**PUNJAB STATE INFORMATION COMMISSION**

 **RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGRH**

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Sh. Neeraj Kumar Sharma,

S/o Sh. Om Parkash Sharma

R/o Gali No.9, Kishan Bagh Colony,

Sangrur Appellant

Versus

Public Information Officer,

O/o Financial Commissioner (Rur. Dev. & Panchayats), Punjab,

Vikas Bhawan, Sector-62, S.A.S. Nagar.

First Appellate Authority

O/o Financial Commissioner (Rur. Dev. & Panchayats), Punjab,

Vikas Bhawan, Sector-62, S.A.S. Nagar Respondents

 **APPEAL CASE NO.1409/2017**

Date of RTI application : 22.10.2016

Date of First Appeal : 18.01.2017

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint : 24.05.2017

**Present:** None on behalf of the Appellant.

 Sh. Sarbjeet Singh, Sr. Assistant, O/o Dir., Rur. Dev. & Panchayats, Pb. in Commission’s office, Chandigarh – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

 The Appellant is absent consecutively. He is seeking adjournment on lame excuses even when that the matter is being heard through video conference at his native place.

 Sh. Sarbjeet Singh, Sr. Assistant is present on behalf of the respondents. He reiterates that the available information has been supplied to him. He has shown us the documents which seem to be in order. Even so he is asking some answers to the queries which the respondents are not obliged to reply. No purpose shall be solved to further adjourn the issue. Sufficient information has been provided. The appeal is **disposed.**

 **Sd/-**

**27.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Rohit Sabharwal,

President,

Kundan Bhawan,

126, Model Gram, Ludhiana Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Zone –A, Mata Rani Chowk,

Ludhiana

First Appellate Authority,

O/o Municipal Corporation,

Zone –A, Mata Rani Chowk,

Ludhiana Respondents

 **APPEAL CASE NO.1125/2017**

 **Date of RTI Application : 02.12.2016** **Date of First Appeal : 03.01.2017**  **Date of order of FAA : Reply: 09.01.2017 Date of Second Appeal : 10.04.2017**

**Present:** Adv. Sukhjinder Kaur, Counsel for the Appellant.

 1. Sh. Vijay Kumar, PIO – cum - ATP, Zone ’D’, M.C. office, Ludhiana,

 2. Sh. Rajiv Bhardwaj, Superintendent, Zone ‘D’, M.C. Office, Ludhiana – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

This should be read in continuation of Commission’s order passed on 19.09.2017.

 The case has been taken up today. The PIO was issued a show cause notice for having failed to provide the information.

 Sh. Vijay Kumar, PIO – cum – ATP submits that the building in contention is very old, the record pertaining to it is not available with them. They have not been able to trace it to the best of their efforts. He is directed to submit an affidavit to this effect before the next date of hearing.

 The appellant, on the other hand, insists that they have sought the information accruing in follow up of the complaint filed by them and the record generated thereon. Contd…page…2

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**APPEAL CASE NO.1125/2017**

 The respondents are directed to send across a copy of all the certified copies of documents of file dealing with the complaint sent by the appellant immediately. Be it noted that no further opportunity shall be afforded and the show cause notice shall be taken to its logical end.

 To come up on **28.02.2018 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**27.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

**CC: Sh. Vijay Kumar,**

 **PIO – cum – Assistant Town Planner, Zone ‘D’, Near Mata Rani Chowk, Municipal Corporation, Ludhiana.**

**CC: The Commissioner,**

 **Municipal Corporation, Near Mata Rani Chowk, Ludhiana.**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Gulshan Kumar,

8-A, Kitchlu Nagar, Civil Lines,

Ludhiana Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Zone-A, Mata Rani Chowk,

Ludhiana

First Appellate Authority,

O/o Commissioner,

Municipal Corporation,

Zone-A, Mata Rani Chowk,

Ludhiana Respondents

 **APPEAL CASE NO.873/2017**

 **Date of RTI Application : 16.09.2016** **Date of First Appeal : 28.11.2016**

 **Date of order of FAA : Nil**

 **Date of Second Appeal : 27.02.2017**

**Present:** Sh. Gulshan Kumar, Appellant in person.

 None on behalf of the Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

 The PIO is absent on trot. The Commission takes exception to the persistent default on the part of the respondent and issues a show cause notice to Sh. Pardeep Sehgal, PIO – cum – ATP, Zone ‘A’, M.C. Office, Ludhiana, as to why penal action against him should not be initiated.

