing. The respondent PIO is absent without intimation to this Commission.
3. At the last hearing of this appeal case, the PIO-cum-ATO Sham Lal, had assured the Commission that the pending information pertaining to point '2' of the RTI application would be retrieved from the Project Director National Informatics Centre (NIC) and furnished to the appellant before today's hearing. This has however, not been done.
4. The respondent PIO is granted one final opportunity to appear in person and explain why the directions of this Commission have not been adhered to.
5. **Next hearing on 22.1.20 at 11.00 am.**

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
20.12.19

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REGISTERED

Ravinder Kataria,
64, New Sant Fateh Singh Nagar,
Dugri Road, Ludhiana.

Versus

Public Information Officer,
o/o Secretary,
Regional Transport Authority (RTA), Faridkot.
First Appellate Authority,
o/o State Transport Commissioner Punjab, Chandigarh.

Appeal Case No. 2801 of 2019

PRESENT:
(Appellant) Absent
(Respondent) Absent

ORDER:
(To be read in continuity with earlier orders on **3.10.19** and **29.11.19**)

1. The RTI application is dated **6.5.19** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **1.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **29.11.19**.

2. The appellant is absent and has intimated the commission of his inability to attend this hearing. The respondent PIO is absent without intimation to this Commission and this is for the third time since the last hearing on 29.11.19. There has been no communication from the respondent PIO either to this Commission or to the appellant since first hearing. The Commission takes a very serious view of the PIO's conduct in this appeal case.

3. The respondent PIO is absent despite show cause notice issued to him on 29.11.19. Neither has he bothered to appear at this hearing with a written reply, as directed by this Commission, nor has he chosen to take the opportunity for the personal hearing offered to him before the imposition of a penalty.

Order: Keeping all the facts of the case in mind, this is a fit case to invoke Section 20 of RTI Act and impose a penalty on the respondent PIO Section 20(1), which reads as under:

"Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub Section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of 250/-

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Rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed Twenty Five Thousand Rupees;

Provided that the Central Public Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him;

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be."

The onus and responsibility lie on the PIO-Cum-ATO, Gurnam Singh, Regional Transport Authority (RTA), Faridkot, to ensure the transmission of the complete information to the appellent. The PIO-Cum-ATO, Gurnam Singh, Regional Transport Authority (RTA), Faridkot, is hereby held guilty for not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request and for repeated and wilful defiance of the Punjab State Information Commission's orders.

A penalty of Rupees Five Thousand (Rs. 5,000.00) is hereby imposed upon the PIO-Cum-ATO, Gurnam Singh, Regional Transport Authority (RTA), Faridkot, which be deducted from his salary and deposited in the Punjab Government Treasury under head "**0070-Other Administrative Services-60-other Services-800-Other Receipts-86-Fees Under the Right to Information Act.**" The PIO-Cum-ATO, Gurnam Singh, Regional Transport Authority (RTA), Faridkot, is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan at the next hearing of this appeal case.

4. Next hearing on 13.2.20 at 11.00 am.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

20.12.19

CC: Principal Secretary to Government of Punjab,
Department of Transport,
Punjab Mini Secretariat,
Sector- 9, Chandigarh.

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Ramandeep Singh Ahluwalia,

Ward No. 18, Street No.2,
Kartar Nagar, Amloh Road,
District Khanna – 141 401

Versus

Public Information Officer,

o/o Municipal Engineer,
Municipal Council, Mandi Gobindgarh.

First Appellate Authority,

o/o Regional Deputy Director Urban Local Government,
1st Floor, Mini Secretariat, Ferozepur Road, Ludhiana.

Appeal Case No. 3063 of 2019

PRESENT:

(Appellant) Absent

Kuljinder Singh, JE (for the Respondent) 80540-52202

Varinder Kumar, APIO-Cum-Assistant Municipal Engineer (for the Respondent) 79868-95089

ORDER:

(To be read in continuity with earlier orders on 1.11.19)

1. The RTI application is dated **4.4.19** vide which the appellant has sought **information by way of inspection of the computer on which online bids are received etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **22.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.11.19**, wherein the respondent PIO was directed to arrange an inspection of the computer on 14 and 15 November, 2019.

