

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. Sawinder Singh,
S/o Shri Bal Singh,
PO Shutrana, Tehsil Patran,
Distt Patiala. 147105.

Complainant

Versus

Public Information Officer,
O/o Bock Development and Panchayat Officer,
Patran, Distt Patiala.

Respondent

Complaint Case Nos.1091, 1103 and 1104 of 2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Complaint
06.07.2018 27.07.2018 23.08.2018	Nil	Nil	Nil	15.09.2018

Present: Sh. Sawinder Singh, Complainant in person.
None on behalf of the Respondent.

ORDER

The complainant is interested in information. It is settled law as of now that the Commissioners have no jurisdiction to provide an access to the information from the Public Authority in a case of complaint filed under Section 18 of the RTI Act.

An easy and alternate remedy of filing first appeal under Section 19(1) of the RTI Act is available with him. Accordingly his complaints are remanded to the District Development & Panchayat Officer, Patiala to treat them as first appeals and decide the same after affording appropriate opportunity of being heard to the Parties and decide the matter within thirty days of the receipt of this order.

Disposed.

Sd/-

20.12.2018

(Yashvir Mahajan)
State Information Commissioner

CC: The District Development & Panchayat Officer, Patiala, along with photo copies of the complaints.

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Shri Sawinder Singh,
S/o Shri Bal Singh,
PO Shutrana, Tehsil Patran, Distt Patiala. 147105.

Complainant

Versus

Public Information Officer,
O/o Financial Commissioner,
Deptt Rural Development & Panchayat,
SAS Nagar.

Respondent

Complaint Case No.1092/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Complaint
27.07.2018	Nil	Nil	Nil	15.09.2018

Present: **Sh. Sawinder Singh, Complainant in person.**
 Sh. Sukhdev Singh, Sr. Assistant, O/o Rur. Dev. & Panchayat Deptt., Pb. – for Respondent.

ORDER

The complainant is interested to know the outcome of the complaint made by him to the Vigilance Department against the sarpanch of Village Shutrana, Block. Patran, alleging his involvement in getting the shamlat land of the village encroached by the inhabitants of the village.

Sh. Sukhdev Singh, Sr. Assistant, O/o Rural Dev. & Panchayats Department, Punjab, submits that they have duly endorsed his complaint to the Block Development & Panchayat Officer, Patran for taking appropriate action and inform the complainant. The BDPO, Patran seemingly has maintained a studied silence. As the directorate has already directed him to take appropriate action under Section 6(3) of the Act he is deemed to be a PIO by the Commission. He is advised to inform him of the action having been taken by him under intimation to the Commission before the next date of hearing. Else it shall be constrained to proceed disciplinarily against him under the provisions of RTI Act.

To come up on **29.01.2019 at 11.30 AM.**

Sd/-

20.12.2018

(Yashvir Mahajan)
State Information Commissioner

CC: The PIO – cum - Block Development & Panchayat Officer, Patran, Distt. Patiala, for n/a.

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Smt Sukhwinder Kaur ,
D/o Late Shri Labh Singh,
Village Dhakora Kala,
Tehsil Kharar.
Opposite Primary School & Temple Shani Dev, Kurali.

Complainant

Versus

Public Information Officer,
O/o Village Development Officer,
Gram Panchayat, Dhakora Kalan.
Block Majri.

Respondent

Complaint Case No.1093/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Complaint
17.09.2018	Nil	Nil	Nil	08.10.2018

Present: **None on behalf of the Complainant.**
 Sh. Harpreet Singh, Panchayat Secretary for Respondent.

ORDER

The complainant is not present.

Sh. Harpreet Singh, Panchayat Secretary appearing on behalf of the respondent submits that it is an old information. Presently, they are extremely occupied with the conduct of panchayat elections. Request is accepted. Needful be done before the next date of hearing positively.

The matter shall be reheard on **31.01.2019 at 11.30 AM.**

Sd/-

20.12.2018

(Yashvir Mahajan)
State Information Commissioner

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Sh. Harnek Singh Bhari,
H.E. 155, Phase 1, Mohali.

Complainant

Versus

Public Information Officer,
O/o Block Development Panchayat Officer,
Khamano, Distt Fatehgarh Sahib.

Respondent

Complaint Case No.1095/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Complaint
24.08.2018	Nil	Nil	Nil	08.10.2018

Present: Sh. Harnek Singh Bhari, Complainant in person.
Sh. Rajiv Kumar, Clerk, BDPO Office, Khamano – for Respondent.

