

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
SECTOR 16, CHANDIGARH.

Ph: 0172-2864116, Email: - psic26@punjabmail.gov.in

Visit us: - www.infocommpunjab.com, Cisco Webex Code:15857-23975

(Helpline No.0172-2864100(From 10.00 AM to 04.00PM on working days))



Shri Mohit Kamboj,
S/o Shri Daulat Ram,
R/o Main Idgah Road,
Abohar, District Fazilka.

.....Appellant

Versus

Public Information Officer

O/o The Commissioner,
Municipal Corporation Abohar,
District Fazilka.

First Appellate Authority

O/o The Commissioner,
Municipal Corporation Abohar,
District Fazilka.

....Respondents

AC No. 2729 of 2022

Present:

- (i) Shri Mohit Kamboj, appellant- in person.
(ii) Shri Abhinav Jain, Assistant Corporation Engineer, Municipal Corporation, Abohar,
District Fazilka, PIO/Respondent- in person.

ORDER

1. This order may be read with the reference to the order dated 14.11.2022 passed by this Bench on the previous hearing.
2. The case has been heard today in the Commission's office at Chandigarh. The Appellant, Shri Mohit Kamboj comes present in person before the Bench and states that he has not been provided information by the PIO after removal of deficiencies pointed out by him.
3. Shri Abhinav Jain, Assistant Corporation Engineer/ PIO, Municipal Corporation, Abohar, comes present to attend the hearing in person before the Bench and states that information has been supplied to the appellant on 06.06.2022.
4. The appellant confirms the receipt of letter dated 06.06.2022 and states that he had pointed out deficiencies to the PIO with a copy to the Hon'ble Commission on 10.08.2022 and no rectified information has been received after removal of deficiencies. He also hands over a copy of the deficiencies to the PIO in the court itself.
4. The Bench points out to the PIO that the PIO of M.C. Abohar has absented himself for three consecutive hearing prior to today's hearing. On enquiring from him regarding the removal of deficiencies pointed out by the appellant, it transpires that he has come to attend the hearing not fully prepared with the facts of the case and has also not filed reply to the show cause notice.
5. Post deliberations, the Bench directs the PIO to remove the deficiencies pointed out by the appellant and supply rectified information before the next hearing and also ensure to file reply to the show cause notice.
6. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 24.01.2023 at 11.30 AM before the Bench in Commission's office at Chandigarh.** Copies of the order be sent to the concerned parties.

Chandigarh
19.12.2022

Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab

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Shri Kuldip Kumar,
H. No. 3261, Rattan Singh Chawk,
Fatehgarh Churian Road, Amritsar.

.....Appellant

Versus

Public Information Office

O/o Punjab Pollution Control Board,
Zonal Office, Plot number 164,
Focal Point Mehta Road, Amritsar.

First Appellate Authority

O/o Punjab Pollution Control Board,
Zonal Office, Plot number 164,
Focal Point Mehta Road, Amritsar.

....Respondents

AC No. 4617 of 2022

Present: (i) Shri Kuldip Kumar, Appellant through cisco webex.
(ii) None on behalf of the Respondent / PIO.

ORDER

1. This order may be read with reference to the order dated 17.11.2022 passed by this Bench on the previous hearing.
2. The case has been heard today. Shri Kuldip Kumar, appellant comes present to attend the hearing through cisco webex and states that no information has been supplied to him.
3. Neither the PIO, Punjab Pollution Control Board, Amritsar has come present to attend the hearing in person before the Bench or through cisco webex nor he has deputed any of his representative to attend the hearing nor intimation has been received from the Respondent / PIO in this regard.
4. After going through the case file, it is observed that during the previous hearing, the notice of hearing was received back undelivered. On enquiring about the correctness of postal address of the respondent from the appellant, he confirms that the address has been correctly mentioned on the notice. The Bench had also sent a copy of the RTI application along with the order of previous hearing. In spite of that, the PIO has failed to attend the second consecutive hearing. This indifferent attitude of the PIO is viewed adversely.
5. The PIO O/o Punjab Pollution Control Board, Amritsar is issued show cause notice to explain his absence and as to why action should not be taken against him and also as to why penalty should not be imposed in the instant case for failing to appear for the hearing and not supplying information to the appellant. He is also directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

Cont..P-2

6. In addition to the written reply, the PIO is hereby given an opportunity u/s 20(1) proviso thereto for personal hearing before the imposition of such a penalty, on the next date of hearing. He may take note that in case he does not file the written reply and does not avail himself of the opportunity of personal hearing on the next 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.

