



Sh Gurmej Lal,
Whistle Blower, NCAG,
Street NO-5, # 1331-5,
Vishawkarma Bhawan, Down Canal Road,
Shimlapuri, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o EO, NC,
Ferozepur.

First Appellate Authority,
O/o EO, NC,
Ferozepur.

...Respondent

Appeal Case No. 1117 of 2022

PRESENT: Sh.Gurmej Lal as the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 22.11.2021, has sought the name & address of the contractor who was allotted the laying work of interlocking tiles in the streets/roads under the jurisdiction of NC, Ferozepur(from March 2017 to date0 – A copy of the work order, MB books, Bills, work estimate, enhancement of amount and other information as enumerated in the RTI application concerning the office of the EO, NC, Ferozepur. The appellant was not provided with the information, after which the appellant filed the first appeal before the First Appellate Authority on 30.12.2021, which did not decide on the appeal.

The case last came up for hearing on 29.08.2022 through video conferencing at DAC, Ludhiana/Ferozepur. As per the respondent, the information had already been supplied to the appellant vide letter dated 02.08.2022 with a copy to the Commission.

As per the appellant, the information was supplied only on point-1 &6, which was also incomplete.

During the hearing, the respondent informed that total information has been provided, whereas, during the arguments at the hearing, it came to light that information has only been provided on two points. This bench considered this act of the respondent as an attempt to mislead the court. Further, there has also been an enormous delay of more than eight months in providing the information.

The PIO was issued a **show cause notice under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time as well as for misleading the court at the hearing and directed to file reply on an affidavit.**

Regarding the instance of misleading the court, the current PIO was directed to file a reply. The PIO was also directed to supply complete information to the appellant within 10 days of the receipt of the order and send a compliance report to the Commission.

Hearing dated 26.12.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana/ Ferozepur. As per the appellant, the PIO has not supplied the information.

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The respondent is absent nor filed a reply to the show cause notice as well as not complied with the order of the Commission to provide complete information to the appellant.

As per the information, Sh.Sanjay Kumar Bansal, is the EO-cum-PIO NC Ferozepur. Sh.Sanjay Kumar Bansal, PIO-cum-EO- NC Ferozepur, is given one last opportunity to file reply to the show cause notice and appear personally on the next date of hearing otherwise, it will be presumed that the PIO has nothing to say on the matter and the commission will be constrained to take an ex-parte decision.

The case is adjourned. To come up on **10.04.2023** at 11.00 AM for further hearing through video conferencing at DC office, Ludhiana. The PIO to appear through VC at DAC Ferozepur.

Chandigarh
Dated 26.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Harjinder Singh, S/o Sh Kuldeep Singh,
#29, Mall Road, Ferozepur Cantt,
Ferozepur .

... Appellant

Versus

Public Information Officer,
O/o ADC (D),
Ferozepur

First Appellate Authority,
O/o Joint Director,
Rural Development,
Vikas Bhawan, Phase-8,
Mohali.

... Respondent

Appeal Case No. 2784 of 2021

PRESENT: None for the Appellant
Sh.Raman Sachdeva Nodel Officer for the Respondent

ORDER:

The appellant, through an RTI application dated 05.06.2020 has sought funds received from 01.04.2019 under Manregar scheme – payments made – name and designation of officers dealing with the scheme – action taken against employees involved in the scam as per advertisement published in Ajit Newspaper – complaints registered against employees and other information as enumerated in the RTI application from the office of ADC(D) Ferozepur. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 25.07.2020 which did not decide on the appeal.

The case first came up for hearing on 15.12.2021 through video conferencing at DAC Ferozepur. Both parties were absent. The case was adjourned.

On the date of the last hearing on **28.09.2022**, the appellant claimed that the PIO has not provided the information.

The respondent was absent on 2nd consecutive hearing nor represented as well as not supplied the information.

There has been an enormous delay of more than one year and three months in attending to the RTI application. The PIO was issued a **show cause notice under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and was directed to file a reply on an affidavit.**

The PIO was again directed to provide information to the appellant immediately.

Hearing dated 26.12.2022:

The case has come up for hearing today through video conferencing at DAC Ferozepur. The respondent present pleaded that the information has already been provided to the appellant vide letter dated 23.12.2022 with a copy of the letter to the Commission through email.

The appellant is absent nor represented.

The PIO has, however, not filed a reply to the show cause notice which was issued to the PIO on the last date hearing due to non-supply of information as well as not appearing before the Commission on two consecutive hearings.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO, and as per the respondent, Smt.Balwinder Kaur is/has been the PIO since filing of the RTI application, Smt.Balwinder Kaur, PIO O/o ADC(D) is hereby held guilty for not providing the information on time as prescribed under section 7 (within 30 days of the receipt of the request).

