

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, MADHYA MARG, SECTOR 16, CHANDIGARH.

Helpline No. 0172-2864100 Phone No-0172-2864120

Email: psic31@punjabmail.gov.in Visit us - www.infocommpunjab.com

Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Yogesh Mahajan

S/o Sh. Kuldip Raj Mahajan (President of Anti Corruption Council)

Opp. Water Tank, Municipal Market,

Mission Road, Pathankot **M: 9814354649**

V/s.

Appellant

Public Information Officer,

O/o XEN, Water Supply & Sanitation Division,

Khanna

First Appellate Authority,

O/o SE, Water Supply & Sanitation Circle,

Ludhiana

Respondent

Appeal Case No. 4919 of 2021

{Heard through Cisco Webex Meetings Software}

Present : The Appellant, Sh. Yogesh Mahajan is absent.

Sh. Raivarinder Singh, XEN-cum- PIO is present from the Department.

ORDER:

This case may be read with the reference of the previous order dated 05.04.2022.

In today's hearing, the Appellant, Sh. Yogesh Mahajan is absent but an email dated 01.08.2022 has been received in the Commission vide which the Appellant has written that he has received the information from the PIO.

On the other hand, the XEN- cum- PIO, Sh. Raivarinder Singh states that information been already supplied to the Appellant vide letter number 62 dated 05.04.2022 and copy of the same vide endorsement number 63-64 dated 05.04.2022 has also been sent to the Commission vide email dated 05.04.2022, which is taken on record.

After going through the case file, it has been observed that as the information has been supplied to the Appellant and email of the same has been sent to the Commission by the Appellant. So, no further intervention is required in this case.

This case is disposed of and closed.

Copy of the order be sent to the parties.

Dated: 02.08.2022

(Sanjiv Garg)
State Information Commissioner
Punjab

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Yogesh Mahajan

S/o Sh. Kuldip Raj Mahajan (President of Anti Corruption Council)

Opp. Water Tank, Municipal Market,

Mission Road, Pathankot. **M: 9814354649**

Appellant

V/s.

Public Information Officer,

O/o XEN, Water Supply & Sanitation,

Division No. 1, Patiala

First Appellate Authority,

O/o SE, Water Supply & Sanitation Circle,

Patiala

Respondent

Appeal Case No. 4920 of 2021

{Heard through Cisco Webex Meetings Software}

Present : The Appellant, Sh. Yogesh Mahajan is absent.

None is present from the Department.

ORDER:

This case may be read with the reference of the previous order dated 05.04.2022.

In today's hearing, the Appellant, Sh. Yogesh Mahajan is absent but an email dated 01.08.2022 has been received in the Commission vide which the Appellant has written that he has received the information from the PIO.

On the other hand, none is present from the department.

After going through the case file, it has been observed that a letter from the department vide endorsement number 3100 dated 20.04.2022 has been received in the Commission and is taken on record.

In view of above, it has been observed that as the information has been received by the Appellant and email of the same has been sent to the Commission by the Appellant. So, no further intervention is required in this case.

This case is disposed of and closed.

Copy of the order be sent to the parties.

Dated: 02.08.2022

(Sanjiv Garg)
State Information Commissioner
Punjab

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Prabhjot Singh Advocate

Chamber No. 100,
Lawyers Chamber Complex, Part - I,
District Courts, Ludhiana
M: 97815-38015

Appellant

V/s.

Public Information Officer,

O/o Dept. of Local Govt.
Punjab, Sector 35-A, Chandigarh

First Appellate Authority,

O/o Dept. of Local Govt.
Punjab, Sector 35-A, Chandigarh

Respondent

Appeal Case No. 4966 of 2021

{Heard through Cisco Webex Meetings Software}

Present : The Appellant, Sh. Prabhjot Singh is absent.
Sh. Sukhdev Singh, Superintendent of LG -1 Branch is present from the Department.

ORDER:

This case may be read with the reference of the previous order dated 05.04.2022.

In today's hearing, the Appellant, Sh. Prabhjot Singh is absent but Sh. Neeraj Kumar, Advocate is present on the behalf of the Appellant without any authority letter due to which his presence could not be marked.