2. The appellant is absent but has informed the Commission of his inability to attend this hearing.

3. The respondent PIO, represented by Varinder Kumar, APIO-Cum-Assistant Municipal Engineer and Kuljinder Kumar, Junior Engineer, have submitted reply again contending that the appellant has withdrawn all his RTI applications and appeal cases pending against the Municipal Council Mandi Gobindgarh. They have once again sought to submit a signed declaration by the appellant to this effect.

4. Notably however, the appellant had in an earlier complaint pertaining to a hearing on 5.12.19 (appeal case 2933/19 and 2934/19) contended that he was made to sign the aforesaid declaration withdrawing his cases, under pressure when he visited the office of the Municipal Council, Mandi Gobindgarh for inspection in this appeal case (3063/19). The appellant alleged that he was threatened and manhandled by some outsiders on the occasion. This Bench had referred the appellant's complaint to the Collegium of the Punjab State Information Commission.

5. On being told about the appellant's allegations, the respondents were told to bring the record requested in the RTI application to the next hearing in either documentary or

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electronic (pen drive) format. To this, the respondents contended that the requested record was far too voluminous and pleaded that the appellant be requested to cite specific documents.

6. This Commission directs the respondent PIO to make a realistic assessment detailing the information and number of pages that would need to be photocopied. This must be intimated to this Commission before the next date of hearing.

7. **Next hearing on 13.2.20 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

20.12.19

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Ramandeep Singh Ahluwalia,

Ward No. 18, Street No.2,
Kartar Nagar, Amloh Road,
District Khanna-141401

Versus

Public Information Officer,

o/o Municipal Engineer,
o/o Municipal Council,
Mandi Gobindgarh.

First Appellate Authority,

o/o Regional Deputy Director,
Urban Local Government,
1st Floor, Mini Secretariat,
Ferozepur Road,
Ludhiana.

Appeal Case No. 3064 of 2019

PRESENT:

(Appellant) Absent

Kuljinder Singh, JE (for the Respondent) 80540-52202

Varinder Kumar, APIO-Cum-Assistant Municipal Engineer (for the Respondent) 79868-95089

ORDER:

(To be read in continuity with earlier orders on 1.11.19)

1. The RTI application is dated **4.4.19** vide which the appellant has sought **information by way of inspection of the computer on which online bids are received etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **22.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.11.19**, wherein the respondent PIO was directed to arrange an inspection of the computer on 14 and 15 November, 2019.
2. The appellant is absent but has informed the Commission of his inability to attend this hearing.
3. The respondent PIO, represented by Varinder Kumar, APIO-Cum-Assistant Municipal Engineer and Kuljinder Kumar, Junior Engineer, have submitted reply again contending that the appellant has withdrawn all his RTI applications and appeal cases pending against the Municipal Council Mandi Gobindgarh. They have once again sought to submit a signed declaration by the appellant to this effect.
4. Notably however, the appellant had in an earlier complaint during a hearing on 5.12.19 (appeal case 2933/19 and 2934/19) contended that he was made to sign the aforesaid declaration withdrawing his cases, under pressure when he visited the office of the Municipal Council, Mandi Gobindgarh for inspection in this appeal case (3063/19). The appellant alleged that he was threatened and manhandled by some outsiders on the occasion. This

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Bench had referred the appellant's complaint to the Collegium of the Punjab State Information Commission.

5. On being told about the appellant's allegations, the respondents were told to bring the record requested in the RTI application to the next hearing in either documentary or electronic (pen drive) format. To this, the respondents contended that the requested record was far too voluminous and pleaded that the appellant be requested to cite specific documents.

6. This Commission directs the respondent PIO to make a realistic assessment detailing the information and number of pages that would need to be photocopied. This must be intimated to this Commission before the next date of hearing.