 To come up on **28.02.2018 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**27.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Gulshan Kumar

167-B, Miller Ganj, Industrial Estate,

Ludhiana Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Mata Rani Chowk,

Ludhiana

First Appellate Authority,

O/o Commissioner,

Municipal Corporation,

Mata Rani Chowk,

Ludhiana Respondents

 **APPEAL CASE NO.187 of 2017**

 **Date of RTI Application : 08.09.2016** **Date of First Appeal : 07.11.2016**

 **Date of Order of FAA : Nil**

 **Date of Second Appeal : Received on 09.01.2017**

**Present:** Sh. Gulshan Kumar, Appellant in person.

 Sh. Satish Bali, Inspector, C & E Br., Zone ‘A’, MC Office, Ldh. – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

The following order was passed by the Commission on 20.09.2017:

 ***“****The following order was passed by this forum on 09.08.2017:*

 *“The case has been taken up independently for the reason that the subject being dealt with the other files collectively is slightly different. The appellant has asked for the information concerning the departmental enquiries pending with the respondents. A cursory glance on the documents submitted by the respondents suggests that some of the enquiries are pending since 2008 with some retired IAS and judicial officers. It sounds very strange as it is in the knowledge of the undersigned bench that a retired IAS officer namely; Sh. J.P.S.Puri with whom the enquiries have Contd…page…2*

 *-2-*

***APPEAL CASE NO.187 of 2017***

*been shown to be pending had since expired. The respondents should do their home work streamline the record and inform the appellant accordingly. A final opportunity is afforded to the respondents to*

*provide him the complete information concerning all the branches in a lucid way. No further opportunity shall be afforded.”*

 *“The Commission regrets to note that no action has been taken despite the express order passed earlier. A last opportunity is afforded to comply with the order of the Commission failing which the penal consequences shall follow.*

 *Be it noted that no opportunity whatsoever shall further be given.”*

The case has been taken up today.

The respondents have sent him the reply along with the appropriate information. The appellant expresses his satisfaction over the documents thus received.

 **Disposed.**

 **Sd/-**

**27.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Pankaj Kaushik, Advocate,

Ch. NO.7022, 7th Floor, G.A.D Complex,

New Lawyer Chamber Part -2 Distt. Courts,

Ludhiana Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Ludhiana

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Ludhiana Respondents

 **APPEAL CASE NO.1671/2017**

Date of RTI application : 05.08.2016

Date of First Appeal : 07.01.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :13.06.2017

**Present:** None on behalf of the Appellant.

 Sh. Vijay Kumar, PIO – cum – ATP, Zone ‘D’ -– for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

The facts relevant to adjudicate the issue are reproduced hereunder:

 *“The appellant had sought the information concerning the status of construction of some buildings from the Respondents. The original application was filed on 03.08.2016 and the first appeal was submitted to the First Appellate Authority on 07.01.2017. Finding no response from the respondents he has filed second appeal with the Commission which has been diarized in the Commission on 15.06.2017. There is considerable delay in filing the second appeal. The appellant says that he has been following the matter with the hope that he will get the information but the same has not been provided to him despite his regular visits to the respondents. Thus being the state the delay is condoned.*

 *Contd….page…2*

 *-2-*

***APPEAL CASE NO.1671/2017***

 *The respondents deny having received the application. From the perusal of the record it is established that the original application has been sent to the respondents by a registered post on 05.08.2016. The same accordingly is deemed to have been delivered. The plea of the respondents as such is rejected.*

 *The Commission takes it as a willful denial of information as mandated under Section 7(1) of the Act. They have thus rendered themselves liable for the penal consequences.*

 *Sh. Vijay Kumar, PIO – cum – Assistant Town Planner (D), Zone ‘D’, M.C. Office, Ludhiana, 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 Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *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.”*

The case has come up today. The appellant is absent.

 Sh. Vijay Kumar, ATP appearing on behalf of the respondents submits that in compliance with the directions of this forum a couple of communications were sent to the appellant to have the record inspected. However, he did not turn up on the appointed date and time. Even so Contd…page..3

 -3-

***APPEAL CASE NO.1671/2017***

the respondent adds that the documents were sent to him. The appellant is absent and he has not

communicated anything in writing. It can be presumed that he is satisfied with the information supplied to him. The Commission does not see any further requirement of intervention into the matter.

  **Disposed.**

**Sd/-**

**27.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

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Sh. Parveen Kohli,

S/o Sh. Savdesh Kohli,

451/2, College Road, Jagraon

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council, Jagraon,

Distt. Ludhiana.

