**PUNJAB STATE INFORMATION COMMISSION**

 **Red Cross Bhawan, Near Rose Garden, Madhya Marg,**

**Sector: 16, Chandigarh.**

 **Tel. No.0172-2864100-01, Fax No.0172-2864110**

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Dr. Rakesh Sharma,

#3442, Sector 24-D,

Chandigarh. --------Complainant

**Vs.**

Public Information Officer

o/o Additional Secretary to Govt. of Punjab,

Department of Secretariat Administration,

(Establishment-2 Branch,

Punjab Civil Secretariat-1, Chandigarh. -------Respondent

**Complaint Case No. 1204 of 2017**

Present: Dr. Rakesh Sharma, complainant, in person.

None for the respondent.

**ORDER**

 Dr. Rakesh Sharma, Appellant, vide an RTI application dated 03.04.2017, addressed to PIO, sought certain information regarding his complaint against Shri Harbans Singh, Private Secretary. On receiving no information he filed a complaint with the Commission vide letter dated 30.10.2017. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. None is present on behalf of the respondent without any intimation. Viewing the absence of the respondent, seriously, the PIO is directed to supply the requisite information to the complainant and file a reply on the next date of hearing, failing which punitive action, under the provisions of RTI Act, 2005, will be initiated against him.

 3. To come up on **20.02.2018** **at 11.30 A.M. for further proceedings.** **Sd/-**

**Dates: 03-01-2018 (S. S. Channy)**

 **Chief Information Commissioner**

 **Punjab**

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Smt. Atinderpal Kaur

d/o Late Shri Gurnam Singh,

r/o Naglian, P.O. Phantwan,

Tehsil Kharar, Distt. Mohali. ---------Complainant

**Vs.**

Public Information Officer

o/o Superintendent of Establishment Branch,

Secretariat Administration,

Punjab Civil Secretariat, Chandigarh. -------Respondent

**Complaint Case No. 1198 of 2017**

Present: None for the complainant.

Shri Puneet Gill, Senior Assistant, on behalf of the respondent.

**ORDER**

 Smt. Atinderpal Kaur, Appellant, vide an RTI application dated 2.09.2017, addressed to PIO, sought certain information regarding request made for compassionate appointment by Smt. Rajvir Kaur. On receiving no information she filed a complaint with the Commission vide letter dated 16.10.2017, which was received in the Commission on 31.10.2017. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. Today, the representative of the respondent submits a copy of Memo. No. 1/255/2017-4Estt. 5/49-50, dated 01.0-1.2018 from Superintendent-cum-PIO, Secretariat Establishemnt-5 Branch, addressed to the complainant, with a copy to the

Contd…….p/2

**CC - 1198 of 2017 -2-**

Commission, vide which the complainant has been informed that the sought information cannot be provided to her as it relates to third party, who has not given her consent to part with the information relating to her. Accordingly, the complainant is directed to send her observations, if any, on the reply sent to her by the PIO.

 3. To come up on **20.02.2018** **at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dates: 03-01-2018 (S. S. Channy)**

 **Chief Information Commissioner**

 **Punjab**

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Shri Pardeep Kumar

s/o Shri Tilak Raj,

169/563, New Golden Avenue, Amritsar. ------------Complainant

 **Vs.**

Public Information Officer

o/o Hon'ble Punjab and Haryana High Court,

Chandigarh. -------Respondent

**Complaint Case No. 1192 of 2017**

Present: Shri Pardeep Kumar, complainant, in person.

None for the respondent.

**ORDER**

 Shri Pardeep Kumar, Appellant, vide an RTI application dated 04.08.2017, addressed to PIO, sought certain information. On receiving no information he filed a complaint with the Commission vide letter dated 27.10.2017, which was received in the Commission on 30.10.2017. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. Today, none is present on behalf of the respondents. However, a letter No. 1616/PIO/HC, dated 18.12.2017 has been received through e-mail from Shri Inder Singh, Joint Registrar(Rules)-cum-Public Information Officer, enclosing therewith a reply, which is taken on record. The PIO has requested to adjourn the case to some other date as the Hon’ble Punjab and Haryana High Court is closed from 23.12.2017 to 05.01.2018 due to winter vacations. Accordingly, the complainant is directed to send his observations, if any, on the reply sent to him by the PIO, with a copy to the Commission.

