

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864120

Email: psic25@punjabmail.gov.in Visit us: www.infocommpunjab.com



Shri Milan, (98144 44018)
S/o Shri Arneet, R/o Milan Niwas,
New Dana Mandi, Salem Tabri,
Ludhiana – 141008

Appellant

Versus

Public Information Officer,
O/o Assistant Commissioner of Police (Traffic),
Ludhiana.

First Appellate Authority,
O/o Commissioner of Police,
Ludhiana.

Respondents

APPEAL CASE NO. 1507 OF 2023

Present :- None for the parties.

ORDER

This order may be read with reference to the previous order dated 20.09.2023 passed by former SIC Sh. Maninder Singh Patti vide which the appellant was not present and the respondent stated that the information has already been sent to the appellant. After his retirement, this appeal case was reallocated to the Bench of the undersigned. The RTI application is dated 06.01.2023 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellant Authority (hereinafter FAA) and second appeal was filed in the Commission on 20.02.2023 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for 08.04.2025 in the Commission. However, on 08.04.2025 the abovementioned case could not be heard and was postponed to be heard on 30.04.2025 i.e today

3. Today neither the appellant nor the respondent is present. An email has been received from the respondent mentioning therein that the information has been sent to the appellant. He has also sent a photocopy of the letter showing acknowledgment by the Appellant, the same has been taken on record.

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APPEAL CASE NO. 1507 OF 2023

4. In view of the foregoing, no cause of action is required, the appeal is therefore **disposed of and closed**. Copies of the order be sent to the parties.

Date :30.04.2025

**Sd/-
(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab**

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Sh. Surinder Kumar Dogra,
S/o Late Sh. Chaman Lal Dogra,
2464, Shiv Nagar Camp,
Yamunanagar, Haryana.

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Cooperation, Pathankot.

First Appellate Authority,
O/o Commissioner,
Municipal Cooperation, Pathankot.

Respondents

APPEAL CASE NO. 3113 OF 2023

Present :- (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Dinesh , APIO (7508629643) and Sh. Vijay , Clerk (7417049017)

ORDER

This order may be read with reference to the previous order dated 08.01.2025 passed by the Commission vide which the respondent was not present and the case was adjourned on 08.04.2025. However on 08.04.2025 the abovementioned case could not be heard and was postponed to be heard on 30.04.2025 i.e today

2. The appellant is absent today. He has not informed the Commission about his absence for today's hearing.
3. Respondent states that they have already sent reply to the appellant.
4. After hearing the respondent and going through the case file it is observed that the respondent has already sent reply which was scanned in the orders dated 16.10.2024 and on the next date i.e. 08.01.2025, neither the appellant nor the respondent was present. Today again the appellant is not present and the reply has already been sent to the appellant, which appears appellant is not serious and does not intend to pursue the case.

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APPEAL CASE NO. 3113 OF 2023

5. Keeping in view the above prevailing circumstances, the Commission is of the view that no further action is required to be taken in this case. As such, the present case is **disposed of & closed**. *However, the liberty is granted to the appellant to approach the Commission within one month, if he so desires.* Copy of the order be sent to the parties.

Date :30.04.2025

**Sd/-
(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab**

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Sh. Harnek Singh, S/o Sh. Joginder Singh,
Ward No 7, Village Gure,
Tehsil Jagraon, Distt Ludhiana.
M : 9814500253
RTI Application No 49198

Appellant

Versus

Public Information Officer,
O/o Senior Superintendent of Police (Rural),
Ludhiana.

First Appellate Authority,
O/o Inspector General of Police,
Ludhiana Range, Ludhiana.

Respondents

APPEAL CASE NO. 2393 OF 2023

Present :- None for the parties.

ORDER

This order may be read with reference to the previous orders dated 16.10.2024 and 08.01.2025, passed by the Commission vide which neither the appellant nor the respondent was present and the case was adjourned on 08.04.2025. However on 08.04.2025 the abovementioned case could not be heard and was postponed to be heard on 30.04.2025 i.e today.

2. Today again neither appellant nor the respondent is present. During the last hearing *pointwise* reply, as submitted, by the respondent was sent to the appellant alongwith orders and he was advised to point out deficiencies, if any. The perusal of the case file shows that today neither the appellant has sent any reply nor he has informed the Commission about his absence for today's hearing. This shows that the appellant does not want to pursue the matter any further.