First Appellate Authority

O/o Regional Deputy Director,

Urban Local Bodies, Punjab,

Ludhiana Respondents

 **APPEAL CASE NO.1678/2017**

Date of RTI application : 16.03.2017

Date of First Appeal : 24.04.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :17.06.2017

**Present:** Sh. Parveen Kohli, Appellant in person.

 Sh. Munish Kumar, Clerk, N.C., Jagraon – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

The following order was passed by the Commission on 27.09.2017:

 **“**The following observations were made in the order dated 16.08.2017:

 *“The appellant had sought information about the details of the remunerations and the qualifications of the temporary employees with the respondents within some specified time.*

 *The respondents have taken the plea that it is a third party information and as such they are exempted under Section 8(1) (j) of the Act.*

 *Section 4(1) (b) mandates a Public Authority proactively to make public the salaries and allowances of the employees with it. The qualifications of the officials should also be in public domain as they occupy a public office. The respondents accordingly are advised to furnish the*

 *Contd…page…2*

 *-2-*

***APPEAL CASE NO.1678/2017***

*information available with them even if the employees have been outsourced from a service provider.” “The case has come up today for hearing. The respondent seemingly is unaware of the issue. The order passed by the Commission has gone un-complied. The Commission draws the*

*inference that the information has been intentionally denied by the respondents despite a very clear and unambiguous order of the Commission. The respondent has thus rendered himself liable for*

*imposition of penalty.*

 *“The PIO is, thus, 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 Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *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.”*

The case has come up today. The PIO seems a hard nut to crack. Despite a couple of express orders he has refused to share the information. Even the show cause notice issued to him has not stirred him to any action. The Commission obviously has been left with no alternative but to proceed to penalize him. *Contd….page…3*

  *-3-*

***APPEAL CASE NO.1678/2017***

 The delay is beyond 100 days. No response whatsoever to the application, first appeal, second appeal and various directions of the Commission has been given. The Commission is convinced that Sh. Sukhdev Singh Randhawa, PIO – cum – Executive Officer, Nagar Council, Jagraon has without any reasonable cause failed to provide the information malafidely in contravention of Section 7(1) of the Act. Accordingly a penalty of Rs.10,000/- (Rupees Ten Thousand only) in lump sum is imposed on Sh. Sukhdev Singh Randhawa, PIO – cum – Executive Officer, Nagar Council, Jagraon under Section 20(1) of the Act.

 The Accounts Officer, Nagar Council, Jagraon shall ensure that the amount of penalty after deduction from his salary is deposited in the government treasury in two equal installments commencing from February, 2018 onwards under head given below :

- 0070-Other Administrative Services

- 60 Other Services

- 800 Other Receipts

- 86 Fee under RTI Act, 2005

A copy of the challan shall be sent to the Commission for record before the next date of hearing positively.

 To come up for ensuring the compliance on **07.03.2018 at 11.30 AM through video conference at Ludhiana.**

 **Sd/-**

**27.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

**CC: The Addl. Chief Secretary to Govt., Punjab, Department of Local Govt.,**

 **Sathanik Sarkar Bhawan, Sector–35, Chandigarh.
CC: The Director, Local Govt., Punjab, Sathanik Sarkar Bhawan, Sector – 35,**

 **Chandigarh.**

**CC: The Regional Deputy Director, Local Government, Pb., Ludhiana.**

**CC: The Accounts Officer, Nagar Council, Jagraon.**

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Sh. Gagandeep Singh Threeke,

Social RTI Activist,

SCO 26, Shant Park, Main Sua Road Threeke,

Ludhiana Appellant

Versus

Public Information Officer,

O/o Improvement Trust,

Ludhiana

First Appellate Authority

O/o Deputy Director, Local Bodies, Punjab,

Ludhiana Respondents

 **APPEAL CASE NO.2149/2017**

Date of RTI application : 16.05.2017

Date of First Appeal : 21.06.2017

Date of Order of FAA : 30.06.2017

Date of 2nd Appeal/complaint :31.07.2017

**Present:** None on behalf of the Appellant.

 Sh. Gurdeep Singh, JE, O/o Improvement Trust, Ludhiana – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

The appellant has abstained from joining the hearings consecutively.