 3. To come up on **20.02.2018** **at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dates: 03-01-2018 (S. S. Channy)**

 **Chief Information Commissioner**

 **Punjab**

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Shri Sushil Kumar,

H.No.1410,Phase-1,

 Urban Estate, Dugri Road,

Ludhiana. ----------Complainant

 **Vs.**

Public Information Officer

o/o Police Commissioner,

Ludhiana. -------Respondent

**Complaint Case No. 1166 of 2017**

Present: Shri Sushil Kumar, Complainant, in person.

Shri Pawandev Singh, ASI, on behalf of the respondent.

**ORDER**

 Shri Sushil Kumar, Complainant, vide an RTI application dated 16.08.2017, addressed to PIO, sought a copy of his complaint dated 01.07.2017 along with Action Taken Report. On receiving no information he filed a complaint with the Commission vide letter dated 23.10.2017, which was received in the Commission on 25.10.2017. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. Today, the complainant submits copies of 3 threatening letters regarding which he has sought information from the police.

3. The representative of the respondent submits a letter No. 1-D-RTI, dated 02.01.2018 from the PIO-cum-DCP, Commissionerate, Ludhiana vide which it has been

Contd……p/2

**CC - 1166 of 2017 -2-**

informed that copy of complaint has been sent to the complainant and the matter is being investigated by A.C.P. Atam Nagar, Ludhiana.

4. Accordingly, the PIO is directed to intimate as to when the inquiry will be complete and the complainant is advised to contact ACP, Atam Nagar, Ludhiana to facilitate the Inquiry Officer to complete the inquiry at the earliest possible so that requisite information could be supplied to him.

 5. To come up on **20.02.2018** **at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dates: 03-01-2018 (S. S. Channy)**

 **Chief Information Commissioner**

 **Punjab**

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Shri Sushil Kumar,

H.No.1410, Phase-1, Urban Estate,

Dugri Road, Ludhiana. ---------Complainant

**Vs.**

Public Information Officer

o/o Deputy Commissioner,

Ludhiana. -------Respondent

**Complaint Case No. 1165 of 2017**

Present: Shri Sushil Kumar, Complainant, in person.

Shri Bharat Bhushan, Senior XEN, PSPCL, Ludhiana West, on behalf of the respondent.

**ORDER**

 Shri Sushil Kumar, Complainant, vide an RTI application dated 29.07.2017, addressed to PIO, sought a copy of his complaint dated 17.06.2017 along with Action Taken Report. On receiving no information he filed a complaint with the Commission vide letter dated 21.10.2017, which was received in the Commission on 25.10.2017. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. Today, Shri Bharat Bhushan, Senior XEN, PSPCL, Ludhiana West, appearing on behalf of the respondent, submits a Memo. No. 012/L.S-1252-W-6/RTI, dated 02.01.2018 from PIO-cum-Dy.C.E. along with provided information/reply, vide which it has been informed that requisite reply/information has been sent to the complainant by Deputy Commissioner, Ludhiana vide Memo. No. 6291, dated

Contd……p/2

**CC - 1165 of 2017 -2-**

09.11.2017. The complainant informs that the provided information in incomplete and he has sent the deficiencies in the provided information to the PIO on 14.11.2017. Accordingly, the PIO is directed to supply the remaining information to the complainant in view of the deficiencies furnished by him, before the next date of hearing.

 3. To come up on **20.02.2018** **at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dates: 03-01-2018 (S. S. Channy)**

 **Chief Information Commissioner**

 **Punjab**

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Smt. Neena Gupta,

H.No.1410, Phase-1, Urban Estate,

Dugri Road, Ludhiana. --------Complainant

 **Vs.**

Public Information Officer

o/o Sub Registrar/Tehsildar (West),

Humbran Road, Ludhiana. -------Respondent

**Complaint Case No. 1163 of 2017**

Present: Shri Sushil Kumar, on behalf of the complainant.