7. **In view of the absence of the PIO for the third consecutive hearing, the PIO O/o Punjab Pollution Control Board, Amritsar is issued BAILABLE WARRANT to ensure his presence before the Bench on the next hearing.**

8. The PIO is again directed to supply point-wise information to the appellant before the next hearing as also ensure to come present in person before the Bench on the next hearing.

9. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 24.01.2023 at 11.30 AM before the Bench in Commission's office at Chandigarh.** Copies of the order be sent to the concerned parties.

Chandigarh
19.12.2022

Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab

Copy to(By Regd.Post):

Public Information Office,
O/o Punjab Pollution Control Board,
Zonal Office, Plot number 164,
Focal Point Mehta Road, Amritsar.

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Shri Satish Kamal
S/o Shri Tarsem Lal,
#1055, Phase-5, Mohali.

..... Complainant

Versus

Public Information Officer

O/o Tehsildar,
Sri Muktsar Sahib.

First Appellate Authority

Sub Divisional Magistrate,
Sri Muktsar Sahib.

....Respondents

Complaint Case converted into Appeal Case No.1260/2021

Present: (i) **Shri Satish Kamal, Complainant -in person.**
(ii) **Shri Vipin Kumar, Junior Assistant O/o Tehsildar, Sri Muktsar Sahib,
on behalf of the PIO/respondent- cisco webex.**

ORDER

1. The RTI application is dated 05.08.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 01.11.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The aforesaid complaint/appeal case was remanded back by this bench to First Appellate Authority i.e. District Revenue Officer, Sri Muktsar Sahib. vide order dated 10.05.2022. But the appellant vide letter dated 01.10.2022 has stated that he had requested the First Appellate Authority to hear him as per orders of Hon'ble Commission, but the First Appellate Authority has informed him that he is not the First Appellate Authority. He also wrote to PIO O/o Tehsildar, Sri Muktsar Sahib requesting for supply of information, but his grievance has not been redressed, as such, this request of appellant is treated as Second Appeal.

3. Acceding to the request of appellant, the complaint case been converted into appeal case. Accordingly, the notice of hearing was issued to the parties for 19.12.2022. The case has been heard today in the Commission's office at Chandigarh.

4. Shri Vipin Kumar, Junior Assistant O/o Tehsildar, Sri Muktsar Sahib comes present to attend the hearing on behalf of the PIO through cisco webex. He states that the appellant has sought copy of a Mutation which can be had from the Sewa Kender by paying prescribed fee. He also states the appellant has been informed in this regard vide letters dated 07.09.2021, 01.10.2021 and 04.08.2022. He further states that vide letter dated 29.09.2022 and 16.12.2022, the appellant has been asked to visit their office on any working day with regard to the information sought.

“

5. On the asking of the Bench, the appellant states that he has not sought copy of Mutation and states that a land was possessed by his grand mother which was transferred in the name of his father and both of them have died. He only wants a copy of the application on the basis of which the said land was transferred.

6. The Bench apprises the respondent of the version of the appellant and directs the PIO O/o Tehsildar, Sri Muktsar Sahib to call the appellant to his office on any working day and allow him access to the relevant official records. The information as is identified by the appellant after inspection of records be provided to him. For this purpose, the PIO is directed to call the concerned Patwari in whose custody, the record is reported by the respondent. The PIO is also directed to come present in person before the Bench on the next hearing.

7. With the aforesaid directions, the matter is adjourned. **To come up for hearing on 24.01.2023 at 11.30 AM before the Bench in Commission's office at Chandigarh.** Copy of the order be sent to the parties.

**Chandigarh
19.12.2022**

**Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab**

