**PUNJAB STATE INFORMATION COMMISSION,**

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Sh. Taranjit Singh,

H No-33, Adarsh Nagar. Tarheti,

Dr Shahpurkandi, Distt Pathankot.

Appellant

Versus

Public Information Officer,

O/o Superintendent O/o Chief Engineer,

Canals, Pb,Chd.

First Appellate Authority,

Director,

Water Cell,SCO-45/1,

Sector-17-E, Chandigarh.

...Respondent

**Appeal Case No. 2823 of 2017**

Present: (i) Sh. Taranjit Singh the appellant

(ii) For the respondent : Sh. Vijay Pal Sharma, Admn. officer-cum-PIO , Sh. Gian Chand, Sr. Assistant

**ORDER**

This order may be read with reference to the previous order dated 08.02.2018 vide which Sh. Vijay Pal Sharma was directed to come present.

2. The appellant states that no information has been given to him so far. He further states that no compensation has been given to him so far by the respondents.

3. Sh. Vijay Pal Sharma – the PIO is appearing and files an affidavit , which is taken on record.

4. I have gone through the affdiavit of the respondent and found it is incorrect. Therefore, he is directed to again file his specific point-wise reply with a copy to the appellant.

5. Respondent has paid amount of compensation i.e. Rs. 2500/- in cash to the appellant today in the Commission.

6. To come up on **21.03.2018 at 11.00AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 01.03.2018 State Information Commissioner**

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Sh Surjit Singh, S/o Sh Gokal Singh,

Village Jarg, Tehsil Payal,

Distt Ludhiana. Complainant

.Versus

**Public Information Officer,**

O/o District Education Officer (S),

Ludhiana. ...Respondent

**Complaint Case No. 1223 of 2017**

Present: None for the parties.

**ORDER**

This order may be read with reference to the previous order dated 06.02.2018 vide which the complainant was absent.

2. Today again the complainant is not present. He has not even bothered to inform the Commission about his absence.

3. During the last hearing respondents had shown the acknowledgment by the Complainant. The complainant was absent during the last hearing, therefore, one more opportunity was given to him. Today again he is absent. Therefore it is presumed that he is satisfied with the information provided.

4. In view of the foregoing, no cause of action is left. The complaint filed by the complainant is , therefore, **disposed of and closed.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 01.03.2018 State Information Commissioner**

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Sh. Vippin Sharma, S/o Kashmiri Mohalla

Opp. Bijli Ground, Ward No. II,

Sujanpur – 145023 Complainant

Versus

**Public Information Officer**

-cum Registrar

Irrigation Works Punjab, Irrigation Branch

Head Quarter, Chandigarh ..Respondent

**Complaint Case No. 1368 of 2017**

Present: (i) None is present on behalf of the complainant

(ii) For the respondent: Sh. Vijay Pal Sharma, PIO

**ORDER**

This order may be read with reference to the previous order dated 07.02.2018 vide which the complainant was absent.

2. Today again the complainant is absent. He has not even bothered to inform the Commission about his absence. During the last hearing, the respondent stated that the information had already been provided to the complainant.

3. A perusal of the file shows that the complainant is absent for second consecutive hearing. He has not even informed the Commission about his absence. Therefore it is presumed that he is satisfied with the information provided.

4. In view of the foregoing, no cause of action is left. The complaint filed by the complainant is , therefore **disposed of and closed.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 01.03.2018 State Information Commissioner**

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Sh. Rajinder Singh,

S/o shri Gian Singh

VPO Jangpura, PO Banaur

Distt. SAS Nagar Complainant

Versus

**Public Information Officer**

O/o PSEB,

Block E, Phase VIII, 5th Floor,

SAS Nagar ..Respondent

**Complaint Case No. 1379 of 2017**

Present: (i) Sh. Rajinder Singh the complainant

(ii) For the respondent : Smt. Manpreet Kaur, Supdt., Sh. Kawaljit Singh, Sr. Assistant

**ORDER**

This order may be read with reference to the previous order dated 07.02.2018.

