

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



Jasbir Singh,
Village Bolapur,
Jhabewal,
PO Ramgarh,
District Ludhiana.

Versus

Public Information Officer,
o/o Secretary, Regional Transport Authority,
Faridkot.

First Appellate Authority
o/o State Transport Commissioner Punjab,
SCO No. 174-175,
Sector-17,
Chandigarh.

Appeal Case No. 2410 of 2019

PRESENT :

(Appellant) Absent

(Respondent) Absent

ORDER:

(To be read in continuity with earlier orders on 21.9.19, 25.9.19, and 6.11.19)

1. The RTI application is dated **13.8.18** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **13.5.19**, and second appeal was filed in the Commission on **4.7.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **6.11.19**.
2. Both parties are absent. The appellant has informed the Commission of his inability to attend this hearing. The respondent PIO, office of Regional Transport Authority, Faridkot, is absent without any intimation for the third time and this is despite the fact that he was issued the Show Cause notice at the last hearing on 6.1.19.
3. In the interim, rather than responding to the Show Cause notice and availing the opportunity of a personal hearing that was offered to him, the respondent has merely emailed a reply wherein it is contended that the appellant was invited to inspect the record vide letter no. RTA/F/2258, dated 18.11.19. As per his submission, the appellant has said that he would only be able to come for inspection after 8.1.2020.
4. Under the circumstances, this Commission directs the respondent PIO to file a detailed written reply to the Show Cause notice issue to him on 6.11.19 as well as apprise this Commission as and when the appellant inspects the record.
5. The respondent PIO has been absent for the three consecutive hearing and so is also directed to appear in person at the next hearing. Failing this, penal action under RTI Act will be initiated against him.

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6. Next hearing on 19.2.2020 at 11.00 am.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

27.12.19

PUNJAB STATE INFORMATION COMMISSION

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REGISTERED

Jasbir Singh,
Village Bolapur,
Jhabewal,
PO Ramgarh,
District Ludhiana.

Versus

Public Information Officer,
o/o Chief Administrator,
Punjab Urban Planning and Development Authority (PUDA),
Roopnagar.

First Appellate Authority,
o/o Chief Administrator,
Punjab Urban Planning and Development Authority,
Mohali

Appeal Case No. 2736 of 2019

PRESENT :
(Appellant) Absent
(Respondent) Absent

ORDER:
(To be read in continuity with earlier orders on **29.8.19**, **25.9.19**, and **6.11.19**)

1. The RTI application is dated **7.5.19** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **13.6.19**, and second appeal was filed in the Commission on **29.7.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **6.11.19**.

2. Both parties are absent. The respondent PIO is absent for the third successive time. This is despite the Show Cause notice issued to him/her at the last hearing on 6.11.19. It is also notable here that after having written to the Commission on 12.9.19 that he has received the information. The appellant Jasbir Singh has now, in a letter dated 15.12.19, contended that he has not received any information.

3. The appellant's conduct in this appeal case is evidently mischievous. However, the respondent PIO's conduct is equally questionable in that he/she has consistently and deliberately ignored / defied the directions of this Commission.

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

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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 to ensure the transmission of the complete information to the appellant. The **PIO-Cum-Administrator Officer, Rajwinder Raju**, PUDA, Roopnagar, 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-Cum-Administrator Officer, Rajwinder Raju, PUDA, Roopnagar, 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-Administrator Officer, Rajwinder Raju, PUDA, Roopnagar 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 19.2.2020 at 11.00 am.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

27.12.19

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REGISTERED

Jasbir Singh,
Village Bolapur,
Jhabewal,
PO Ramgarh,
District Ludhiana.

Versus

Public Information Officer,
o/o Secretary,
Regional Transport Authority,
Faridkot.
First Appellate Authority,
o/o State Transport Commissioner,
SCO No. 174-175
Sector-17, Near Mehfil Hotel,
Punjab, Chandigarh.

Appeal Case No. 2741 of 2019

PRESENT :
(Appellant) Absent
(Respondent) Absent

ORDER:
(To be read in continuity with earlier orders on **29.8.19, 25.9.19, and 6.11.19**)

1. The RTI application is dated **25.3.19** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **23.4.19**, and second appeal was filed in the Commission on **29.7.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **6.11.19**.