ORDER

Sh. Rajiv Kumar appearing on behalf of the respondents has submitted that there has been a contention amongst the residents of the inhabitants about the disposal of the sullage water. The suitable action after arriving at the consensus of the Gram Panchayat has already been taken by arranging fresh disposal of the sullage water. On the insistence of the Parties the demarcation of Khasra No. 92 has already been taken from the revenue authorities. Even so the dispute is under adjudication with the Sub Judge as well. The Commission feels that the issue is not within the domain of this forum as no information has been withheld by the Public Authority.

The complaint is **closed**.

Sd/-

20.12.2018

(Yashvir Mahajan)
State Information Commissioner

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Sh. Shingara Singh,
S/o Shri Jarnail Singh,
R/o Village Nathmalpur, Tehsil Morinda,
Distt Roopnagar.

Complainant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Morinda.

Respondent

Complaint Case No.1106/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Complaint
23.08.2018	Nil	Nil	Nil	09.10.2018

Present: Sh. Shingara Singh, Complainant in person.
Sh. Sadhu Ram, Superintendent, BDPO Office, Morinda – for Respondent.

ORDER

The complainant has sought a copy of resolution having been passed for the erection of a drain in particular part of the village.

Sh. Sadhu Ram, Superintendent is present on behalf of the respondent. He has submitted a copy of memo sent by the jurisdictional Panchayat Secretary wherein it has been stated that no resolution to the effect as has been suggested in the application, has been passed. Logically the construction has been illegally resorted to. The complainant has been apprised of the same. He may like to take up the matter with the jurisdictional authority for appropriate action.

Disposed.

Sd/-

20.12.2018

(Yashvir Mahajan)
State Information Commissioner

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Sh. Mukesh K Sharma (Advocate),
#258, MDC, Sector-4, Panchkula.

Appellant

Versus

Public Information Officer,
O/o Sub Divisional Magistrate, (SDM)
Dera Bassi, Distrcit Mohali.

First Appellate Authority,
O/o Sub Divisional Magistrate, (SDM)
Dera Bassi, Distrcit Mohali.

Respondents

Appeal Case No.3086/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
25.06.2018	Nil	31.07.2018	Nil	11.09.2018

Present: Sh. Mukesh K. Sharma, Appellant in person.
Sh. Ravinder Kumar, Superintendent, SDM Office, Dera Bassi – for Respondents.

ORDER

The following order was made by this forum on 13.11.2018:

“The appellant had sought information about the appointment of an Administrator to oversee the functioning of the Resident Welfare Society namely Penta VIP Towers, VIP Road, Zirakpur and some allied information about his administrative control over the other Societies in the Sub Division.

*The respondents are absent. No written reply has also been filed by them. The Commission takes strong exception to the lackadaisical conduct of the respondents and directs it to file a written explanation as to why the penal proceedings should not be initiated. The matter shall be reheard on **20.12.2018 at 11.30 AM**. Meanwhile the respondents shall ensure that the sought for information is duly delivered on the appellant.”*

The case has come up today. Sh. Ravinder Kumar, Superintendent appearing on behalf of the respondents has brought along a copy of the information which has been handed over on spot to the appellant. He has gone through it but he is not satisfied with the information as according to him it does not conform to his specific requirements.

The Commission feels that it shall be appropriate that the appellant is allowed an inspection of the record. The respondents shall arrange it on a mutually convenient date and time.

To come up on **31.01.2019 at 11.30 AM**.

Sd/-

20.12.2018

(Yashvir Mahajan)
State Information Commissioner

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Dr. Ashish Kapur,
H.No. 695, First Floor, Annexe, Phase-2,
Mohali.

Appellant

Versus

Public Information Officer,
O/o Deputy Commissioner,
Mohali.

First Appellate Authority,
O/o Additional Deputy Commissioner, (General),
Mohali.

Respondents

Appeal Case No.3108/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
04.05.2018	21.05.2018	26.06.2018	12.07.2018	11.09.2018

Present: Dr. Ashish Kapur, Appellant in person.
1. Sh. Jagdeep Singh, APIO – cum – Superintendent, DC Office, Mohali, and
2. Smt. Monika, Clerk, DC Office, Mohali – for Respondents.

ORDER

The following order was made on 13.11.2018:

“The appellant is interested to know the revenue having accrued to the State on account of sales of various properties in the district of Mohali from the year 2012-13 to 2017-18. He has sought the information in a proforma devised by him.

The respondents are present. Sh. Ramesh Lal, Sr. Assistant, Tehsil Office, Kharar has submitted a copy of the memo which suggests the details of the documents registered along with the revenue generated thereupon. He submits that they are not in a position to supply the information in accord with the proforma made by the appellant. The response is well taken. The Sub Registrar of Mohali as well as Dera Bassi are also directed to provide the information in similar fashion.