3. In the aforementioned circumstances, the Commission is of the considered view that no useful purpose would be served by prolonging this matter any further.

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APPEAL CASE NO. 2393 OF 2023

4. Keeping in view the above prevailing circumstances, the Commission is of the view that no further action is required to be taken in this case. As such, the present case is **disposed of & closed**. Copy of the order be sent to the parties.

Date :30.04.2025

**Sd/-
(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab**

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Sh. Ram Murti Sogalpur,
Village Sogalpur, Po Ghanaur,
Tehsil Rajpura, Distt Patiala-140702.
M ; 9317878015

Appellant

Vs

Public Information Officer,
O/o Financial Commissioner,
Rural Development and Panchayat Department,
Punjab, Civil Secretariat - 2, Chandigarh.

First Appellate Authority
O/o Financial Commissioner,
Rural Development and Panchayat Department,
Punjab, Civil Secretariat - 2, Chandigarh.

PIO O/o Department of revenue and
rehabilitation and Disaster Management Punjab,
Civil Secretariat-1, Sector 1, Chandigarh.

Respondents

APPEAL CASE NO. 5810 OF 2022

Present :- None for the parties.

ORDER

This order may be read with reference to the previous order dated 08.01.2025, passed by the Commission vide which the appellant was not present and the case was adjourned on 08.04.2025. However on 08.04.2025 the abovementioned case could not be heard and was postponed to be heard on 30.04.2025 i.e today.

2. Today neither the appellant nor the respondent is present. During the last hearing, the respondent was exempted from the hearing and one last opportunity was given to the appellant to appear before the Commission and state his case. But today again the appellant is absent without any intimation, which appears appellant is not serious and does not intend to pursue the case.

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APPEAL CASE NO. 5810 OF 2022

3. In the aforementioned circumstances, the Commission is of the considered view that no useful purpose would be served by prolonging this matter any further.

4. Keeping in view the above prevailing circumstances, the Commission is of the view that no further action is required to be taken in this case. As such, the present case is **disposed of & closed**. Copy of the order be sent to the parties.

Date :30.04.2025

**Sd/-
(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab**

PUNJAB STATE INFORMATION COMMISSION

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Sh. Paramjit Singh,
98, New Punjab Mata Nagar,
Pakhawal Road, Ludhiana.
M : 7973913326; 8054010963

Complainant

Versus

Public Information Officer,
O/o Secretary, Education Punjab,
Mini Secretariat, Sector 9, Chandigarh.

First Appellate Authority
O/o Secretary, Education Punjab,
Mini Secretariat, Sector 9, Chandigarh.