2. The complainant states that no information has been given to him so far.

3. Respondent files his reply, which is taken on record. Copy of the same is handed over to the Complainant today in the Commission.

4. The complainant has gone through the same and states that he is not satisfied.

5. In these circumstances, it is relevant to invite the attention of the Complainant to the judgement of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act , 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

*(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).*

As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

**Complaint Case No. 1379 of 2017**

6. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order. In case the complainant has any grouse about the provided information, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act,2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.

7. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority , he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

8.In view of the observations noted above, the instant case is **disposed of.** Copies of this decision be sent to the parties ***through registered post.***

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 01.03.2018 State Information Commissioner**

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Sh. Ajit Singh, S/o Shri Maan Singh

R/o Mohalla Sukhchain Nagar,

Tehsil Phagwara, Distt. Kapurthala Complainant

Versus

**Public Information Officer**

O/o SDM, Pahgwara, Punjab ..Respondent

**Complaint Case No. 1382 of 2017**

Present: None for the parties.

**ORDER**

This order may be read with reference to the previous order dated 07.02.2018 vide which neither the complainant nor the respondent was present.

2. Today again neither the complainant nor the respondent is present. I am of the opinion that no useful purpose would be served in keeping this appeal case pending for an indefinite period. Accordingly, the complaint case filed by the complainant is **disposed of and closed**. Copies of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 01.03.2018 State Information Commissioner**

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Sh. Sunil Mallan, Advocate

Booth No. 14-B, Sec 47C,

Chandigarh (160047) Appellant

Versus

**Public Information Officer**

O/o DC, Kapurthala

**First Appellate Authority**

o/o DC, Kapurthala ..Respondent

**Appeal Case No. 3624 of 2017**

Present: (i) Sh. Sunil Mallan the appellant

(ii) None is present on behalf of the respondent

**ORDER**

This order may be read with reference to the previous order dated 07.02.2018.

2. Sh. Sunil Mallan the appellant stated that no response whatsoever has been received from the respondents till date. No one has put in appearance on behalf of the respondents nor has any communication been received from them. In the interest of justice, Respondent PIO is afforded one more opportunity to provide the appellant point-wise complete specific information, duly attested, free of cost, by registered post, in accordance with his RTI application and present a photocopy of the relevant postal receipt along with a copy of the information provided, before the Commission on the next date fixed, for its perusal and records. Respondents to note that in case no one comes present on their behalf on the next date fixed, punitive provisions of the RTI Act, 2005 may be invoked against the erring officer(s).

3. To come up on **21.03.2018 at 11.0 AM**. Copy of the order be sent to the parties **through registered post.**

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 01.03.2018 State Information Commissioner**

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Sh. Veer Singh, s/o Shri Dev Karan

# 22557/2, Street No. 20, Bhagu Road, Bathinda Appellant

Versus

**Public Information Officer**

O/o Principal Government Sr. Sec. School

Gobindpura, Bathinda

**First Appellate Authority**

O/o DEO(SE), Bathinda ..Respondent

**Appeal Case No. 3639 of 2017**

Present: (i) Sh. Mehar Chand on behalf of the appellant

(ii) For the respondent : Smt. Amandeep Kaur, Principal-cum-PIO

**ORDER**

This order may be read with reference to the previous order dated 07.02.2018 vide which the appellant was advised to inspect the record.

2. The appellant has authorized Sh. Mehar Chand to appear on his behalf. He states that no information has been given to the appellant so far.

3. Respondent states that the appellant has repeatedly filed the RTI application on the same matter.

4. After hearing both the parties, it is observed that no information has been given to the appellant in this case. Therefore, respondent is directed to bring original record in the Commission office on the next date of hearing. The appellant may take note that such kind of repeated applications is sheer wastage of the time of Public Authority as well as the Commission. If appellant repeats the same, necessary action will be taken against him.

5. To come up on **10.04.2018 at 11.00 AM.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 01.03.2018 State Information Commissioner**

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Sh. Sunil Mallan, Advocate

Booth No. 14-B, Sec 47C,

Chandigarh (160047) Appellant

Versus

**Public Information Officer**

O/o DC, Tarn Taran

**First Appellate Authority**

o/o DC, Tarn Taran .