The PIO is also held guilty of repeated defiance of the orders of the Punjab State Information Commission to provide the information.

Moreover, the PIO has chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

Hence, given the above facts, a penalty of **Rs.10,000/-** is imposed on the Smt.Balwinder Kaur, PIO O/o ADC(D) Ferozepur, which will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

The case is adjourned. To come up for further hearing on **10.04.2023** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ferozepur.

Chandigarh
Dated: 26.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Gurdev Singh. S/o Sh Jarnail Singh,
R/o Ward NO-12, Makhu, Tehsil Zira,
Distt Ferozepur.

... Appellant

Versus

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

First Appellate Authority,
O/o ADC,
Ferozepur.

...Respondent

Appeal Case No. 5041 of 2021

PRESENT: Sh.Gurdev Singh as the Appellant
Sh.Rashandeep Singh, Clerk O/o DC Ferozepur for the Respondent

ORDER:

The appellant, through an RTI application dated 19.01.2021, has sought a copy of the documents attached with the letter vide which approval was sent for case No.8 dated 18.02.1977 filed against Gurdev Singh – a copy of approval dated 08.10.1997 – the number of patwaris/kanugos /employees arrested red-handed by the vigilance bureau from 1990 to 2000 and other information as enumerated in the RTI application from the office of DC Ferozepur.

The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 05.03.2021, which did not decide on the appeal. After filing the first appeal, the PIO sent a reply to the appellant vide letter dated 15.04.2021, to which the appellant was not satisfied and filed 2nd appeal in the Commission.

The case first came up for hearing on 08.06.2022 through video conferencing at DAC Ferozepur. As per the appellant, the PIO had not supplied the information.

The respondent sought some more time and assured to provide the information within 15 days. The PIO's request was allowed and the PIO was directed to reconcile the case within the sought time of 15 days.

On the date of the last hearing on **20.09.2022**, the respondent present informed that the available information has been provided to the appellant.

The appellant claimed that the PIO has not been supplied the information.

During the course of this hearing, the respondent informed this bench that a copy of the information had also been sent to the Commission via an email, whereas as per the record, before starting the proceedings of the day, no email was received from the PIO.

During the course of the same hearing, the respondent was overheard instructing one of the employees accompanying him to send an email to the Commission. I found this as an attempt to mislead the court, first by lying and then by being cheeky. Such kind of disrespect, lying in court and behaviour needs to be punished so that such occurrences are not repeated.

The case was marked to the Deputy Commissioner, Ferozepur, to initiate proceedings against the erring official under section 20(2) of the RTI Act and send a compliance report to the Commission.

Further, the PIO was directed to provide information to the appellant immediately and file an affidavit that the information that has been provided is true complete and no document that has been sought is missing.

Hearing dated 26.12.2022:

The case has come up for hearing today through video conferencing at DAC Ferozepur. The respondent present pleaded that the information has already been provided to the appellant vide letter dated 15.04.2021 and (670 pages) on 28.04.2022, and there is no other information available in the record. The Commission has also received a reply from the PIO on 01.11.2022, which has been taken on record.

The appellant is not satisfied with the provided information and alleged that he was the Kanogo and the respondent has misplaced the record and not providing the complete information.

Interim Order-

Regarding point 2, the appellant is directed to file written submission stating the reasons for his allegation of the sought record being misplaced.

For point 3, the Commission finds that the PIO has taken an incorrect exemption under section 11 of the RTI Act. The PIO is directed to provide information relating to point 3 if available in the record.

The case is adjourned. To come up for further hearing on **10.04.2023** at **11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ferozepur.

Chandigarh
Dated: 26.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

Sh. Kamalpreet Singh,
134, Basant City, Pakhowal Road,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Director, Health C/o Joint Director,
Stores Purchase Officer, Health,
Sector-34, Chandigarh.

First Appellate authority,
O/o Director, Health and Family welfare,
C/o Joint Director,
Stores Purchase Officer, Health,
Sector-34, Chandigarh,

...Respondent

Appeal Case No. 1110 of 2022

PRESENT: **Sh.Tejinder Singh, Advocate for the Appellant**
 Sh.Gurpreet Singh, Sr.Assistant (Store Purchase Branch) and Sh.Rishu
 Sharma, Cashier for the Respondent

ORDER:

The appellant, through an RTI application dated 04.08.2021 has sought a copy of the entire details of the payments records (copies of the cheques/drafts/other online transactions /forwarding letters) as issued / made by the Health Department, Punjab for clearing the purchase bills in favour of M/s.Sunrise Enterprises and M/s. N. S. Enterprises Chandigarh from 24.06.2010 to date as enumerated in the RTI application concerning the office of the Director, Health & Family Welfare, Punjab, Chandigarh. The PIO sent a reply to the appellant vide letter dated 25.10.2021, but the appellant was dissatisfied with the reply, after which the appellant filed a first appeal before the first appellate authority on 14.10.2021, which did not decide on the appeal.