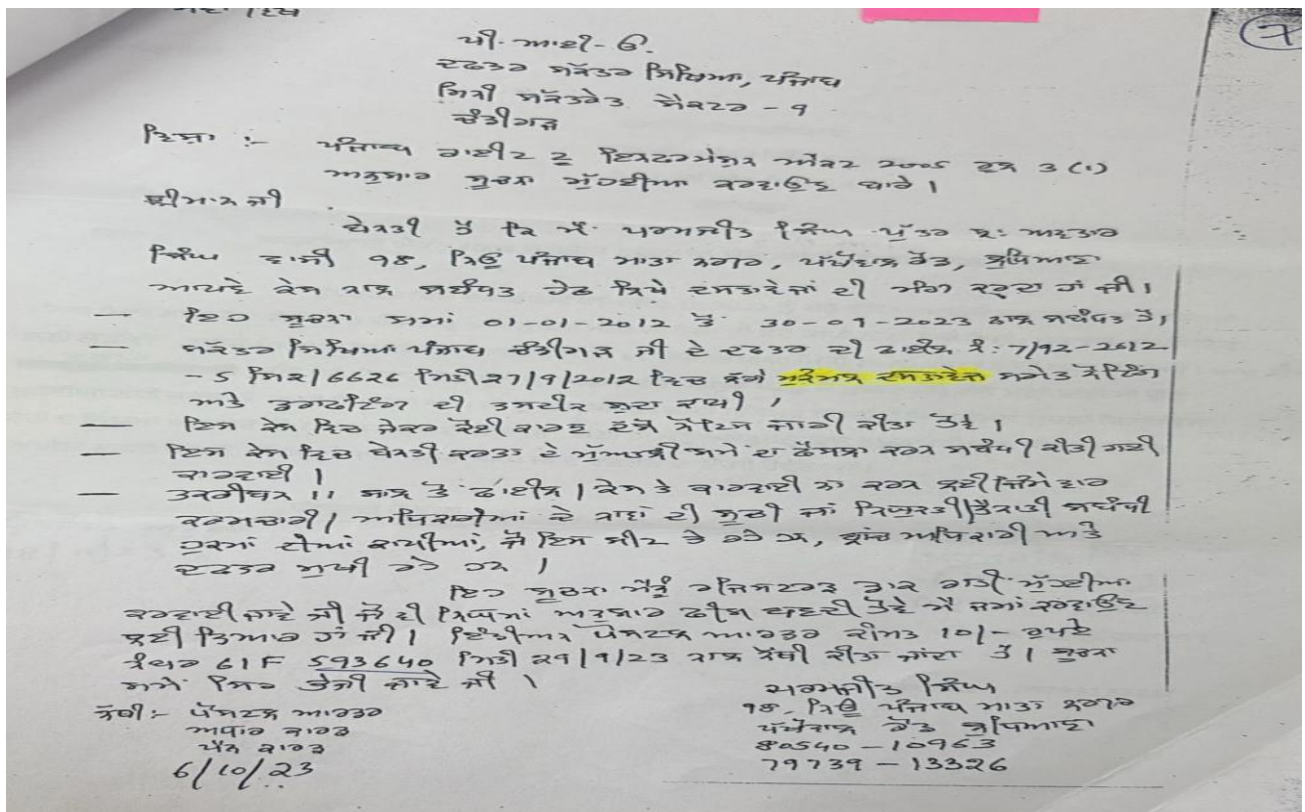
Respondents

COMPLAINT CASE NO. 188 OF 2024

ORDER

The judgment in this case was reserved on 09.04.2025.

2. The complainant vide his RTI application dated 06.10.2023 sought following information under Section 18 of the RTI Act, 2005:-





COMPLAINT CASE NO. 188 OF 2024

3. Aggrieved, the information seeker filed an appeal before the departmental authority. However, still aggrieved, he has now come to the State Information Commission Punjab.

4. During the hearing dated 14.01.2025, the complainant stated that no information has been given to him within stipulated time as prescribed under the RTI Act 2005. For this the Complainant demanded that the Respondent be penalized. Hence, a show cause notice was issued to the respondent-PIO. On 09.04.2025 Sh. Raj Singh Suptd-cum-PIO and Smt. Kiran the respondents stated that the information has already been sent to the complainant. They further stated that they have also sent reply of show cause notice to the Commission. They submitted that there was no intentional delay in supplying the information to the complainant. They prayed the Commission to file the present complaint.

5. After hearing the submissions of both the parties as well as from the perusal of documents available on the record, it is observed that the information/reply has been sent to the complainant. But not within stipulated time as prescribed under the RTI Act 2005. Sh. Raj Singh, Suptd –cum-PIO has sent reply of show cause notice issued to him mentioning therein that :-

That the deponent hold the Hon'ble Commission in high esteem and regret that the required information sought by the Complainant in high-esteem and regret that the required information sought by the Complainant could not be provided in the time bound manner due to compilation and due to delay in receiving of response from the Department General Administration.

That due to shifting of the official record from one place to the other as ordered by the higher authorities there was a delay in providing the required information sought by the RTI applicant. Furthermore it is appropriate to submit that the bulk shifting of the files, the file from which this information was to be provided, could not be traced, hence the delay. Moreover, it was informed to the applicant that the file could not be traced and as soon as the file would be recovered/traced the information would be supplied. However, when the file was recovered /traced the information sought was provided to the RTI applicant.

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COMPLAINT CASE NO. 188 OF 2024

I also humbly submit to the Hon'ble Commission that at this stage the complete information sought for by Shri Paramjit Singh Complainant from the o/o Secretary Education Punjab stands provided.

I apologize for delay in providing the requisite information in a time bound manner due to the reasons mentioned above.

Refraining from lackadaisical attitude I assure your good self to work diligently to RTI applications and provide the necessary information to the applicant in a time bound manner.

After going through the above said reply filed by the respondent, the Commission did not find any wrong intention on the part of PIO in supplying the information to the complainant.

