

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh Prem Singh, S/o Sh Jaspal sikh,
VPO Amar Pura, Tehsil Abohar,
Distt Fazika.

... Appellant

Versus

Public Information Officer,
O/o SDM, Abohar,
Distt Fazilka.

First Appellate Authority,
O/o SDM, Abohar,
Fazilka.

...Respondent

Appeal Case No. 1167 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The case was last heard on 31.07.2019. The respondent present submitted a letter signed by the PIO-cum-SDM-Abohar dated 26.07.2019 stating that since the record regarding nomination form was taken from the returning officer of the concerned block, after taking necessary action, the record files had been deposited in sealed cover with the ADC(Development), Fazilka. The respondent further pleaded that since the information relates to the District Development and Panchayat Officer-cum-Returning Officer, Abohar, the RTI application had been transferred to them vide letter dated 16.01.2019 and the reply was sent to the appellant.

The appellant was absent and vide email sought adjournment. The PIO-DDPO-cum-Returning Officer, Abohar was impleaded in the case and directed to provide the information to the appellant.

Hearing dated 19.12.2019:

Both the parties are absent. The appellant vide email has informed that the PIO has not provided the information. The appellant has further requested to fix the next hearing through video conferencing at DAC Fazilka alongwith other cases on 13.01.2020.

The earlier order stands. The PIO-DDPO-cum-Returning Officer, Abohar is given one last opportunity to provide the information and be present on the next date of hearing otherwise the Commission will be constrained to take action under section 20 of the RTI Act.

The case is adjourned. To come up for further hearing on **13.01.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, **Fazilka**. Copy of order be sent to both the parties through **registered post**.

Chandigarh
Dated:19.12.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :1. District Development & Panchayat Officer-cum-Returning Officer, Vidhan Sabha Constituency-081, Abohar.

2. ADC(Development) Fazilka

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Sh Tejinder Singh,
Village Bholapur. P.O Ramgarh,
Chandigarh Road, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o GLADA,
Ludhiana.

First Appellate Authority,
O/o GLADA,
Ludhiana.

...Respondent

Appeal Case No. 1229 of 2019

PRESENT: None for the Appellant
Sh.Santosh Kumar Bains, PIO-GLADA Ludhiana for the Respondent

ORDER:

The case was last heard on 31.07.2019. The appellant claimed that the PIO has not provided the information. The respondent present pleaded that the concerned file had been tagged with some other files and they were trying to trace out the same. The respondent sought time for 45 days.

The case was adjourned. The respondent was directed to provide the information within 45 days and send a compliance report to the Commission.

Hearing dated 19.12.2019:

The respondent present pleaded that in compliance with the order of the Commission, the complete information has been sent to the appellant vide letter dated 06.08.2019. The respondent has shown a copy of information sent to the appellant.

Having gone through the information, I find that the information has been provided to the best possible extent. The appellant is absent nor has pointed out any discrepancy. It is presumed that the appellant has received the information and is satisfied.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated:19.12.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh H.S Hundal,
1, Dutt Road, Moga.

... Appellant

Versus

Public Information Officer,
O/o SHO,
Police Station-Sadar Moga,
Moga.

First Appellate Authority,
O/o SSP,
Moga..

...Respondent

Appeal Case No. 3677 of 2019

PRESENT: None for the Appellant
Sh.Nachattar Singh, ASI for the Respondent

ORDER: The case was first heard on 29.01.2019 by Sh.A.S.Chanduraian, State Information Commissioner. Sh.Jaspal Singh, ASI appeared on behalf of the respondent. The PIO was directed to either provide the information or file a point-wise reply on the next date of hearing. On the next date of hearing which was held on 26.02.2019, Sh.Chamkaur Singh, ASI appeared on behalf of the respondent but brought nothing. The PIO was again directed to either provide the information or file a written reply.

On the date of hearing which was held on 20.03.2019, Sh.Nachattar Singh, ASI appeared on behalf of the respondent and brought a reply. The appellant was absent. The respondent was directed to send the reply to the appellant through registered post. The appellant was given an opportunity to express his grievances by filing a written submission to the PIO and the PIO was directed to remove the same.

The case was last heard on 31.07.2019 by this bench. The appellant informed that he has not received the information. The respondent present brought an affidavit wherein it was stated by the PIO that except the FIR, no other record relating to FIR No.24 is available in the police station. The Commission was not satisfied with the reply of the PIO and directed the PIO to trace out all the other available documents pertaining to this particular case. The documents to be brought at the next hearing.