On the other hand, the Sh. Sukhdev Singh, Superintendent-cum-PIO (LG-I Branch) states that the information is "personal information" and it could not be supplied to the Appellant. He also states that a reply has also been sent to the Commission vide letter no. 307 dated 14.02.2022, which has been received in the Commission vide Diary No. 3892 dated 24.02.2022. In the same, a copy of letter signed by Under Secretary to Government of Punjab, Department of Administrative Reforms vide letter dated 09.08.2021, which shows that through Para 59 of Decision dated 13.11.2019 of the Hon"ble Supreme Court of India has defined "Personal Information" under RTI Act, 2005 in a Civil Appeal no. 10044 of 2010 titled Central Public Information Officer, Supreme Court of India Vs. Subash Chander Agarwal.

The relevant operative part of the above-said Judgment is reproduced below ;

XXX XXX XXX

"Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as Personal Information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings etc. are all Personal Information". Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, detail of investments, lending and borrowing, etc. are Personal Information". Such „Personal Information" is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation invasion „Larger Public Interest" is satisfied. This list is indicative and not exhaustive."

XXX XXX XXX



Appeal Case No. 4966 of 2021
{Heard through Cisco Webex Meetings Software}

2/2

The reply filed by the department to the undersigned is found to be satisfactory in nature and further it has been observed that the Appellant was absent on the previous hearing dated 05.04.2022 and today he is again absent. So, it is presumed that the Appellant has nothing to say or he doesn't require the information any more.

So, no further intervention is required in this case.

This case is **disposed of and closed.**

Copy of the order be sent to the parties.

Dated: 02.08.2022

(Sanjiv Garg)
State Information Commissioner
Punjab

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Gurmej Lal

Whistle Blower

NCAG Office, Ludhiana

#1331-5, Street No. 5,

Near Vishawkarma Bhawan,

Down Canal Road, Simlapuri, Ludhiana-141003

M: 9781672776

Appellant

V/s.

Public Information Officer,

O/o EO, Nagar Council,

Malerkotla

First Appellate Authority,

O/o EO, Nagar Council,

Malerkotla

Respondent

Appeal Case No. 5072 of 2021

{Heard through Cisco Webex Meetings Software}

Present : The Appellant, Sh. Gurmej Lal is present.

Sh. Harmail Singh, Junior Engineer is present from the Department.

ORDER:

This case may be read with the reference of the previous order dated 05.04.2022.

In today's hearing, while the hearing of this present case is going on, the Appellant, Sh. Gurmej Lal is not audible.

On the other hand, the JE, Sh. Harmail Singh states that the information relating to 50 buildings has already been supplied to the Appellant, Sh. Gurmej Lal vide letter dated 01.07.2022 and the copy of the same has been sent to the Commission vide email dated 01.07.2022, which is taken on record. Also, an email dated 18.05.2022 from the department has been received to the bench of undersigned and is taken on record.

After going through the case file and the information which has been supplied to the Appellant. I am of view that, there is no further intervention is required in this case. As the information which has been supplied to the Appellant is found to be satisfactory to the undersigned.

So, in view of above, this case is **disposed of and closed.**

Copy of the order be sent to the parties.

Dated: 02.08.2022

(Sanjiv Garg)
State Information Commissioner
Punjab

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Harinder Paul Dhingra,
House No. 1872, Street No. 13,
7th, Abohar. District Fazilka.

Complainant

V/s.

Public Information Officer,
O/o Block Primary and Education Officer,
Abohar - 2, Fazilka.

Respondent

Complaint Case No. 1243 of 2021

{Heard through Cisco Webex Meetings Software}

Present : The Complainant, Sh. Harinder Paul is present in the Court.
None is present from the Department.

ORDER:

In today's hearing, the Complainant, Sh. Harinder Paul states that no information has been supplied to him till date.

On the other hand, none is present from the department.

The Complainant is advised to look into the decision of the judgment 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.

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, he is advised to challenge the response of the PIO before the designated First Appellate Authority (i.e. O/o DEO (Elementary), Fazilka), 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.