6. The perusal of the file shows that the complainant has demanded some questions in his RTI. The complainant may note that it is settled legal position that information that can be provided under the RTI Act is that which is already on record of the Public Authority. The PIO cannot be asked to create any record for answering the RTI questions. As per the Supreme Court decision in **Khanapuram Gandaiah vs Administrative Officer & Ors on 4 January, 2010 in SPECIAL LEAVE PETITION (CIVIL) NO.34868 OF 2009** the definition of information as given under Section 2(f) of the RTI Act 2005, shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed.

7. With regard to the imposition of penalty on the CPIO/PIO under Section 20 of the RTI Act, 2005, the Commission took note of the ruling of Hon'ble Delhi High Court in W.P.(C) 11271/2009 Registrar of Companies & Ors v. Dharmendra Kumar Garg & Anr. (delivered on: 01.06.2012) wherein it was held:

" 61. Even if it were to be assumed for the sake of argument, that the view taken by the learned Central Information Commissioner in the impugned order was correct, and that the PIOs were obliged to provide the information, which was otherwise retrievable by the querist by resort to Section 610 of the Companies Act, it could not be said that the information had been withheld malafide or deliberately without any reasonable cause. It can happen that the PIO may genuinely



COMPLAINT CASE NO. 188 OF 2024

and bonafidely entertain the belief and hold the view that the information sought by the querist cannot be provided for one or the other reasons. Merely because the CIC eventually finds that the view taken by the PIO was not correct, it cannot automatically lead to issuance of a showcase notice under Section 20 of the RTI Act and the imposition of penalty. The legislature has cautiously provided that only in cases of malafides or unreasonable conduct, i.e., where the PIO, without reasonable cause refuses to receive the application, or provide the information, or knowingly gives incorrect, incomplete or misleading information or destroys the information, that the personal penalty on the PIO can be imposed. This was certainly not one such case. If the CIC starts imposing penalty on the PIOs in every other case, without any justification, it would instill a sense of constant apprehension in those functioning as PIOs in the public authorities, and would put undue pressure on them. They would not be able to fulfill their statutory duties under the RTI Act with an independent mind and with objectivity. Such consequences would not auger well for the future development and growth of the regime that the RTI Act seeks to bring in, and may lead to skewed and imbalanced decisions by the PIOs Appellate Authorities and the CIC. It may even lead to unreasonable and absurd orders and bring the institutions created by the RTI Act in disrepute.”

Similarly, the following observation of the Hon’ble Delhi High Court in Bhagat Singh v. CIC & Ors. WP(C) 3114/2007 are pertinent in this matter:

“17. This Court takes a serious note of the two year delay in releasing information, the lack of adequate reasoning in the orders of the Public Information Officer and the Appellate Authority and the lack of application of mind in relation to the nature of information sought. The materials on record clearly show the lackadaisical approach of the second and third respondent in releasing the information sought. However, the Petitioner has not been able to Page 6 of 7 demonstrate that they malafidely denied the information sought. Therefore, a direction to the Central Information Commission to initiate action under Section 20 of the Act, cannot be issued.”

In this case the complainant could not substantiate his claims regarding malafide denial of information by the Respondent or for withholding it without any reasonable cause. Hence, the Commission is of the considered opinion that there is no intentional or willful delay on the part of the respondent in providing the information to the complainant. In view of the aforementioned the plea of the complainant for imposing penalty on the PIO is not tenable. The reply submitted by the Respondent is found satisfactory, the show cause notice is hereby, dropped. ***However, Respondent PIO is warned to be more careful in future while dealing with the matters pertaining to the RTI Act 2005 and act swiftly.***

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COMPLAINT CASE NO. 188 OF 2024

8. Keeping in view the facts of the case and the submissions made by both the parties, no further intervention of the Commission is warranted in the matter. The complaint stands **disposed** accordingly. Copy of the order be sent to the parties.

Sd/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date : 30.04.2025

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Shri Gurbhej Singh, (98144 68488)
S/o Shri Baldev Singh, R/o Village Tibbi Kalan,
Block Mamdot, Tehsil & District Ferozepur- 152023

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block Mamdot, District Ferozepur.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Ferozepur.

Respondents

APPEAL CASE NO. 107 OF 2023

Present :- (i) None for the appellant
(ii) For the respondent: Sh Harwinder Singh, GRS (97805-70096)

ORDER

This order may be read with reference to the previous order dated 08.01.2025, passed by the Commission vide which the appellant was not present and the respondent stated that the information has been sent to the appellant. Hence, the appellant was asked to point out deficiencies, if any and the case was adjourned on 08.04.2025. However on 08.04.2025 the abovementioned case could not be heard and was postponed to be heard on 30.04.2025 i.e today

2. The appellant is not present today.

3. The respondent states that the information has already been provided to the appellant. However, as directed the appellant has not pointed out any deficiencies, in the information provided.