Hearing 19.12.2019:

The respondent present has submitted a reply stating that the record is not traceable. The respondent has further informed that the matter has already been heard in an earlier case No.575/2016 by Sh.Yashvir Mahajan, State Information Commissioner and disposed off with the order;

“No motive shall be attributable for withholding the record or information with regard to an issue which stands already filed and disposed about 25 years back. The Commission does not find the requirement of any further intervention in the matter.”

In view of the reply of the PIO and the circumstances above, I see no reasons to take the case further.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated:19.12.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

Sh. Tahaf Bains, S/o Sh.Dipender Singh,
1562, Sector-18-D, Chandigarh.

.....Appellant

Versus

Public Information Officer,
O/o Sub Registrar, Jalalabad,
Distt.Fazilka..

First Appellate Authority,
O/o SDM, Jalalabad,
Distt. FAzilka.

..Respondent

Appeal Case No. 3838 of 2018

Present: None for the Appellant
Sh.Manoj Kumar, Registry Clerk O/o Tehsldar Jalalabad for the
Respondent

Order:

The case was first heard on 05.03.2019. Since the PIO denied the information stating that the information is in question form and it cannot be provided, the appellant filed first appeal before the First Appellate Authority which disposed off the appeal on 20.08.2018 with the order that the information is third party information.

The appellant claimed that he being a co-parcener and legal heir as per law, is legally entitled to a share in the coparcenary property of his father and fore-fathers and for implementing that right, he requires details of the property. The respondent was absent. The PIO was directed to appear personally on the next date of hearing and explain the reasons for not providing the information in accordance with the RTI Act.

The case was again heard on **26.03.2019**. The respondent present pleaded that the information sought by the appellant is not specific and is third party information. The respondent further pleaded that the appellant has not provided the vasika number of the property. The appellant had provided only the mutation numbers of the property to the respondent, which makes it difficult for the public authority to trace the sought information.

After having gone through the arguments of the case, the Commission found both the pleas of the PIO untenable. The Commission observed that since the appellant is a co-parcener and legal heir in the property, he has every right to access the information. The PIO was directed to provide the information to the appellant as sought in the RTI application before the next date of hearing.

The case was again heard on **24.04.2019**. The respondent present brought the Vasika numbers and informed that on the basis of these vasika numbers, the appellant can get the information from the Sewa Kendra by depositing requisite fee. The appellant said that since they have asked the information under RTI Act, they are not to go to the Sewa Kendra and the information be provided under the RTI Act. The respondent was directed to raise the fee under the RTI Act within a week and provide the information before the next date of hearing.

Appeal Case No. 3838 of 2018

The case was again heard on **12.06.2019**. The respondent present pleaded that in compliance with the order of the Commission, the information on 24 Vasika Numbers out of 35 have been provided to the appellant and they shall provide information of the remaining vasika number. The respondent further informed that the information on remaining 7 vasika numbers (55, 639,649,761,3434, 5617, 5619, 6436, 04, 09) had to be provided by the office of Deputy Commissioner, Fazilka. The PIO-DC Fazilka was impleaded in the case and directed to provide the information of each vasika.

The case was last heard on **31.07.2019**. The appellant informed that he has received a letter dated 08.07.2019 from the PIO vide which he has been asked to get the information from the concerned Sewa Kendra by depositing requisite fee as prescribed under the rules. The respondent present from the office of Tehsildar Jalalabad submitted an application signed by the Deputy Commissioner, Fazilka vide which the Deputy Commissioner pleaded for review of earlier order dated 12.06.2019 and for direction to the appellant to obtain certified copies of the information in accordance with the rules & regulations/instructions of Punjab Govt.

Having gone through the review petition, the Commission was of the considered view that the applicant had applied for information under the RTI Act 2005, and the same should be made available in the form which the appellant has asked, as well as fee be charged under the form the applicant has asked for the information, unless barred by law, which is not the case in the matter. The plea of the Deputy Commissioner was not accepted.

The Commission made it clear that **Section 22 of the RTI Act** expressly provides that the provisions of the RTI Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the RTI Act. The PIO was directed to provide remaining information to the appellant under RTI Act within ten days of receipt of this order by charging the requisite fee as prescribed under the RTI Act. The PIO to certify the copies of information already provided, and carry the official stamp at the next date of hearing for attesting the copies of the information, if any, left uncertified.

Hearing dated 19.12.2019:

The respondent has brought partial information (Vasika Nos.5617, 5619 & 3434) which has been taken on the file of the Commission. The appellant can come to the Commission any time and collect the same.

The respondent however, pleaded that two vasika Nos 55 & 761 are not registered and these numbers can be wrong. The respondent further pleaded that the remaining vasika nos 09, 639, 649, 6436 & 04 will be provided to the appellant within 15 days after getting these attested from the competent authority.

The PIO is directed to send certified copies of the remaining information to the appellant within 10 days through registered post.

