



Sh Hakam Singh, S/o Sh Darshan Singh,
R/o Madhir, Tehsil Gidderbaha,
Distt Sri Mukatsar Sahib.

... Appellant

Versus

Public Information Officer,
O/o District Food Supply Controller,
Mansa.

First Appellate authority,
O/o Secretary, Food & Civil Supply & Consumer Affairs,
Pb, Sector-39-C, Chandigarh.

...Respondent

Appeal Case No. 4910 of 2021

PRESENT: Sh.Hakam Singh as the Appellant
Sh.Gurjeet Singh, Suptd. Head office for the Respondent

ORDER:

The appellant, through an RTI application dated 29.07.2021, has sought information regarding the action taken on a complaint dated 07.06.2021 relating to an alleged scam of Rs.12.33 crores by DFSC Mansa in the year 2017-18 and other information as enumerated in the RTI application. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 08.09.2021, which did not decide on the appeal.

The case has come up for hearing today through video conferencing at DAC Mansa/ Sri Mukatsar Sahib. The appellant claims that the PIO has not supplied the information.

The respondent present from the office of Secretary Food Civil Supplies & Consumer Affairs (FS-1) pleaded that the information cannot be provided since the enquiry is still pending (at the Govt level).

The appellant claims that the alleged scam relates to 2017-18, but the department has not yet taken any action against the erring officers.

Having gone through the RTI application and hearing both the parties, the PIO is directed to provide a copy of the complaint and the status of the enquiry on the appellant's complaint. The information be provided to the appellant within ten days of the receipt of the order with a copy to the Commission.

I am also marking this to the Secretary of Food Civil Supplies & Consumer Affairs, Pb Sector 39, Chandigarh, with the recommendation to expedite the enquiry.

With the above order, the case is **disposed of and closed**.

Chandigarh
Dated: 01.06.2022

Sd/-
(Khushwant Singh)
State Information Commission

CC to Secretary Food Civil Supplies &
Consumer Affairs, Pb, Sector 39, Chandigarh.

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh Vasdev Garg,
Mittwa Street, Water Works Road,
Mansa.

... Complainant

Versus

Public Information Officer,
O/o Civil Surgeon,
Fatehgarh Sahib.

...Respondent

Complaint Case No. 1139 of 2021

PRESENT: Sh.Vasdev Garg as the Complainant
None for the Respondent

ORDER:

The complainant, through an RTI application dated 19.07.2021, has sought information regarding the home address of Sh.Sukhwinder Singh retired Superintendent from the office of Civil Surgeon, Fatehgarh Sahib, as enumerated in the RTI application concerning the office of Civil Surgeon, Fatehgarh Sahib. The complainant was not satisfied with the reply of the PIO dated 10.08.2021 (being personal information cannot be provided), after which the complainant filed a complaint in the Commission on 08.09.2021.

The case has come up for hearing today through video conferencing at DAC Mansa/Fatehgarh Sahib. The complainant claims that the PIO has not supplied the information.

The respondent is absent. Vide letter received in the Commission on 30.05.2022, the PIO has informed that since the information is personal, it cannot be provided and the reply has been sent to the complainant vide letter dated 10.08.2021 and again on 26.05.2022.

Having gone through the record, the Commission observes that since this is a complainant case and the complainant has come to the Commission under the provision of Section 18 of the RTI Act, 2005, in which the Commission can give no directions for providing further information.

The Hon'ble Supreme Court of India in its Order dated 12.12.2011 in Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP No.32768-32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information.

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.

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

In view of the observations noted above, the instant case is remanded back to the concerned First Appellate Authority-Civil Surgeon, Fatehgarh Sahib, with a copy of the RTI application for their ready reference and is also directed to call the complainant within 15 days of the receipt of the order, provide the information/reply pertaining to this RTI application. A compliance report of the same be sent to the Commission.

With the above observation and order, the case is **disposed of and closed**.

Chandigarh
Dated: 01.06.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh Rajat Singla, S/o Sh.Surinder Kumar,
Rame Wali Khuhi, Near Purana Thana,
Ward NO-11, Lehragaga.

... Appellant

Versus

Public Information Officer,
O/o Pr. Secy,
Deptt of Social Justice Empowerment and Minorities,
Pb, Room No-214, 2nd Floor,
Pb Civil Secretariat-2, Chandigarh.

First Appellate authority,
O/o Pr. Secy,
Deptt of Social Justice Empowerment and Minorities,
Pb, Room No-214, 2nd Floor,
Pb Civil Secretariat-2, Chandigarh.

...Respondent

Appeal Case No. 5346 of 2021

PRESENT: Sh.Jagmohan Singh, Sr.Assistant for the Respondent

ORDER:

The appellant, through an RTI application dated 15.07.2021, has sought a copy of all the letters received from PSSSB Board Mohali regarding de-reserving or carrying forward vacant seats of ESM during the recruitment of clerks advertised in April. 2016 – a copy of the approval letter of the competent authority regarding the de-reserving of vacant seats – a copy of the circular issued relating to the de-reserving of vacant seats and other information as enumerated in the RTI application concerning the office of Principal Secretary, Deptt of Social Justice Empowerment and Minorities, Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 03.09.2021, which did not decide on the appeal.

The case has come up for hearing today through video conferencing at DAC Sangrur. The respondent is present at Chandigarh and pleaded that the information has been sent to the appellant vide letter dated 31.03.2022 with a copy to the Commission.

Due to some other VC relating to the DC office at DAC Sangrur, the appellant could not be heard.

Having gone through the RTI application and the copy of the information received from the PIO, the Commission finds that the information has been supplied to the best possible extent. A letter has also been received from the appellant whereby the appellant has claimed to have received it but with a delay.

I find that the application was filed when the nation was recovering from the brutal 2nd wave of the Covid Pandemic, and offices were working at 50 % capacity. Moreover, the Hon'ble Supreme court, given the COVID-19 pandemic, had suspended all limitation periods and timelines; hence given the above, the delay is condoned.

The information stands provided. No further course of action is required. The case is **disposed of and closed.**

Chandigarh
Dated: 01.06.2022

Sd/-
(Khushwant Singh)
State Information Commission