The case last came up for hearing on 30.08.2022 through video conferencing at DAC Ludhiana. As per the appellant, the PIO had not supplied the information.

As per the respondent, the information being 3rd party information and the 3rd party had not given its consent to disclose its information, it cannot be provided. The Commission also received a reply from the PIO on 30.08.2022 which was taken on record.

Hearing dated 26.12.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The respondent present reiterated his earlier plea of 3rd party information.

The counsel for the appellant has asked for a physical inspection of the record relating to the details of payments made in favour of Sunshine Enterprises and M/s N.S. Enterprises.

Having gone through the RTI application and hearing both parties, the Commission finds no merit in the Pio's reply that the sought information is 3rd party.

The PIO is directed to bring the entire record relating to this RTI application on 10.01.2023 in the Commission for inspection by the appellant. The appellant is also directed to be present on the given date at the Commission.

To come up for further hearing on **10.01.2023 at 11.00 AM** at Chandigarh.

Chandigarh
Dated: 26.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Bharat Bhushan
H.No.153, Akash Nagar,
Near Green Land School Central
P.O.Ludhiana, Distt.Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Civil Surgeon,
Ludhiana.

First Appellate Authority,
O/o Director, Health and Family Welfare, Pb
Sector 34-A, Chandigarh.

...Respondent

Appeal Case No.3961 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 04.06.2021 has sought information on 05 points regarding a copy of the logbook of the official car used by DHO Ludhiana from 01.02.2020 to 04.06.2021 - attendance record of staff/duty register/movement register/order and other information as enumerated in the RTI application from the office of Civil Surgeon, Ludhiana. The appellant was not provided with the information, after which the appellant filed the first appeal before the First Appellate Authority on 12.07.2021, which took no decision of the appeal.

The case has already been heard on 28.02.2022, 30.05.2022, 23.06.2022 & 19.09.2022.

Since the PIO-cum-DHO O/o Civil Surgeon Ludhiana was not appearing before the Commission, a bailable warrant under Section 18(3) of the RTI Act was issued against DHO Ludhiana through Senior Superintendent of Police, Ludhiana for his presence before the Commission on **19.09.2022**.

On the date of last hearing on **19.09.2022, Dr.Gurpreet Singh, DHO appeared and informed** that the information has already been supplied to the appellant.

As per the appellant, the information was incomplete and unattested as well as the PIO had not supplied the information on point 2. The appellant further informed that the discrepancies have been pointed out to the PIO.

As per the respondent, the information regarding point 2 related to the office of the Civil Surgeon, Ludhiana.

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

- i) The Respondent-PIO to sort out the discrepancies as pointed out by the appellant
- ii) The respondent PIO to provide legible and attested copies of the information.
- iii) To provide an affidavit that the information that has been provided is true, and complete and no further information is available in the record relating to this RTI application.
- iv) The PIO-O/o Civil Surgeon, Ludhiana was impleaded in the case and directed to provide information on point-2.

Hearing dated 26.12.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana. Both parties are absent.

Earlier order stands. The case is adjourned.

To come up for further hearing on **10.04.2023** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 26.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-cum-DHO-
O/o Civil Surgeon, Ludhiana

Sh Boota Singh, S/o Sh Sohan Singh,
R/o Village Jatt Wali Ram Nagar,
Tehsil & Distt Fazilka.

... Complainant

Versus

Public Information Officer,
O/o SMO, Civil Hospital,
Zira, Distt Ferozepur.

...Respondent

Complaint Case No. 63 of 2022

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The complainant, through an RTI application dated 24.11.2021, has sought the father's name and permanent address of the person who admitted Mr. Mahinder Singh s/o Sh. Lakhbir Singh, VPO Tootwala, Tehsil Abohar & District Fazilka in Jiwan Dan Drug Counseling and Rehabilitation Centre, where Mr. Mahinder remained admitted from 16.12.2020 to 15.06.2021 – a copy of the documents filed during the discharge of the patient-complete patient file and other information as enumerated in the RTI application concerning the office of the Senior Medical Officer, Civil Hospital, Zira. The complainant was not provided with the information, after which the complainant filed a complaint in Commission on 03.02.2022.