To come up for compliance on **25.02.2020 at 11.00 AM.**

Chandigarh
Dated: 19.12.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-Deputy Commissioner,
Fazilka.



Sh. H.S Hundal,
1, Dutt Road, Moga.

... Appellant

Versus

Public Information Officer,
O/o SDM,
Moga.

First Appellate Authority,
O/o Additional Deputy Commissioner,
Moga.

...Respondent

Appeal Case No. 3615 of 2018

PRESENT: None for the Appellant
Sh.Sukhkiran Singh, Supervisor O/o SM-Moga for the Respondent

ORDER:

This case should be considered in continuation to the earlier order.

The case was first heard by Sh.A.S.Chanduraian, State Information Commissioner on 29.01.2019. The respondent Sh.Prince Kumar, RTI clerk appeared and submitted a reply dated 28.01.2019 signed by PIO-SDM Moga stating that the information on point-1 has been provided to the appellant vide letter dated 15.05.2018 and for remaining information, the RTI has been transferred to the concerned departments u/s 6(3) of the RTI Act. The concerned PIO was directed to provide the information and if the information is not available in their record, to file a written reply.

The case was again heard by Sh.A.S.Chanduraian, State Information Commissioner on 26.02.2019. Sh.Manveer Singh Bath, advocate appeared on behalf of the respondent who informed that the information on point-1 has been provided to the appellant and for remaining information, RTI application was transferred to the concerned department i.e. PWD(B&R) and Tehsildar Moga vide letter dated 17.04.2018. The concerned PIO's were directed to file reply in writing.

The case was again heard by Sh.A.S.Chanduraian, State Information Commissioner on 20.03.2019. The respondent Sh.Manveer Singh Bath, advocate brought the reply. The appellant was absent. The respondent was directed to send the information to the appellant through registered post. The appellant was granted an opportunity to express his grievances in writing to the respondent PIO and the PIO concerned was directed to remove the same.

The case was last heard by this bench on 30.07.2019. The respondent present from the office of SDM Moga pleaded that the information regarding point-1 relates to them and they have already sent reply to the appellant that the information is 3rd party information, it cannot be provided. The information regarding points-2 & 8 relates to Tehsildar Moga and remaining information relates to PWD(B&R) Moga. The respondent further pleaded that the information has also been provided to the appellant by the PIO-PWD and PIO-Tehsildar concerning them.

Having gone through the record, and hearing both the parties, the following was concluded:

- Point-1, 5, 6 & 7 - The information pertains to 3rd party. The concerned 3rd parties are impleaded in the case and directed to appear before the commission and plead why their information be not provided.
- Point-2 & 8 - Relates to Tehsildar Moga. The Tehsildar Moga is directed to provide the information as per RTI application
- Point-3 - PIO-SDM Moga to procure from PIO-PWD and send to the appellant.

The appellant was also directed to file written submission to establish in writing that the disclosure of information has a larger public interest as he has made allegation of corruption while disbursing money.

Hearing dated 19.12.2019:

The respondent present from the office of SDM-Moga has informed that the information regarding point-3 has been sent to the appellant vide letter dated 06.11.2019 and a copy of the same is submitted to the Commission. The PIO-Tehsildar, Moga and both the 3rd parties are absent. The appellant is absent and vide email has submitted his written submission which is taken on the file of the Commission.

The PIO-Tehsildar, Moga is given one last opportunity to comply with the earlier order of the Commission and provide the information on Points-2 & 8 otherwise the Commission will be constrained to take action as per RTI Act. The PIO is also directed to be present on the next date of hearing. Both the 3rd parties are also given one last opportunity to appear before the Commission and plead their case otherwise it will be presumed that they have nothing to say in the matter and the case will be decided on merits.

To come up for further hearing on **24.02.2020 at 02.00 PM.**

Chandigarh
Dated:19.12.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

- CC to :**
- 1. PIO-Tehsildar Moga**
 - 2. PIO-PWD(B&R) Moga**
 - 3. Sh.Gurmukh Singh s/o Sh.Nahar Singh
Village Landeke (Moga)**
 - 4. Sh.Amarjit Singh s/o Sh.Jiwan Singh
Village Landeka (Moga)**

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Regd Post

Sh.Naresh Devgan Sharma,
Advocate, Chamber NO-702/2,
District Courts, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Commissioner of Police,
Ludhiana.

