PUNJAB STATE INFORMATION COMMISSION Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.

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Sh Baldev Krishan Batta, (M-946467597) S/o Sh Sham Lal, R/o H. NO B-1-600/4A, Kundan Puri, Civil Lines, Ludhiana-141001

..... Appellant

Public Information Officer, O/o The Director, Vigilance Bureau, Pb Sector-68, SAS Nagar

First appellate Authority O/o The Director, Vigilance Bureau, Pb Sector-68, SAS Nagar

.....Respondent

AC No. 1497 of 2023

.Vs

Present: (i) Sh Baldev Krishan Batta, Appellant along with Sh Surinder Pal, Advocate (ii) For the Respondent: Sh Karamjeet Singh, Inspector (9417143660)

ORDER

The RTI application is dated 16.07.2022 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 21.02.2023 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

- 2. Notice of hearing was issued to the parties for 21.04.2023 in the Commission.
- 3. The Respondent states that the information sought by the Appellant, cannot be provided, as the same is covered under Section 8(1)(h) of the Act. Further, they have also filed their reply regarding the same as under:-
 - 2) ਉਪਰੋਕਤ ਵਿਸ਼ਾ ਦੇ ਸਬੰਧ ਵਿੱਚ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਅਪੀਲਕਰਤਾ ਸ਼੍ਰੀ ਬਲਦੇਵ ਕਿਸ਼ਨ ਬੱਤਾ ਵਾਸੀ ਲੁਧਿਆਣਾ ਵੱਲੋਂ ਦਰਖਾਸਤ ਮਿਤੀ 16.07.2022 ਰਾਂਹੀ ਲੋਕ ਸੂਚਨਾਂ ਅਫਸਰ-ਵਿਜੀਲੈਂਸ ਬਿਊਰੋ, ਸ.ਅ.ਸ ਨਗਰ ਤੋਂ ਮੁਕੱਦਮਾਂ ਨੰਬਰ 09/2017 ਲੁਧਿਆਣਾ ਸਬੰਧੀ ਸੂਚਨਾ ਦੀ ਮੰਗ ਕੀਤੀ ਗਈ ਸੀ। ਜਿਸ ਦੇ ਸਬੰਧ ਵਿੱਚ ਲੋਕ ਸੂਚਨਾਂ ਅਫਸਰ ਵੱਲੋਂ ਪੱਤਰ ਨੰਬਰ 28878/ਵਬ/ਐਸ-14 ਮਿਤੀ 11.08.2022 ਰਾਹੀਂ ਅਪੀਲਕਰਤਾ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਗਿਆ ਸੀ ਕਿ ਮੁਕੱਦਮਾਂ ਨੰਬਰ 09/2017 ਲੁਧਿਆਣਾ ਵਿੱਚ ਦੋਸ਼ੀ ਖਿਲਾਫ ਚਲਾਨ ਮਾਨਯੋਗ ਅਦਾਲਤ ਵਿਖੇ ਪੇਸ਼ ਕੀਤਾ ਜਾ ਚੁੱਕਾ ਹੈ। ਜੋ ਕਿ ਮਾਨਯੋਗ ਅਦਾਲਤ ਵਿਖੇ ਜੇਰੇ ਸਮਾਇਤ ਹੈ। ਇਸ ਲਈ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਆਰ.ਟੀ.ਆਈ ਐਕਟ-2005 ਦੀ ਧਾਰਾ 8(1)(h) ਤਹਿਤ ਦੇਣ ਤੋਂ ਛੋਟ ਹੈ।

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4. Sh Surinder Pal, Advocate is appearing along with the Appellant. He also files his Vakalatnama. Further, the appellant has also filed his submissions, as under:-

5. After hearing both the parties and perusing the case file, it is ascertained that the Respondent has filed their reply mentioning therein that the Challan in FIR no. 09/2017 has already been filed in the

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relevant Court. Hence, the information cannot be provided under Section 8(1)(h) of the Act. Further, the

Appellant states that they have already filed their RTI in the relevant Court for obtaining the said

documents but the relevant documents are not available. In view of the above, the contention of the

Respondent is overruled, and the Respondent-PIO is hereby directed to provide complete information to

the Appellant, as sought through his RTI application. Further, the Respondent is also directed to be

present on the next date of hearing along with the complete original record, as available in their official

record.

6. To come up 24.05.2023 at 11:00AM in the Commission office. Copy of the orders be sent to the

parties.

Sd/-

Dated: 21.04.2023

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab