

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

Ph: 0172-2864118, Email: - [psic28@punjabmail.gov.in](mailto:psic28@punjabmail.gov.in)

Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)



## **COMPLAINT CASE NO.0042 OF 2021**

Dr. Sandeep Kumar Gupta  
# 1722, Sector 14,  
HISSAR.

(9992931181)

...Complainant

Versus

**Public Information Officer,**  
O/o The Joint Director (Admin),  
Vigilance Bureau, Punjab,  
Vigilance Bhawan, Sector 68,  
Mohali

...Respondents

## **HEARD THROUGH CISCO WEBEX/TELEPHONE**

Present : None for the Complainant  
SI, Sukhwinder Singh, APIO on behalf of the respondents.

### **ORDER :**

This order may be read with reference to the order dated 13.07.2021.

2. The respondent orally reiterates his earlier version that available information has already been supplied to the complainant.
3. The complainant is absent today and he was also absent on previous date of hearing on 13.07.2021 without any intimation to Commission.
4. The complainant is absent without any communication to Commission. It is presumed that he has received the demanded information and satisfied with the same.
5. This is a Complaint Case. Therefore, at this juncture it is relevant to invite the attention of the complainant to the judgment of the Hon'ble Supreme Court of India rendered on 12-12-2011 in Civil Appeal Nos. 10788 of 2011 (arising out of SLP © No. 32768-32769/2010) 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. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case. The complainant is advised to approach the first appellate authority in this behalf.

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## **Complaint Case No. 0042 of 2021**

6. Accordingly this case is hereby remanded back to First Appellate Authority who is directed to decide the RTI application afresh as per provisions of the RTI Act 2005.

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 02<sup>nd</sup> appeal before the Commission under Section 19(3) of the RTI Act.

8. In view of the observations noted above, the instant **case is hereby ordered to be disposed of and closed.** Copy of the order be sent to the parties.

Chandigarh  
Dated : 02-09-2021

Sd/-  
(Hem Inder Singh)  
State Information Commissioner  
Punjab

Copy for necessary compliance is forwarded with a copy of instant RTI by **Regd. Post** to :-

**First Appellate Authority**  
O/o Chief Director,  
Vigilance Bureau, Punjab  
Vigilance Bhawan, Sector 68,  
Mohali

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## APPEAL CASE NO. 1776 OF 2020

Sh. Ravinder Kaushik, (9316812000)  
S/o Sh. Surinder kaushik,  
312, IBRS Nagar,  
LUDHIANA

...Appellant

Versus

**Public Information Officer,**  
O/o The Principal,  
Govt. Sr. Secondary School,  
Gujjarwal, Distt. Ludhiana.

**First Appellate Authority**  
O/o The Principal,  
Govt. Sr. Secondary School,  
Gujjarwal, Distt. Ludhiana.

...Respondent

## HEARD Through CISCO WEBEX – VC/TELEPHONE

**PRESENT:** Sh. Vikas Aggarwal, on behalf of the appellant  
Sh. Harminder Singh Manocha, Principal-cum-PIO on behalf of the respondents.

## **ORDER:**

This order may be read in reference with the previous order dated 08.07.2021

2. The respondent-PIO states that demanded information has already been supplied to the appellant vide their letter No.3275, dated 06.11.2020. He further states that he has submitted his reply to show cause notice and unconditional apology requesting the Hon'ble Commission to please withdraw the show cause notice issued to him.

3. The representative of the appellant orally says that information has not been supplied by the respondent.

4. The respondent-PIO is directed to WhatsApp the information on the mobile of representative of the appellant immediately.

5. The respondent-PIO states that pursuant to the verbal order of the Commission he has whatsapp the information on the mobile of the representative of the appellant. The representative of the appellant confirms having received information on his whatsapp.

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## **APPEAL CASE NO. 1776 OF 2020**

4. Perusing the case file, it reveals that the respondent-PIO has submitted his written reply of show cause notice in the shape of affidavit. It has further been found that respondent-PIO has unconditionally apologised for his omission and requested the Commission to withdraw the show cause notice. Considering his reply, show cause notice stands dropped

5. In the light of above, **the case is ordered to be disposed of and closed.**  
Copies of order be sent to the parties.

Chandigarh  
Dated : 02-09-2021

Sd/-  
(Hem Inder Singh)  
State Information Commissioner  
Punjab

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## APPEAL CASE NO. 2690 OF 2020

Sh. Harjinder Singh , (8198000176)  
S/o Sh. Major Singh  
Anurag Enclave,  
# 10, Partap Singh Wala,  
LUDHIANA-141008

...Appellant

Versus

**Public Information Officer,**  
O/o The Principal,  
Govt. Sr. Secondary School,  
Gujjarwal, Distt. Ludhiana.

**First Appellate Authority**  
O/o The Principal,  
Govt. Sr. Secondary School,  
Gujjarwal, Distt. Ludhiana.

...Respondent

## HEARD Through CISCO WEBEX – VC/TELEPHONE

**PRESENT:** Sh. Vikas Aggarwal, on behalf of the complainant  
Sh. Harminder Singh Manocha, Principal-cum-PIO on behalf of the respondents.

### **ORDER:**

- This order may be read in reference with the previous order dated 08.07.2021
2. The respondent-PIO states that demanded information has already been supplied to the appellant vide their letter No.3275, dated 06.11.2020. He further states that he has submitted his reply to show cause notice and unconditional apology requesting the Hon'ble Commission to please withdraw the show cause notice issued to him.
  3. The representative of the appellant orally says that information has not been supplied by the respondent.
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  5. The respondent-PIO states that pursuant to the verbal order of the Commission he has whatsapp the information on the mobile of the representative of the appellant. The representative of the appellant confirms having received information on his whatsapp.

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-02-

## **APPEAL CASE NO. 2690 OF 2020**

4. Perusing the case file, it reveals that the respondent-PIO has submitted his written reply of show cause notice in the shape of affidavit. It has further been found that respondent-PIO has unconditionally apologised for his omission and requested the Commission to withdraw the show cause notice. Considering his reply, show cause notice stands dropped

5. In the light of above, **the case is ordered to be disposed of and closed.**  
Copies of order be sent to the parties.

Chandigarh  
02.09.2021

Sd/-  
(Hem Inder Singh)  
State information Commissioner