2. Both parties are absent. But the appellant has sent an email that he is unable to attend this hearing. There has been no communication from the respondent PIO either to this Commission or to the appellant since the second hearing of this appeal case. This Commission takes a very serious view of the PIO's conduct in wilfully ignoring / defying successive orders in this appeal case.

3. The respondent PIO is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing wilful delay/denial of the information requested by the appellant as far back as on 6.5.19.

"In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) proviso there to, 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*."

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4. Next hearing on 19.2.2020 at 11.00 am.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

27.12.19

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Jasbir Singh,
Village Bolapur,
Jhabewal, PO Ramgarh,
District Ludhiana.

Versus

Public Information Officer,
o/o Secretary,
Regional Transport Authority, Ludhiana.
First Appellate Authority,
o/o State Transport Commissioner,
SCO No. 174-175, Sector-17, Near Mehfil Hotel,
Punjab, Chandigarh.

Appeal Case No. 2477 of 2019

PRESENT :

(Appellant) Absent

Baljinder Singh, Steno (for the Respondent) 98156-68023

ORDER:

(To be read in continuity with earlier orders on 21.8.19, 25.9.19, and 6.11.19)

1. The RTI application is dated **8.4.19** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **13.5.19**, and second appeal was filed in the Commission on **10.7.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **6.11.19**.

2. The appellant is absent but he has informed the Commission of his inability to attend this hearing. The respondent PIO, represented by Baljinder Singh, stenographer, has submitted a reply wherein it is contended that the information requested is voluminous and would amount to disproportionate diversion of public resources.

3. However, on perusing the case file, including original RTI application, it is evident that the appellant has only sought information by way of the action taken against school buses/vans over a period of just about 2 months. This would appear to belie the respondent PIO's claim that the information is far too voluminous.

4. The respondent PIO is directed to bring the original record pertaining to this RTI application the next hearing, to support his contention that the record being sought is voluminous.

5. **Next hearing on 19.2.2020 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

27.12.19

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Krishan Lal (advocate),
S/o DarshanLal,
B1/171, MohallaChaudhrian,
NearShivMandir,
Tehsil Phillaur,
District Jalandhar.

Versus

Public Information Officer,
o/o Police Commissioner,
Ludhiana.
First Appellate Authority,
o/o Police Commissioner,
Ludhiana.

Appeal Case No. 2784 of 2019

PRESENT :

(Appellant) Absent

Pawandev Singh, Sub Inspector (for the Respondent) 78887-41866

ORDER:

*(To be read in continuity with earlier orders on **5.9.19, 25.9.19, and 6.11.19**)*

1. The RTI application is dated **8.4.19** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **15.5.19**, and second appeal was filed in the Commission on **10.7.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **6.11.19**.
2. The appellant is absent without intimation for the second time. The respondent PIO, represented by Sub Inspector, Pawandev Singh, has submitted a written reply which responds pointwise to the appellant's RTI application as was directed by this Commission in its order of 25.9.19. The respondent has also stated that information amounting to 37 pages was sent to the appellant by Registered Post on 24.12.19.
3. This Commission has had no communication from the appellant since the second hearing of this appeal case on 25.9.19. But now, in view of the respondent's reply, the appellant is requested to peruse the information furnished to him and point out any deficiencies therein in writing. A copy of such a reply also be sent to this Commission.

4. **Next hearing on 19.2.2020 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh
27.12.19

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Madhu Sharma,

w/o Swatantar Sharma,
4811/1, Sector 38(West),
Chandigarh

Versus

Public Information Officer,

o/o Executive Engineer,
Water Supply & Sanitation,
Division 3, Ludhiana.

First Appellate Authority,

o/o Superintending Engineer
Water Supply & Sanitation Circle,
Ludhiana.

Appeal Case No.2810 of 2019

PRESENT :

Sawtantar Kumar Sharma (for the Appellant) 98786-28347

Rohit Kumar, Executive Engineer (Respondent) 81460-77477

Gagan Sharma, Senior Assistant (for the Respondent) 99155-00494

ORDER:

(To be read in continuity with earlier orders on 13.9.19 and 6.11.19)

1. The RTI application is dated **1.6.19** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **3.7.19**, and second appeal was filed in the Commission on **2.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **6.11.19**.
2. Both parties are present. The respondent PIO-cum-Executive Engineer, Rohit Kumar, is present and has submitted a notarised affidavit stating that all the information pertaining to the appellant's RTI request has been furnished to him, and that there is no further information available in his office. The original affidavit was handed over to the appellant with a copy taken on file in this Commission.
3. There is no further cause for action and this appeal case is herewith **CLOSED**.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

27.12.19

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Surjit Singh, Whistle Blower

2990/76, Street No.4,
Guru Gobind Singh Nagar,
Near Mair Di Chakki,
P.O: Daba,
District Ludhiana-141003

Versus

Public Information Officer,

o/o Police Commissioner,
Ludhiana.