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.

A copy of the RTI application be sent to the concerned parties along with this order.

In view of the observations noted above, the instant case **is disposed of and closed.**

Copy of this order be sent to the parties through registered post.

Dated: 02.08.2022

(Sanjiv Garg)
State Information Commissioner
Punjab

Remanded Back

(Regd. Post)

First Appellate Authority,
O/o The District Education Officer, (Elementary Education)
Fazilka.

{ Encl. RTI application }

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Harinder Paul Dhingra,
House No. 1872, Street No. 13,
7th, Abohar. District Fazilka.

Complainant

Public Information Officer,
O/o Block Primary and Education Officer,
Abohar - 2, Fazilka.

V/s.

Respondent

Complaint Case No. 1248 of 2021

{Heard through Cisco Webex Meetings Software}

Present : The Complainant, Sh. Harinder Paul is present in the Court.
None is present from the Department.

ORDER:

In today's hearing, the Complainant, Sh. Harinder Paul states that incomplete information has been supplied to him.

On the other hand, none is present from the department.

The Complainant is advised to look into the decision of the judgment 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.

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, he is advised to challenge the response of the PIO before the designated First Appellate Authority (i.e. O/o DEO (Elementary), Fazilka), 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.

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.

A copy of the RTI application be sent to the concerned parties along with this order.

In view of the observations noted above, the instant case **is disposed of and closed.**

Copy of this order be sent to the parties through registered post.

Dated: 02.08.2022

(Sanjiv Garg)
State Information Commissioner
Punjab

(Regd. Post) **Remanded Back**
First Appellate Authority,
O/o The District Education Officer, (Elementary Education)
Fazilka.

{ Encl. RTI application }

PUNJAB STATE INFORMATION COMMISSION

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Jaspal Singh,
S/o Sh. Avtar Singh,
1205, Gali No. 08, Hussainpura East,
Amritsar (143001) M: 98153-62281

Appellant

V/s.

Public Information Officer,
O/o The Director,
Local Govt. Punjab, Sector 35-A, Plot No. 03, Chandigarh.

First Appellate Authority,
O/o The Director,
Local Govt. Punjab, Sector 35-A, Plot No. 03, Chandigarh.

Respondent

Appeal Case No. 5660 of 2021

{Heard through Cisco Webex Meetings Software}

Present : The Appellant, Sh. Jaspal Singh is absent.
Sh. Sukhdev Singh, Superintendent LG-1 Branch is present from the Department.

ORDER:

This case may be read with the reference of the previous order dated 05.04.2022.

In today's hearing, the Superintendent, Sh. Sukhdev Singh states that the information has already been supplied to the Appellant and further mentions about an email dated 28.07.2022 which has been sent to the Commission and is taken on record.

On the other hand, none is present from the Appellant's side.

After going through the case file and it has been observed that despite of giving an opportunity to the Appellant on the previous hearing dated 05.04.2022 he is again absent today without any intimation to the Commission. Even though no deficiencies or any other letter has been received from the Appellant's side to the bench of undersigned relating to today's hearing. It is assumed that the Appellant might be satisfied with the supplied information or he might not want to pursue this case any further.

So, no further intervention is required in this case.

This case is disposed of and closed.

Copy of the order be sent to the parties.

Dated: 02.08.2022

(Sanjiv Garg)
State Information Commissioner
Punjab

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Gurmeet Singh, S/o Sh. Surmukh Singh,
2072, Bhai Mastan Singh Nagar,
Sri Muktsar Sahib (Punjab) Pin: 152026

Encl.: A Letter Endorsement number 880 dated 27.07.2022

V/s.

Appellant

Public Information Officer,
O/o The Executive Engineer,
Construction Division No. 02 (B & R), Amritsar.

First Appellate Authority,
O/o The Superintending Engineer,
Construction Works (B & R), Amritsar.

Respondent

Appeal Case No. 2686 of 2020

{Heard through Cisco Webex Meetings Software}

Present : The Appellant, Sh. Gurmeet Singh is present.
Sh. Dilbag Singh, SDO is present from the Department.