The District Revenue Officer, Mohali shall also arrange to provide him the copies of the statements being sent to the government at the district level before the next date of hearing positively.”

The case has come up today. Sh. Jagdeep Singh, APIO appearing on behalf of the respondents states that in compliance with the order of the Commission the information has been sent under registered covered to the appellant. He has brought along a copy which has been handed on spot to the appellant in the Court itself. Seemingly, he is satisfied. The Commission feels that the sufficient information has been provided. No more action is required.

The appeal is **closed**.

Sd/-

20.12.2018

(Yashvir Mahajan)
State Information Commissioner

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Capt. Jaswant Singh s/o Shri Balwant Singh,
Village Kohli, Tehsil Batala,
District Gurdaspur.

Appellant

Versus

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block Sri Hargobindpur, Gurdaspur.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Gurdaspur.

Respondents

Appeal Case No.3109/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
24.01.2018	Nil	21.02.2018	Nil	12.09.2018

Present: None.

ORDER

None is present on behalf of the Parties.

The Commission feels that as the panchayat election process of gram panchayats in the State of Punjab is on, presumably the officials are occupied with the same. Another opportunity is afforded to the respondents to comply with the instructions issued by the Commission.

The matter shall be reheard on **31.01.2019 at 11.30 AM.**

Sd/-

20.12.2018

(Yashvir Mahajan)
State Information Commissioner

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Sh. Pawan Kumar Sharma, Advocate,
#585, Phase-2, Mohali.

Appellant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
Sector-76, Mohali.

First Appellate Authority,
O/o Senior Superintendent of Police,
Sector-76, Mohali.

Respondents

Appeal Case No.3137/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
28.02.2018	07.05.2018	30.06.2018	Nil	14.09.2018

Present: None on behalf of the Appellant.
Sh. Baljit Singh, Sub Inspector, Incharge Sub Div. Sanjh Kendra (City), Mohali – for Respondents.

ORDER

The following order was made by this forum on 13.11.2018:

“The appellant had sought information about the policy guidelines having been issued by the government necessitating the landlords to inform about the antecedents of their tenants and domestic helps in the State.

The respondents have provided the information in the Court itself to the appellant. He has pointed out some deficiencies which the respondents assure to make good shortly. They are desired to do the needful before the next date of hearing under intimation to the Commission.”

The case has come up today. Sh. Baljit Singh, Sub Inspector is present on behalf of the respondents. He submits that the order of the Commission has been complied as the information has been provided. He has also submitted an acknowledgement of the receipt of information from the appellant to his satisfaction. No further action is called for.

The appeal is **closed**.

Sd/-

20.12.2018

(Yashvir Mahajan)
State Information Commissioner

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Sh. Najjar Singh,
s/o Late Shri Bachhan Singh,
R/o VPO Gajju Majra, Tehsil & Distt. Patiala.

Appellant

Versus

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block-1, Patiala.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Patiala.

Respondents

Appeal Case No.3156/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
04.07.2018	Nil	31.07.2018	Nil	17.09.2018

Present: **None on behalf of the Appellant.**
 Sh. Bhupinder Singh, Panchayat Secretary, O/o BDPO, Patiala, Block – 1 – for Respondents.

ORDER

The following order was made by this forum on 13.11.2018:

“The appellant has been constrained to file a second appeal with the Commission having failed to procure the information from the PIO and at the level of the FAA. The Commission has gone through the original application. The information sought is simple. It relates to the details of the shamlat property being owned by the gram panchayat of village Gajju Majra, Block Patiala and the other information flowing from the same.

Sh. Bhupinder Singh, Panchayat Secretary appearing on behalf of the respondents is beating about the bush. He states that he is not aware about the shamlat land of the village. It transpires that he is holding this post for the last seven eight years. Obviously he is not only refusing to part with the information but trying to mislead the Commission as well. Being the deemed PIO he has rendered himself liable for penal consequences under Section 20 of the Act.

He is 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.

Appeal Case No.3156/2018

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. Meanwhile he is again advised to provide the information and explain his conduct as mentioned above.”

The case has come up today. Sh. Bhupinder Singh, Panchayat Secretary appearing on behalf of the respondents submits that the sought for information has been provided along with a detailed reply. The Commission has gone through it. It seems to be in order.

The appellant is absent. Apparently he is also satisfied. The appeal is closed with a severe reprimand to the respondents to be watchful in future.

Disposed.

20.12.2018

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

PS: After the hearing was over Sh Najjar Singh, Appellant has appeared along with his counsel Adv. Jaswinder Singh. He has been apprised of the above order.