

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Whatsapp No. 62848-20189



Sh. Sohan Singh Rajpurohit(M: 9417319677),
#24-A, Lal Nagar, Near Model Town,
Jalandhar-144003.

....Appellant

Vs

Public Information Officer
O/o Principal, DAV College,
Jalandhar.

Sh. Arvind Ghai, Chairman,
Local cum-First Appellate Authority,
o/o D.A.V. College, jalandhar

....Respondents

Complaint Case No. 93 of 2022
Converted in Appeal case)
(Video Conference Proceedings)

Present:- Sh. Sohan Singh, complainant
Prof. Punit Puri, on behalf of the respondents. M 7087404546.

Order

This order may be read with the reference to the previous order dated 10.5.2022 vide which this case was remanded back to the FAA to take the appropriate decision in accordance with provisions of the RTI Act within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order. A copy of RTI was sent along with the order with directions to treat the same as first appeal. However, the liberty was granted to the complainant to file the 2nd appeal in this case, if he is not satisfied with decision of the FAA. The FAA has issued the speaking order which is reproduced as below:

Otherwise also, I have gone through the records and find that the PIO has responded point-wise to each of the queries of RTI application in accordance with provisions of RTI Act. PIO can provide information only which exists on record. He is not supposed to create information. As regards query (1) is concerned, it seems that copies of the documents demanded by the appellant are in possession of the appellant himself. Reference is invited to Madras High Court verdict dated 17.09.2014 (Writ Petition number 26781/2013) in the matter "*High Court, Madras versus Central Information Commission*" wherein the Hon'ble Court observed as under:

"Insofar as query (iv) is concerned, we fail to understand as to how the second respondent is entitled to justify his claim for seeking the copies of his own complaints and appeals. It is needless to say that they are not the information available within the

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knowledge of the petitioner; on the other hand, admittedly, they are the documents of the second respondent himself, and therefore, if he does not have copies of the same, he has to blame himself and he cannot seek those details as a matter of right, thinking that the High Court will preserve his frivolous applications as treasures/valuable assets. Further, those documents cannot be brought under the definition "information" as defined under Section 2 (f) of the RTI Act. Therefore, we reject the contention of the second respondent in this aspect."

No further intervention is required by the First Appellate Authority. In case the appellant is not satisfied with this appeal-order, he may if so desire file a Second Appeal against this order under section 19(3) of RTI Act within 90 days of receipt of this response with the following:

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Feeling aggrieved by the decision of the FAA, the appellant filed second appeal under section 19(3) of the RTI Act, 2005. Notice of hearing was issued to the parties for today. The appellant has sought the following information:

1. Provide the certified/stamped copy of complaint given to your office regarding Discrepancies in the DBT/DST register in year 2017-18 and 2018-19.
2. Provide certified/stamped copy of office order and report submitted by inquiry committee formed regarding inquiry of spectroscopic lab in year 2017-18 and 2018-19
3. Provide certified/stamped copy of bill/expenditure passed and entered in DBT/DST register by personal name of overall co-ordinator (Dr. Rajeev Kumar Sharma) for complaint received regarding Discrepancies in the DBT/DST register in year 2017-18 and 2018-19.
4. Provide information and document mentioning Name of Person, Amount Sanctioned/Paid as TA/DA and Mode of Travel from DBT/DST/any other grant or fund of the college in year 2017-18 and 2018-19 for participation in seminars/conferences/other academic activities etc.

2. The appellant states that irrelevant information has been provided by the PIO. The appellant alleges that the PIO has concealed the information regarding the mismanagement of public funds in college and he has sought the information in public interest. He further states that the Principal who is also PIO appointed him as departmental coordinator for DBT Scheme on 9.7.2020 but no record or charge was handed over to him despite email dated 2.11.2020 which is available in the case file. He further states that no rules and regulations are available

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on college website/prospectus etc. regarding use of DBT grants. The appellant requests the Commission to direct the PIO to provide him complete information from the PIO.

3. The representative of the respondents states that the appellant has been provided the information vide letter dated 5.3.2022. He states that there is no DBT grant was received for 2017-18 and 2018-19.

4. After hearing the parties and going through the case file, the Commission accepts the reply of the PIO pertaining to point no. 1 and PIO is directed to send the order pertaining to point no.2 and copy of register of receipt and expenditure pertaining to point no. 3 and 4 for the said year to the Commission before the next date of the hearing to take the matter to its logical end.

5. To come up on 24.11.2022 at 3.30 P.M. to be heard through video conference facility available in the office of the Deputy Commissioner, Jalandhar.

sd

Dated 31.10.2022

@s330pm

(Suresh Arora)

Chief information Commissioner, Punjab