7. **Next hearing on 13.2.20 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

20.12.19

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Ramandeep Singh Ahluwalia,

Ward No. 18, Street No.2,
Kartar Nagar, Amloh Road,
District Khanna-141401

Versus

Public Information Officer,

o/o Municipal Engineer,
o/o Municipal Council,
Mandi Gobindgarh.

First Appellate Authority,

o/o Regional Deputy Director,
Urban Local Government,
1st Floor, Mini Secretariat,
Ferozepur Road,
Ludhiana.

Appeal Case No. 3065 of 2019

PRESENT:

(Appellant) Absent

Kuljinder Singh, JE (for the Respondent) 80540-52202

Varinder Kumar, APIO-Cum-Assistant Municipal Engineer (for the Respondent) 79868-95089

ORDER:

(To be read in continuity with earlier orders on 1.11.19)

1. The RTI application is dated **4.4.19** vide which the appellant has sought **information by way of inspection of the computer on which online bids are received etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **22.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.11.19**, wherein the respondent PIO was directed to arrange an inspection of the computer on 14 and 15 November, 2019.
2. The appellant is absent but has informed the Commission of his inability to attend this hearing.
3. The respondent PIO, represented by Varinder Kumar, APIO-Cum-Assistant Municipal Engineer and Kuljinder Kumar, Junior Engineer, have submitted reply again contending that the appellant has withdrawn all his RTI applications and appeal cases pending against the Municipal Council Mandi Gobindgarh. They have once again sought to submit a signed declaration by the appellant to this effect.
4. Notably however, the appellant had in an earlier complaint pertaining to a hearing on 5.12.19 (appeal case 2933/19 and 2934/19) contended that he was made to sign the aforesaid declaration withdrawing his cases, under pressure when he visited the office of the Municipal Council, Mandi Gobindgarh for inspection in this appeal case (3063/19). The appellant alleged that he was threatened and manhandled by some outsiders on the

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occasion. This Bench had referred the appellant's complaint to the Collegium of the Punjab State Information Commission.

5. On being told about the appellant's allegations, the respondents were told to bring the record requested in the RTI application to the next hearing in either documentary or electronic (pen drive) format. To this, the respondents contended that the requested record was far too voluminous and pleaded that the appellant be requested to cite specific documents.

6. This Commission directs the respondent PIO to make a realistic assessment detailing the information and number of pages that would need to be photocopied. This must be intimated to this Commission before the next date of hearing.

7. **Next hearing on 13.2.20 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

20.12.19

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Ramandeep Singh Ahluwalia,

Ward No. 18, Street No.2,
Kartar Nagar, Amloh Road,
District Khanna-141401

Versus

Public Information Officer,

o/o Municipal Engineer,
o/o Municipal Council,
Mandi Gobindgarh.

First Appellate Authority,

o/o Regional Deputy Director,
Urban Local Government,
1st Floor, Mini Secretariat,
Ferozepur Road,
Ludhiana.

Appeal Case No. 3066 of 2019

PRESENT:

(Appellant) Absent

Kuljinder Singh, JE (for the Respondent) 80540-52202

Varinder Kumar, APIO-Cum-Assistant Municipal Engineer (for the Respondent) 79868-95089

ORDER:

(To be read in continuity with earlier orders on 1.11.19)

1. The RTI application is dated **4.4.19** vide which the appellant has sought **information by way of inspection of the computer on which online bids are received etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **22.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.11.19**, wherein the respondent PIO was directed to arrange an inspection of the computer on 14 and 15 November, 2019.
2. The appellant is absent but has informed the Commission of his inability to attend this hearing.
3. The respondent PIO, represented by Varinder Kumar, APIO-Cum-Assistant Municipal Engineer and Kuljinder Kumar, Junior Engineer, have submitted reply again contending that the appellant has withdrawn all his RTI applications and appeal cases pending against the Municipal Council Mandi Gobindgarh. They have once again sought to submit a signed declaration by the appellant to this effect.
4. Notably however, the appellant had in an earlier complaint pertaining to a hearing on 5.12.19 (appeal case 2933/19 and 2934/19) contended that he was made to sign the aforesaid declaration withdrawing his cases, under pressure when he visited the office of the Municipal Council, Mandi Gobindgarh for inspection in this appeal case (3063/19). The appellant alleged that he was threatened and manhandled by some outsiders on the

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occasion. This Bench had referred the appellant's complaint to the Collegium of the Punjab State Information Commission.