ORDER:

This case may be read with the reference of the previous order dated 05.04.2022.

In today's hearing, the SDO, Sh. Dilbag Singh states that the information has been supplied to the Appellant and further mentions about a letter dated 27.07.2022 which has been sent to the Appellant as well as to the Commission.

On the other hand, the Appellant, Sh. Gurmeet Singh states that the information has been supplied to him in relating to point number 1 and 2 of the RTI application but no information has been supplied to him in relating to point number 3 and 4 of his RTI application.

After going through the case file and reply submitted by the department vide letter endorsement number 880 dated 27.07.2022, I am of the view that the reply submitted by the department in relating to point number 03 and 04 is found to be satisfactory in nature to the undersigned and no further intervention is required in this case. The show cause notice which was issued to the concerned PIO on the previous hearing be **dropped**.

The copy of this cover letter i.e. letter endorsement number 880 dated 27.07.2022 be sent to the Appellant along with the order through registered post.

So, no further intervention is required in this case.

This case is disposed of and closed.

Copy of the order be sent to the parties.

Dated: 02.08.2022

(Sanjiv Garg)
State Information Commissioner
Punjab

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.

Sh. Baljeet Singh (M: 7696500015)

64 – H, B.R.S Nagar, Ludhiana (141012)

Encl. Affidavit dated 27.05.2022.

...Appellant

V/s.

Public Information Officer,

O/o The Secretary,

Local Bodies Department, Punjab,

Sector 35-A, Plot Number 3, Chandigarh.

First Appellate Authority,

O/o The Secretary,

Local Bodies Department, Punjab,

Sector 35-A, Plot Number 3, Chandigarh.

... Respondents

Appeal Case No. 4270 of 2021

{Heard through Cisco Webex Meetings Software}

Present : The Appellant, Sh. Baljeet Singh is absent.

Sh. Sandeep Singh, APIO-cum- Senior Assistant is present from the Department.

ORDER:

This case was last heard on 12.04.2022.

In today's hearing, the Appellant, Sh. Baljeet Singh is absent but a telephonic call has been received to the undersigned bench intimating that no information has been received by him.

On the other hand, the Senior Assistant, Sh. Sandeep Singh states that they were unable to locate the concerned file and in relating to this he further mentions about an affidavit dated 27.05.2022 which has been sent to the Commission vide letter dated 30.05.2022 and is taken on record.

After going through the case file and the affidavit submitted by the concerned department, I am of the view that no further intervention is required in this case as the affidavit dated 27.05.2022 is found to be satisfactory in nature to the undersigned.

A copy of this affidavit dated 27.05.2022 be send to the Appellant, Sh. Baljeet Singh along with this order.

So, no further intervention is required in this case.

This case is disposed of and closed.

Copy of the order be sent to the parties.

Dated: 02.08.2022

**(Sanjiv Garg)
State Information Commissioner
Punjab**

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.



Sh. Sandeep Singh, S/o Sh. Malkit Singh,
VPO Khanpur, Tehsil and District Malerkotla,
M: 98774-41835

Appellant

V/s.

Public Information Officer,
O/o The Divisional Director,
Rural Development and Panchayat Department, Punjab,
Patiala.

First Appellate Authority,
O/o The Director,
Rural Development and Panchayat Department, Punjab, SAS Nagar (Punjab)

Respondent

Appeal Case No. 627 of 2022 **{Heard through Cisco Webex Meetings Software}**

Present : The Appellant, Sh. Sandeep Singh is absent.
None is present from the Department.

ORDER:

This case may be read with the reference of the previous order dated 15.06.2022.

In today's hearing, the Appellant, Sh. Sandeep Singh is absent but an email dated 20.07.2022 has been received in the Commission vide which he has written that he is satisfied with the supplied information and further requesting to dispose of this case.

On the other hand, none is present from the department.

As, the Appellant, Sh. Sandeep Singh is satisfied with the supplied information.

So, no further intervention is required in this case.

This case is disposed of and closed.

Copy of the order be sent to the parties.

Dated: 02.08.2022

(Sanjiv Garg)
State Information Commissioner
Punjab