 Sh. Gurdeep Singh, JE is present on behalf of the respondents. He submits that appropriate reply was sent to him. What transpires from the perusal of the original application is that the appellant had sought massive information pertaining to the various activities of the Improvement Trust over a period of last fifteen years. The provision of such humungous information will divert their resources disproportionately. The appellant should have inspected the record as was advised. Having failed to do so, the Commission feels that he is not interested to pursue his appeal which accordingly is closed and **disposed.**

 **Sd/-**

**27.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Lachhman Dass Verma,

House No.B-34/2567, Haibowal Kalan,

Ludhiana -141001 Appellant

Versus

Public Information Officer,

O/o Additional Commissioner,

Municipal Corporation Zone-D, Sarabha Nagar,

Ludhiana

First Appellate Authority

O/o Commissioner,

Municipal Corporation, Zone-A,

Mata Rani Chowk, Ludhiana Respondents

 **APPEAL CASE NO.2156/2017**

Date of RTI application : 09.07.2016

Date of First Appeal : 22.08.2016

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :08.08.2017

**Present:** None.

**ORDER**

 **The case has been heard through video conferencing.**

 The matter is deferred to be heard on **28.02.2017 at 11.30 AM through** **video conference at Ludhiana.**

 **Sd/-**

**27.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Jaspal Singh

S/o Sh. Ramesh Arora,

R/o 319/3, Gurdeep Nagar, Jagraon,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council, Jagraon

Distt. Ludhiana

First Appellate Authority

O/o Regional Deputy Director,

Urban Local Bodies, Punjab,

Ludhiana Respondents

 **APPEAL CASE NO.2157/2017**

Date of RTI application : 29.05.2017

Date of First Appeal : 30.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :03.08.2017

**Present:** Sh. Jaspal Singh, Appellant in person.

 Sh. Gaurav Bhalla, Multi Purpose Health Worker, NC Office, Jagraon – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

The following observations were made by the Commission on 27.09.2017:

 *“The appellant had sought information about the soiling of a record dealing with the registration of births and deaths in the municipal area of Jagraon.*

 *The respondents plead that the building is derelict and old. The record as mentioned above was damaged in the rains due to leakage of the roof. The appellant intends to see the record as it lies. The respondents may afford him an opportunity to see the record after giving him definite date and time in writing and provide him certified copies of the pages thus identified not beyond one hundred pages.”*

 The case has come up today. In a twist to the tale the respondents now take a Contd..page…2

 -2-

**APPEAL CASE NO.2157/2017**

stance that the record is not available and the same was never handed over to the incumbent record keeper by his predecessor. Sh. Gaurav Bhalla appearing on behalf of the respondents says that the matter is being looked into by the Civil Surgeon, Ludhiana.

 The Commission is not satisfied with the plea of the respondents. They are directed to file a written reply along with a copy of the order instituting an enquiry by the Civil Surgeon and the status of the enquiry being conducted by him.

 To come up on **28.02.2018 at 11.30 AM through VC at Ludhiana.**

 **Sd/-**

**27.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Anil Kumar Verma

5168, Shankar Garden Colony,

Nakodar -144040 Appellant

Versus

Public Information Officer,

O/o Vigilance Bureau, Punjab,

SCO No.60-61, Sector-17-D,

Chandigarh

First Appellate Authority

O/o Director,

Vigilance Bureau, Punjab,

SCO No.60-61Sector-17-D,

Chandigarh Respondents

 **APPEAL CASE NO.1946/2017**

Date of RTI application : 24.02.2017

Date of First Appeal : 23.03.2017

Date of Order of FAA : Reply 12.04.2017

Date of 2nd Appeal/complaint : 21.05.2017

**Present:** None on behalf of the Appellant.

 1. Smt. Parminder Kaur, Chief Vigilance Officer, O/o DPI (S),

 2. Sh. Avtar Singh, S.I. Incharge RTI, Vigilance Bureau, (Hqr.), Pb., Chd.

 3. Sh. Dalwinder Kumar, Sr. Assistant, O/o DPI (S) in Commission’s Office, Chd. – for Respondents.

**ORDER**

 **The case has been heard through video conference.**

Smt. Parminder Kaur, Chief Vigilance Officer says that in compliance with the order of the Commission passed on 13.09.2017, the appellant has been suitably informed of the information vide their letter dated 01.11.2017. A copy has been endorsed to the Commission as well. As the appellant finds it satisfactory, no action is called for.

 The appeal is **disposed.**.

 **Sd/-**

**27.12.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

**CC: The Chief Vigilance Officer,**

 **O/o Director, Public Instructions (SE),**

 **PSEB Complex, Phase VIII, SAS Nagar (Mohali) for information and immediate n/a.**

**CC: The Director,**

 **Public Instructions (SE), PSEB Complex, Phase VIII, SAS Nagar, Mohali.**