5. On being told about the appellant's allegations, the respondents were told to bring the record requested in the RTI application to the next hearing in either documentary or electronic (pen drive) format. To this, the respondents contended that the requested record was far too voluminous and pleaded that the appellant be requested to cite specific documents.

6. This Commission directs the respondent PIO to make a realistic assessment detailing the information and number of pages that would need to be photocopied. This must be intimated to this Commission before the next date of hearing.

7. **Next hearing on 13.2.20 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

20.12.19

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Versus

Public Information Officer,

o/o Municipal Engineer, o/o Municipal Council,
Mandi Gobindgarh.

First Appellate Authority,

o/o Regional Deputy Director, Urban Local Government,
1st Floor, Mini Secretariat, Ferozepur Road,
Ludhiana.

Appeal Case No. 3067 of 2019

PRESENT:

(Appellant) Absent

Kuljinder Singh, JE (for the Respondent) 80540-52202

Varinder Kumar, APIO-Cum-Assistant Municipal Engineer (for the Respondent) 79868-95089

ORDER:

(To be read in continuity with earlier orders on 1.11.19)

1. The RTI application is dated **4.4.19** vide which the appellant has sought **information by bay of certified copies of MB No. 452 to 460**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **22.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.11.19**.
2. The appellant is absent but has informed the Commission of his inability to attend this hearing.
3. The respondent PIO, represented by Varinder Kumar, APIO-Cum-Assistant Municipal Engineer and Kuljinder Kumar, Junior Engineer, have submitted reply again contending that the appellant has withdrawn all his RTI applications and appeal cases pending against the Municipal Council Mandi Gobindgarh. They have once again sought to submit a signed declaration by the appellant to this effect.
4. Notably however, the appellant had in an earlier complaint pertaining to a hearing on 5.12.19 (appeal case 2933/19 and 2934/19) contended that he was made to sign the aforesaid declaration withdrawing his cases, under pressure when he visited the office of the Municipal Council, Mandi Gobindgarh for inspection in this appeal case (3063/19). The appellant alleged that he was threatened and manhandled by some outsiders on the occasion. This Bench had referred the appellant's complaint to the Collegium of the Punjab State Information Commission.
5. On being told about the appellant's allegations, the respondents were told to bring the record requested in the RTI application to the next hearing in either documentary or

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electronic (pen drive) format. To this, the respondents contended that the requested record was far too voluminous and pleaded that the appellant be requested to cite specific documents.

6. This Commission directs the respondent PIO to make a realistic assessment detailing the information and number of pages that would need to be photocopied. This must be intimated to this Commission before the next date of hearing.

7. **Next hearing on 13.2.20 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh
20.12.19

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Ramandeep Singh Ahluwalia,

Ward No. 18, Street No.2,
Kartar Nagar, Amloh Road,
District Khanna-141401

Versus

Public Information Officer,

o/o S.E., Municipal Council,
Mandi Gobindgarh.

Public Information Officer,

o/o Superintending Engineer, Municipal Council,
Zirakpur.

First Appellate Authority,

o/o Regional Deputy Director, Urban Local Government,
1st Floor, Mini Secretariat, Ferozepur Road,
Ludhiana.