4. After hearing the respondent and going through the case file, the Commission is of the considered opinion that the Respondent has provided information to the appellant. The appellant is absent today. He has not informed the Commission about his absence for today's hearing. He has not even pointed out any deficiencies in the information provided which appears appellant is not serious and does not intend to pursue the case.

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APPEAL CASE NO. 107OF 2023

5. Keeping in view the above prevailing circumstances, the Commission is of the view that no further action is required to be taken in this case. As such, the present case is **disposed of & closed**. Copy of the order be sent to the parties.

Date :30.04.2025

**Sd/-
(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab**



Sh.Gurbhej Singh, S/o Sh.
Baldev Singh, R/o Village Tibbi Kalan
Block Mamdot, Tehsil & Distt, Ferozepur- 152023
Versus

Appellant

Public Information Officer,
O/o BDPO, Mamdot,
Distt.Feroepur

First Appellate Authority-cum-
o/o DDPO, Ferozepur

Respondents

APPEAL CASE NO. 106 OF 2023

Present :- (i) None for the appellant
(ii) For the respondent: ShHarwinder Singh, GRS (97805-70096)

ORDER

This order may be read with reference to the previous order dated 08.01.2025 passed by the Commission vide which the appellant was not present and he was asked to point out deficiencies if any. Further, the case was adjourned on 08.04.2025. However on 08.04.2025 the abovementioned case could not be heard and was postponed to be heard on 30.04.2025 i.e today

2. The appellant is not present today.

3. The respondent states that the information has already been provided to the appellant. However, as directed the appellant has not pointed out any deficiencies, in the information provided.

4. After hearing the respondent and going through the case file, the Commission is of the considered opinion that the Respondent has provided information to the appellant. The appellant is absent today. He has not informed the Commission about his absence for today's hearing. He has not even pointed out any deficiencies in the information provided, which appears appellant is not serious and does not intend to pursue the case.

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APPEAL CASE NO. 106 OF 2023

5. Keeping in view the above prevailing circumstances, the Commission is of the view that no further action is required to be taken in this case. As such, the present case is **disposed of & closed**. Copy of the order be sent to the parties.

Sd/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :30.04.2025

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Sh. Sukhraj Singh, S/o Sh. Resham Singh,
Nanak Nagar, Street No 0, House No 479 B,
Abohar, Distt Fazilka-152116.
M : 8968283861
RTI Application No 64704

Appellant

Vs

Public Information Officer,
O/o Deputy Registrar Cooperative Societies,
Sri Muktsar Sahib.

First Appellate Authority
O/o Joint Registrar, Cooperative Societies,
PB, Chandigarh.

2.Public Information Officer
O/o Executive Engineer, Irrigation Department
Abohar.

Respondents

APPEAL CASE NO. 5013 OF 2023

Present :- (i) None for the appellant
(ii) For the respondent :ShJagroop Singh, Supdt Grade-II (8146557395)

ORDER

This order may be read with reference to the previous order dated 08.01.2025 vide which the appellant was not present and the reply submitted by the respondent was sent to the appellant to point out deficiencies, if any and the case was adjourned on 08.04.2025. However on 08.04.2025 the abovementioned case could not be heard and was postponed to be heard on 30.04.2025 i.e today.

2. The appellant is not present today.

3. Sh Jagroop Singh, Supdt is appearing on behalf of the respondent no.1 today. He states that the information has already been provided to the appellant. However, as directed the appellant has not pointed out any deficiencies, in the information provided.

4. After hearing the respondent and going through the case file, the Commission is of the considered opinion that the Respondent has provided information to the appellant. On the last date of hearing, the respondent no.2 had also filed their reply, which has been



APPEAL CASE NO. 5013 OF 2023

reproduced in the orders. The appellant is absent today. He has not informed the Commission about his absence for today's hearing. He has not even pointed out any deficiencies in the information provided, which appears that his absence is intentional and willful and does *not intend to pursue the case*.

5. Keeping in view the above prevailing circumstances, the Commission is of the view that no further action is required to be taken in this case. As such, the present case is **disposed of & closed**. Copy of the order be sent to the parties.

Date :30.04.2025

**Sd/-
(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab**

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