..Respondent

**Appeal Case No. 3627 of 2017**

Present: (i) Sh. Sunil Mallan the appellant

(ii) For the respondent : Sh. Dalwinder Singh, Jr. Assistant and Sh. Suhchain Singh, Sr. Assistant

**ORDER**

This order may be read with reference to the previous order dated 07.02.2018 vide which the appellant was absent.

2. Today, Respondent has sought some time to provide the information to the appellant, which is granted.

3. On the plea of the respondent, the appeal is adjourned on **21.03.2018 at 11.00 AM.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 01.03.2018 State Information Commissioner**

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Sh. Hardev singh, S/o Sh. Dharm Singh

# 00776, Street no. 1, Baba Frid Nagar, Bathinda Appellant

Versus

**Public Information Officer**

O/o DEO(SE) Ludhiana

**First Appellate Authority**

O/o DEO(SE), Ludhiana .Respondent

**Appeal Case No. 3708 of 2017**

Present: (i) Sh. Hardev Singh the appellant

(ii) For the respondent : Sh. Dharampal Singh, Sr. Assistant

**ORDER**

This order may be read with reference to the previous order dated 07.02.2018 vide which neither the appellant nor the respondent was present.

2. The appellant states that no information has been given to him so far.

3. Respondent states that the information demanded by the appellant is not clear.

4. All the points have been discussed in the Commission today in the presence of the appellant and the respondent. Sh. Ashish Kumar, PIO is directed to come present on the next date of hearing. He is also directed to provide complete information to the appellant with a copy to the Commission

5. To come up on **20.03.2018 at 11.00 AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 01.03.2018 State Information Commissioner**

***Through registered post***

**CC:** Sh. Ashish Kumar, PIO-cum-Deputy DEO(SE), Ludhiana

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Sh. Hardev singh, S/o Shri Dharm Singh

#00776, Street No. I,

Baba Farid Nagar, Bathinda Appellant

Versus

**Public Information Officer**

O/o DPI(SE),

Block E, Phase VIII, 5th Floor,

SAS Nagar

**First Appellate Authority**

O/o DPI(SE),

Block E, Phase VIII, 5th Floor,

SAS Nagar ..Respondent

**Appeal Case No. 3711 of 2017**

Present: (i) Sh. Hardev Singh , the appellant

(ii) For the respondent : Sh. Charanjit Singh, Sr. Assistant

**ORDER**

This order may be read with reference to the previous order dated 07.02.2018 vide which the appellant was absent.

2. The appellant states that no information has been given to him so far.

3. Respondent states that the information has already been sent to the appellant.

4. Respondent is directed to bring the information in the Commission office on the next date of hearing.

5. To come up on **20.03.2018 at 11.00 AM**. Copy of the order be sent to the parties through registered post.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 01.03.2018 State Information Commissioner**

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Sh. Rakesh Kumar Gupta

8/237, Jagrao Road, Mandi Mullanpur

District Ludhiana -141101

Appellant

Versus

**1.Public Information Officer,**

O/o Executive Engineer, Irrigation Department Sirhind

Canal Circle, Phase-1,

Urban Estate Dugri, Ludhiana

**First Appellate Authority**

O/o SE, Sirhind Canal, Circle Ludhiana

Urban Estate Dugri, Ludhiana

**2.Public Information Officer-cum**

Executive Officer

Water Supply and Sewerage Board,

Ludhiana

..Respondent

**Appeal Case No. 3373 of 2017**

Present: None for the parties

**ORDER**

This order may be read with reference to the previous order dated 08.02.2018 vide which the appellant was absent.

2. Today again the appellant is absent. He has sent a mail.

3. Respondent is also absent.

4. One last opportunity is given to both the parties to appear before the Commission, failing which action under Section 20 (1) of the RTI Act 2005.