Appeal Case No. 3068 of 2019

PRESENT:

(Appellant) Absent

Kuljinder Singh, JE (for the Respondent) 80540-52202

Varinder Kumar, APIO-Cum-Assistant Municipal Engineer (for the Respondent) 79868-95089

ORDER:

(To be read in continuity with earlier orders on 1.11.19)

1. The RTI application is dated **4.4.19** vide which the appellant has sought **information by way of a copy of the enlistment file along with notings against enlistment of contractor m/s NK Construction of Mandi Gobindgarh etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **22.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.11.19**, wherein the respondent PIO was directed to officially transfer this RTI application to the MC Zirakpur with a copy to Superintending Engineer Kuldeep Raj Verma.
2. The appellant is absent but has informed the Commission of his inability to attend this hearing.
3. The respondent PIO, o/o EO MC Zirakpur is absent without any intimation to this Commission. However, considering the fact that the original PIO in this case i.e. PIO o/o EO MC Mandi Gobindgarh, is yet to inform the Commission of whether he has, as directed on 1.11.19, transferred the RTI application to MC Zirakpur, the PIO o/o EO MC Zirakpur is granted one more opportunity.
4. The PIO o/o MC Zirakpur is directed to submit a written reply to the appellant's RTI application before the next hearing of this appeal case. Failing this, penal action under the RTI Act could be initiated against him/her.

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5. Next hearing on 13.2.20 at 11.00 am.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

20.12.19

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REGISTERED

Ramandeep Singh Ahluwalia,

Ward No. 18, Street No.2,
Kartar Nagar, Amlah Road,
District Khanna-141401

Versus

Public Information Officer,

o/o S.H.O. (City-2),
Punjab Police, G.T. Road,
Khanna.

First Appellate Authority,

o/o D.I.G., Ludhiana Range,
Punjab Police,
Ludhiana.

Appeal Case No. 3128 of 2019

PRESENT:

(Appellant) Absent

(Respondent) Absent

ORDER:

(To be read in continuity with earlier orders on 1.11.19)

1. The RTI application is dated **29.4.19** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **22.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.11.19**.

2. The appellant is absent but has informed the Commission of his inability to attend this hearing. The respondent PIO is absent for the second successive time despite show cause notice issued to him by name on 1.11.19. Neither has he bothered to appear at this hearing with a written reply, as directed by this Commission, nor has he chosen to take the opportunity for the personal hearing offered to him before the imposition of a penalty.

Order: Keeping all the facts of the case in mind, this is a fit case to invoke Section 20 of RTI Act and impose a penalty on the respondent PIO Section 20(1), which reads as under:

“Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub Section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of 250/- Rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed Twenty Five Thousand Rupees;

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Provided that the Central Public Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him;

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be."

The onus and responsibility lie on the **PIO Vinod Kumar, Inspector, S.H.O. (City-2), Punjab Police, G.T., Road, Khanna**, to ensure the transmission of the complete information to the appellant. The PIO Vinod Kumar, Inspector, S.H.O. (City-2), Punjab Police, G.T., Road, Khanna, is hereby held guilty for not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of Rupees Five Thousand (Rs. 5,000.00) is hereby imposed upon the PIO, Vinod Kumar, Inspector, S.H.O. (City-2), Punjab Police, G.T., Road, Khanna, which be deducted from his salary and deposited in the Punjab Government Treasury under head "**0070-Other Administrative Services-60-other Services-800-Other Receipts-86-Fees Under the Right to Information Act.**" The PIO Vinod Kumar, Inspector, S.H.O. (City-2), Punjab Police, G.T., Road, Khanna, is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan at the next hearing of this appeal case.

3. **Next hearing on 13.2.20 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

20.12.19

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Thakur Dass Sharma,

s/o Om Parkash,
Chamber No. 22, Civil Court Complex,
Tehsil Gidderbaha, District Sri Muktsar Sahib.

Versus

Public Information Officer,

o/o Additional Director General of Police (Intelligence),
Punjab Police Headquarters, Sector-9, Chandigarh.

First Appellate Authority,

o/o Additional Director General of Police (Intelligence),
Punjab Police Headquarters, Sector-9, Chandigarh.