First Appellate Authority,

o/o Police Commissioner,
Ludhiana.

Appeal Case No. 3975 of 2019

PRESENT :

(Appellant) Absent

Pawandev Singh, Sub Inspector (for the Respondent) 78887-41866

ORDER:

1. The RTI application is dated **24.7.19** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **27.8.19**, and second appeal was filed in the Commission on **23.10.19** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **27.12.19**.

2. The appellant is absent without intimation. The respondent PIO, represented by Sub Inspector Pawandev Singh has submitted that the requested information was supplied to the appellant by the SHO, Police Station Division No. 8, Ludhiana on 19.12.19. He has also submitted a copy of a signed statement wherein the appellant has acknowledged receipt of the information.

3. Under the circumstances, there is no further cause for action and this appeal case is herewith **CLOSED**.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

27.12.19

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Prem Chand,

s/o Nand Lal,

#3646, Mohalla Gameh Shah,

Machhiwara Khas, Tehsil: Samrala,

District Ludhiana – 141 115

Versus

Public Information Officer,

o/o Senior Superintendent of Police,

Khanna, District Ludhiana.

First Appellate Authority,

o/o Deputy Inspector General Ludhiana Range,

Ludhiana.

Appeal Case No. 3983 of 2019

PRESENT :

(Appellant) Absent

Roor Singh, ASI (for the Respondent) 97800-01280

ORDER:

1. The RTI application is dated **15.7.19** vide which the appellant has sought **information regarding the action taken on complaint UID 1480472 dated 20.12.18 etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **26.8.19**, and second appeal was filed in the Commission on **23.10.19** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **27.12.19**.

2. The appellant is absent without intimation to this Commission. The respondent PIO, represented by ASI, Roor Singh, has submitted a reply wherein it is stated that the requested information has been supply to the appellant. He has also appended a copy of a statement signed by the appellant, wherein he has acknowledged receiving the information.

3. There is no further cause for action and this appeal case is herewith **CLOSED**.

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

27.12.19

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Yogesh Bakshi,

National Vice President Shiv Sena Hind,
1615, Street No. 3, New Chander Nagar, Civil Lines,
District Ludhiana.

Versus

Public Information Officer,

o/o Police Commissioner,
District Ludhiana.

First Appellate Authority,

o/o Police Commissioner,
Ludhiana Range, Ludhiana.

Appeal Case No. 3984 of 2019

PRESENT :

(Appellant) Absent

Pawandev Singh, Sub Inspector (for the Respondent) 78887-41866

ORDER:

1. The RTI application is dated **1.8.19** vide which the appellant has sought **information regarding a number of complaints and a list of GOs and other officers in the Ludhiana Police Commissionerate,** 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 **23.10.19** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **27.12.19**.

2. The appellant is absent but he has informed the Commission that the information supplied by the respondent PIO, vide his letter dated 9.12.19, is incomplete. However, the respondent PIO, represented by SI Pawandev Singh, has submitted a detailed reply wherein it is stated that the complaints regarding which the appellant has requested information, are still under investigation with different officers of the Commissionerate and information pertaining to these cannot be furnished at the moment.

3. This Commission grants the appellant one more opportunity to appear in person and state his case regarding the deficiencies in the information/reply furnished to him. Failing this, the Commission will be constrained to CLOSE this appeal case.

4. **Next hearing on 19.2.2020 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

27.12.19

PUNJAB STATE INFORMATION COMMISSION

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Bhim Sain Singla, S/o Sh. Miri Mal,
Kothi Opposite PSEB, MK Road, Dhuri,
District Sangrurn – 148 024

Versus

Public Information Officer,
o/o Director General of Police,
Punjab Police Head Quarters, Sector 9, Chandigarh.