5. To come up on **21.03.2018 at 11.00 AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 01.03.2018 State Information Commissioner**

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Sh. Rakesh Kumar Gupta

8/237, Jagrao Road, Mandi Mullanpur

District Ludhiana -141101

Appellant

Versus

**Public Information Officer,**

O/o Executive Engineer, Irrigation Department Sirhind

Canal Circle, Phase-1,

Urban Estate Dugri, Ludhiana

**First Appellate Authority**

O/o SE, Sirhind Canal, Circle Ludhiana

Urban Estate Dugri, Ludhiana

**Public Information Officer**

o/o Ropar Head Works Division

Ropar

..Respondent

**Appeal Case No. 3375 of 2017**

Present: (i) None is present on behalf of the appellant

(ii) For the respondent: Sh. Inderdeep Singh Mangat, SDO

**ORDER**

This order may be read with reference to the previous order dated 08.02.2018 vide which the appellant was absent.

2. Today again the appellant is not present. He has sent a mail.

3. Respondent has brought the information today in the Commission to deliver it to the appellant, but the appellant is absent today.

4. Respondent is directed to send the same to the appellant through registered post. The appellant is advised to revert back to the authorities in case he is not satisfied with the information. On receipt of the deficiencies, the respondents are directed to remove the same before the next date of hearing. Respondent is also directed file an affidavit stating that there is no other information which is pending in the office record of the respondent and there is nothing left to be furnished to him on the next date of hearing.

5. To come up on **22.03.2018 at 11.00 AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 01.03.2018 State Information Commissioner**

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Sh. Gagandeep Singh Janjua,

Village Turan, Post Office Kumbh,

Tehsil Amloh, District Fatehgarh Sahib-147301

Appellant

Versus

**Public Information Officer,**

O/o Tehsildar Phagwara

Distt. Kapurthala

**First Appellate Authority**

O/o SDM Phagwara, Distt. Kapurthala

**..Respondent**

**Appeal Case No. 3521 of 2017**

Present: (i) None is present on behalf of the appellant.

(ii) For the respondent : Sh. Sohan Singh, Kanugo

**ORDER**

This order may be read with reference to the previous order dated 08.02.2018 vide which the respondent was absent.

2. Today the appellant is absent. He has informed on phone that he is unable to attend the hearing.

3. Respondent states that the appellant wants to inspect the record, he can inspect the record.

4. A perusal of the file shows that the appellant wants to inspect the record , therefore, he is advised to visit the office of the respondent on 08.03.2018 at 11.00 AM, inspect the record and obtain the information. Respondent is directed to provide the same to the appellant.

5. To come up on **22.03.2018 at 11.00 AM**. Copy of the order be sent to the parties **through registered post.**

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 01.03.2018 State Information Commissioner**

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Sh. Krishan Gopal Singla

S/o Shri Brij Lal, Ward No. 16

B/190, Sangrur Road, Dhuri

Distt. Sangrur

Appellant

Versus

**Public Information Officer,**

O/o Principal

Delhi Public School, Sangrur

**First Appellate Authority**

O/o DEO (SE) Sangrur

.

..Respondent

**Appeal Case No. 3526 of 2017**

Present: (i) None is present on behalf of the appellant

(ii) For the respondent : Sh. J.S. Yuhana, Director

**ORDER**

This order may be read with reference to the previous order dated 12.02.2018 vide which the appellant

2. The appellant is again absent today. He has sent an email.

3. Respondent files his reply which is as under:-

"*that the respondent institute is a totally private unaided institute being owned, run and managed by Private Registered Society/Trust and does not fall under the definition of public authority. That no official of the Government has nothing to do with day to day functioning of institute and they have no control over the management and governing body of institution. It is stated that the respondent is not getting or received any financial aid from the government."*

4. Affidavit is taken on record. The appellant may come in the Commission office on any working day and collect the same. Respondent is directed to send the copy of the affidavit to the appellant through registered post.

5. Since, the respondent institute is a totally private unaided institute, no cause of action is left. The appeal filed by the appellant is, therefore, **disposed of and closed**. However the appellant will be at liberty to file fresh RTI application with supported documents to get it declared as a public authority, in case he so wish. Copies of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 01.03.2018 State Information Commissioner**