The case last came up for hearing on 29.08.2022 through video conferencing at DAC, Fazilka. The complainant was absent and vide email sought exemption due to illness. The appellant in the said email also informed that the PIO has not supplied the information.

Since this is a complaint case, orders for providing information cannot be ordered in this case. However, there has been an enormous delay of more than nine months in attending to the RTI application. The respondent was absent nor represented. The PIO was issued a **show cause notice under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file reply on an affidavit.**

Hearing dated 26.12.2022:

The case has come up for hearing today through video conferencing at DAC Fazilka/Ferozepur. Both parties are absent.

The PIO is absent on 2nd consecutive hearing, nor has filed a reply to the show cause notice.

Keeping the above-mentioned facts of the case, it is clear that the PIO-SMO-Civil Hospital Zira, Distt.Ferozepur is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in not appearing before the commission despite various orders of the Commission.

To secure an erring PIO's presence before the commission, the Information Commission is empowered to issue warrants to the PIO Under Section 18(3) of the RTI Act. A bailable Warrant of the PIO- SMO-Civil Hospital Zira, Distt.Ferozepur is hereby issued through Senior Superintendent of Police, Ferozepur for his presence before the Commission on **22.02.2023**.

The case is adjourned. To come up for further hearing on **22.02.2023** at 11.00 AM at **Chandigarh**. The appellant to appear through VC at DAC, Fazilka.

Chandigarh
Dated: 26.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

**BAILABLE WARRANT OF PRODUCTION
BEFORE
SHRI KHUSHWANT SINGH
STATE INFORMATION COMMISSIONER,
PUNJAB AT CHANDIGARH**

In case: Boota Singh V/s PIO-SMO, Civil Hospital, Zira, District Ferozepur.

APPEAL CASE NO.63 of 2022

UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005

Next Date of Hearing: 22.02.2023

To

**The Senior Superintendent
of Police, Ferozepur**

Whereas PIO-SMO, Civil Hospital, Zira, District Ferozepur has failed to appear before the State Information Commissioner, Punjab despite the issuance of notice/summon in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant to the PIO-SMO, Civil Hospital, Zira, District Ferozepur to appear before the undersigned at Red Cross Building, Near Rose Garden, Sector 16, Chandigarh on **22.02.2023 at 11.00A.M.**

**Chandigarh
Dated: 26.12.2022**

**(Khushwant Singh)
State Information Commissioner**



Sh Dharam Chand,
VPO Nihal Khera,
Tehsil Abohar, Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o DFSO,
Fazilka.

First Appellate Authority,
O/o DFSC,
Fazilka.

...Respondent

Appeal Case No. 1326 of 2022

PRESENT: None for the Appellant
Sh.Vijay Kumar, Inspector for the Respondent

ORDER:

The appellant, through an RTI application dated 24.11.2021 has sought information regarding the number of ration card holders with Hans Raj Depot Holder of village Nihal Khera from 01.01.2020 till date - total ration allotted – list of card holders – number of ration card holders with Hans Raj Batra who has expired etc. as enumerated in the RTI application from the office of DFSO Fazilka. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 27.01.2022, which did not decide on the appeal.

The case last came up for hearing on 12.10.2022 through video conferencing at DAC Fazilka. The appellant claimed that the PIO has not supplied the information.

The respondent had brought the information.

The PIO was directed to provide the information to the appellant.

However, there has been an enormous delay of more than eleven months in providing the information. The PIO was issued a **show cause notice under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file reply on an affidavit.**

Hearing dated 26.12.2022:

The case has come up for hearing today through video conferencing at DAC Fazilka. The appellant is absent and vide letter received in the Commission on 09.12.2022 has informed that the information that the respondent claims is available on the website of the department is not available for public view and the PIO has also not supplied the information on point-7 .

The respondent informed that the information has been sent again to the appellant on 21.12.2022.

The PIO has, however, not filed a reply to the show cause notice nor is present to plead the case.

Since the responsibility to ensure the timely transmission of the information to the appellant lies on the PIO and as per respondent, DFSC Fazilka is the PIO in this case, the PIO-cum-DFSC Fazilka 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. The PIO is also held guilty of repeated defiance of the orders of the Punjab State Information

Commission to provide the information. Moreover, the PIO has chosen not to reply to the show cause, which can be inferred that the PIO has nothing to say on the matter.

Hence, given the above facts a penalty of **Rs.10,000/-** is imposed on the PIO-cum-DFSC Fazilka which will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

The case is adjourned. To come up for further hearing on **10.04.2023** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Fazilka.

Chandigarh
Dated 26.12.2022

Sd/-
(Khushwant Singh)
State Information Commissioner