First Appellate Authority,
o/o Inspector General of Police,
Punjab Police Head Quarters, Sector 9, Chandigarh.

Appeal Case No. 4009 of 2019

PRESENT :

H.C. Arora (for the Appellant) 98140-13764

Jasminder Singh, ASI (for the Respondent) 81948-13300

ORDER:

1. The RTI application is dated **22.4.19** 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 **24.10.19** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **27.12.19**.

2. Both parties are present. The appellant is represented by his lawyer H.C. Arora. The respondent PIO represented by ASI, Jasminder Singh, has submitted a reply wherein it is stated that the requested information pertains to an investigation that was completed by AIG Crime Ludhiana Zone, and the inquiry report is currently under consideration of senior officers, so the requested information cannot be supplied.

3. The appellant has however, submitted a copy of an affidavit submitted to the Punjab and Haryana High Court in CRM-M No. 17061 of 2019, wherein a Police Officer (DSP Karanvir Singh PPS) has stated that the aforesaid inquiry report has been seen and filed by the office of the DGP, Punjab on 9.10.19. This appears to suggest that the respondent PIO is being evasive and reluctant to part with the information requested by the appellant.

4. The respondent PIO is directed to bring the original record pertaining to the information requested in the RTI application to the next hearing. This Commission will take a decision on this appeal after perusing the record.

5. **Next hearing on 19.2.2020 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

27.12.19

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Sahil Kaushal,
s/o Ram Krishan,
Quarter No. 4, Police Station Sadar, Kurali,
District Mohali – 140 103

Versus

Public Information Officer,
o/o Director General of Police,
Punjab Police Head Quarter, Sector-9, Chandigarh.
First Appellate Authority,
o/o Director General of Police,
Punjab Police Head Quarter, Sector-9, Chandigarh.

Appeal Case No. 4016 of 2019

PRESENT :

Sahil Kaushal (Appellant) 94783-24326

Maninder Singh, Constable (for the Respondent) 94639-52430

ORDER:

1. The RTI application is dated **14.1.19** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **20.2.19**, and second appeal was filed in the Commission on **24.10.19** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **27.12.19**.
2. Both parties are present the respondent PIO represented, by Constable Maninder Singh, has submitted a reply which is not satisfactory, and in this Commission's view, an attempt to withhold information from the appellant.
3. The respondent PIO is directed to furnish the requested information by way of the '**Ward of Police Personnel**' certificates issued by the office of the DGP Punjab, during the recruitment of constables in 2016. Any personal details on these certificates (example, names, father names, and residential address etc.) can be severed/blanked out while making copies. Attested copies of the aforesaid certificates must be supplied to the appellant before the next hearing.
4. **Next hearing on 19.2.2020 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh
27.12.19

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Iqbal Singh Rasulpur,

Village Rasulpur,

Tehsil Jagraon,

District Ludhiana – 142 035.

Versus

Public Information Officer,

o/o Director General of Police,

Punjab Police Head Quarter, Sector-9, Chandigarh.

First Appellate Authority,

o/o Additional Director General of Police (Admn),

Punjab, Chandigarh.

Appeal Case No. 4019 of 2019

PRESENT :

Harinder Pal Singh (for the Appellant) Absent

Maninder Singh, Constable (for the Respondent) 94639-52430

ORDER:

1. The RTI application is dated **4.1.19** vide which the appellant has sought **information by way of official instructions and orders pertaining to the appointment of SHOs etc.**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **18.2.19**, and second appeal was filed in the Commission on **24.10.19** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **27.12.19**.

2. Both parties are present. The respondent PIO, represented by Constable Maninder Singh, had submitted a reply wherein it is stated that information pertaining points 1 to 3 was furnished to the appellant. As regards rest of the requested information, the respondent advised the appellant to seek this through separate RTI applications to various Police Stations in the state.

3. This Commission views the respondent's reply as a clear attempt to dissuade the appellant. The respondent PIO is directed to furnish the pending information pertaining to points 4, 5, and 6 of the RTI application. Alternatively, the respondent PIO must submit a notarised affidavit stating that the requested information is not available in the office of the DGP Punjab.

4. **Next hearing on 19.2.2020 at 11.00 am.**

Sd/-

(ASIT JOLLY)

State Information Commissioner

Chandigarh

27.12.19