Appeal Case No. 3110 of 2019

PRESENT:

Thakur Dass Sharma (Appellant) 94173-33757

Amandeep Singh, Intelligence Assistant (for the Respondent) 98150-27353

ORDER:

(To be read in continuity with earlier orders on 1.11.19)

1. The RTI application is dated **11.4.19** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **26.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.11.19**.

2. Both parties are present. The appellant is accompanied by his lawyer Deven Munjal. At the last hearing the respondent PIO, represented by Amandeep Singh, Intelligence Assistant, has submitted a reply wherein exemption from disclosure of the requested information was sought under Section 24(4) of the RTI Act and the Punjab Government's Notification No. 2/27/05-1A.R/191, dated: 22.2.06. But the appellant had pointed out that the requested information pertains to an enquiry carried out by the Intelligence Wing, in response to application by the appellant himself.

3. As directed at the last hearing, the appellant has today filed detailed reply to support his claim to the information requested.

4. The respondent PIO is directed to bring the original record pertaining to RTI application as well as an attested copy thereof to the next hearing. This Commission will take a decision on whether the information can be supplied to the appellant or not, at that hearing.

5. **Next hearing on 13.2.20 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

20.12.19

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Avtar Singh,
s/o Chanan Singh,
VPO Chhattbir,
Tehsil Dera Bassi,
District SAS Nagar – 140 603

Versus

Public Information Officer,
o/o Executive Officer,
Municipal Corporation,
Zirakpur.

First Appellate Authority,
o/o Regional Deputy Director,
Local Bodies,
Patiala.

Appeal Case No. 3140 of 2019

PRESENT:

Avtar Singh (Appellant) 98888-24188

Pawandeep Singh, J.E. (for the Respondent) 94178-52954

ORDER:

(To be read in continuity with earlier orders on 1.11.19)

1. The RTI application is dated **20.3.19** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **27.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.11.19**.

2. Both parties are present. The respondent PIO, represented by Pawandeep Singh, JE, has submitted that he has collected all the information requested by the appellant and that this amounts to more than 1100 pages.

3. This Commission directs the respondent PIO to arrange for the appellant to inspect the record at 11.00 am on 23.12.19, following which, the appellant is to be supplied 200 pages free of cost. For any additional pages he have to pay photocopying charges at the rate of 2/- per A4 size page.

4. **Next hearing on 13.2.20 at 11.00 am.**

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
20.12.19

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Vikram Vaid,

#1527, Street No. 2, Bagh Ramanand,
District Amritsar.

Versus

Public Information Officer,

o/o Directorate of Treasuries & Accounts,
Department of Finance, Government of Punjab, Chandigarh.

Public Information Officer,

o/o Additional Director General of Police, (IT&T),
Punjab Police Headquarters, Sector-9, Chandigarh.

First Appellate Authority,

o/o Directorate of Treasuries & Accounts,
Department of Finance, Government of Punjab, Chandigarh.

Appeal Case No. 3111 of 2019

PRESENT:

Vikram Vaid (Appellant) 98550-32897

Jasbir Singh, Junior Auditor (for the Respondent) 70094-63370

Parmod Kumar, ASI (for the Respondent) 95929-02013

Amrinder Singh, Head Constable (for the Respondent)

ORDER:

(To be read in continuity with earlier orders on 1.11.19)

1. The RTI application is dated **25.4.19** vide which the appellant has sought **information regarding MHS funds received for CCTNS projects etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **26.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.11.19**.

2. Both parties are present. The appellant attended this hearing through Video Conference at NIC Centre, D.C., Amritsar. The respondents – ASI Pramod Kumar and Head Constable Amrinder Singh from the o/o ADGP IT&T, and Jasbir Singh, Junior Auditor of the Treasury & Accounts Branch of the Finance Department – as directed at the last hearing, had submitted detailed pointwise reply on 27.11.19. The appellant has however, pointed out a number of deficiencies which were conveyed to the respondents.

3. The respondents are directed to go through the deficiencies pointed out by the appellant and respond in writing before the next hearing.

4. **Next hearing on 7.2.20 at 1.00 pm through Video Conference facility.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

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