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

...Respondent

Appeal Case No. 3877 of 2019

PRESENT: Sh.Naresh Devgan for the Appellant
Sh.Pawandev Singh, SI for the Respondent

ORDER:

The case was first heard by Sh.S.S.Channay, Chief Information Commissioner on 28.11.2018. The respondent present from the office of Police Station Division No.5 Ludhiana sought some more time to collect the information from police station Division No.5 Ludhiana and from the office of Commissioner of Police Ludhiana which was granted and the case was adjourned. On the next date of hearing on 15.01.2019, the appellant informed that the information provided is incomplete. The respondent was directed to allow the appellant to inspect the record and identify the specific documents required by him and supply the same to the appellant. On the next date of hearing on 12.02.2019, the appellant informed that after inspecting the record, he received information pertaining to his 5 complaints out of 8 complaints sent to the Commissioner of Police Ludhiana. The respondents were directed to provide the information on remaining three complaints.

On the next date of hearing on 26.03.2019, the appellant was absent. The respondent submitted a letter dated 13.03.2019 from incharge, Police Post Kochar Market, Police Station Division No.5 Ludhiana stating that the remaining information has been provided to the appellant. The appellant was given last opportunity to send his observations, if any, to the PIO with a copy to the Commission.

The case was heard by this bench on 22.08.2019. The appellant was absent and vide email informed that the PIO has not provided the complete information. Having gone through the RTI application I found that the appellant in his RTI application has not mentioned that what does he need specifically, and that the application is vague. The appellant was asked to specify the information so that the information can be provided to the best possible extent.

The case was last heard on **28.11.2019**. The appellant was present and had specified the information. The PIO was given one last opportunity to look at the RTI application and provide complete information before the next date of hearing otherwise the Commission would be constrained to issue show cause notice under section 20 of the RTI Act. The PIO was also directed to be present on the next date of hearing.

Appeal Case No. 3877 of 2019

Hearing dated 19.12.2019:

The respondent pleaded that the appellant was asked to visit the concerned police station and get the information but the appellant has not come forward. The appellant informed that he has already submitted his observations to the PIO through email dated 15.11.2018 with a copy to the Commission and despite many visits, the PIO has not provided the complete information.

The Commission observes that there has been an enormous delay in providing the information and the PIO is dilly dallying the information. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time.** He/she should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is again directed to provide complete information to the appellant within 15 days.

To come up for further hearing on **24.02.2020 at 02.00 PM.**

Chandigarh
Dated: 19.12.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Regd Post

Sh. Naresh Devgan Sharma,
Advocate, Chamber NO-702/2,
Distt Courts, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Commissioner of Police,
Ludhiana.

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

...Respondent

Appeal Case No. 3878 of 2019

PRESENT: Sh.Naresh Devgan as the Appellant
Sh.Pawandev Singh, SI for the Respondent

ORDER:

The case was first heard by Sh.S.S.Channay, Chief Information Commissioner on 28.11.2018. The respondent present from the office of Police Station Division No.5 Ludhiana sought some more time to collect the information from concerned police stations which was granted and the case was adjourned. On the next date of hearing on 15.01.2019, the appellant informed that the information provided is incomplete. The respondent was directed to allow the appellant to inspect the record and identify the specific documents required by him and supply the same to the appellant. On the next date of hearing on 12.02.2019, the appellant informed that after inspecting the record, he received information pertaining to his 3 complaints out of 12 complaints sent to the Commissioner of Police Ludhiana. The respondents were directed to provide the information on remaining nine complaints.

On the next date of hearing on 26.03.2019, the appellant was absent. The respondent submitted a letter dated 13.03.2019 from incharge, Police Post Kochar Market, Police Station Division No.5 Ludhiana stating that the remaining information has been provided to the appellant. The appellant was given last opportunity to send his observations, if any, to the PIO with a copy to the Commission.

The case was heard by this bench on 22.08.2019. The appellant was absent and vide email informed that the PIO has not provided the complete information. Having gone through the RTI application I found that the appellant in his RTI application has not mentioned that what does he need specifically, and that the application is vague. The appellant was asked to specify the information so that the information can be provided to the best possible extent.

The case was last heard on **28.11.2019**. The appellant was present and had specified the information. The PIO was given one last opportunity to look at the RTI application and provide complete information before the next date of hearing otherwise the Commission would be constrained to issue show cause notice under section 20 of the RTI Act. The PIO was also directed to be present on the next date of hearing.

Hearing dated 19.12.2019:

The respondent pleaded that the appellant was asked to visit the concerned police station and get the information but the appellant has not come forward. The appellant informed that he has already submitted his observations to the PIO through email dated 15.11.2018 with a copy to the Commission and despite many visits, the PIO has not provided the complete information.

The Commission observes that there has been an enormous delay in providing the information and the PIO is dilly dallying the information. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time.** He/she should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is again directed to provide complete information to the appellant within 15 days.

To come up for further hearing on **24.02.2020 at 02.00 PM.**

Chandigarh
Dated: 19.12.2019

Sd/-
(Khushwant Singh)
State Information Commissioner