None for he respondent.

**ORDER**

 Smt. Neena Gupta, Appellant, vide an RTI application dated 29.03.2017, , addressed to PIO, sought certain information regarding he ownership of a certain plot. On receiving no information he filed a complaint with the Commission vide letter dated 22.10.2017, which was received in the Commission on 24.10.2017. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. None is present on behalf of the respondent. However, a copy of letter No. 326/SR(W), dated 02.01.2018 has been received through e-mail from Sub-Registrar(West) Ludhiana informing that he is unable to attend hearing today as he has to appear in the Civil Court, Ludhiana. He has further informed that the RTI application of the complainant has not been received in their office, which may please be furnished to him. Accordingly, the complainant is directed to send a copy of her RTI application to the Sub-Registrar(West) Ludhiana so that requisite information could be supplied to her.

 3. To come up on **20.02.2018** **at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dates: 03-01-2018 (S. S. Channy)**

 **Chief Information Commissioner**

 **Punjab**

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Shri R. N.Kapil,

GH-12/4, Paschim Vihar,

New Delhi-87. --------Complainant

**Vs.**

Public Information Officer

o/o District Registrar of Properties,

Amritsar-143001. -------Respondent

**Complaint Case No. 1152 of 2017**

Present: None on behalf of the complainant as well as the respondents.

**ORDER**

 Shri R. N. Kapil, Appellant, vide an RTI application dated 06.07.2017, addressed to PIO, sought a copy of the Conveyance Deed issued for the plot No. 20-Dayanadanagar, Lawrence Road, Amritsar. On receiving no information he filed a complaint with the Commission vide letter dated 07.09.2017, which was received in the Commission on 14.09.2017. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. None is present on behalf of the complainant as well as the respondent, without any intimation. Viewing the absence of the respondent seriously, one last opportunity is afforded to the PIO to supply the requisite information to the complainant and file reply to the Commission, failing which punitive action under the provisions of RTI Act, 2005 will be initiated against him.

 3. To come up on **20.02.2018 at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dates: 03-01-2018 (S. S. Channy)**

 **Chief Information Commissioner**

 **Punjab**

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Shri Surjit Singh s/o Shri Gokal Singh,

Village Jarg, District Ludhiana. ---------Complainant

**Vs.**

Public Information Officer

o/o Station House Officer,

Police Station, Jamalpur,

District Ludhiana. -------Respondent

**Complaint Case No. 1149 of 2017**

Present: Shri Surjit Singh, complainant, in person.

None for the respondent.

**ORDER**

 Shri Surjit Singh, Complainant, vide an RTI application dated 21.09.2017, addressed to PIO, sought certified copies of statements of Smt. Jasvir Kaur, Harpreet Singh and others. On receiving no information he filed a complaint with the Commission vide letter dated 21.10.2017, which was received in the Commission on23.10.2017. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. Today, the complainant informs that no information has been supplied to him so far. None is present on behalf of the respondent without any intimation. Viewing the absence of the respondent seriously, the PIO is directed to file a detailed reply to the Commission in the matter and supply the requisite information to the complainant before the next date of hearing, with a copy to the Commission.

 3. To come up on **30.01.2018** **at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dates: 03-01-2018 (S. S. Channy)**

 **Chief Information Commissioner**

 **Punjab**

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Shri Surjit Singh s/o Shri Gokal Singh,

Village Jarg, District Ludhiana. ---------Complainant

 **Vs.**

Public Information Officer

o/o President, District Bar Association,

Ludhiana. -------Respondent

**Complaint Case No. 1145 of 2017**

Present: Shri Surjit Singh, complainant, in person.

None for the respondent.

**ORDER**

 Shri Surjit Singh, Complainant, vide an RTI application dated 17.08.2017, addressed to PIO, sought certified copy of experience certificate of Shri Harpreet Singh, Advocate. On receiving no information he filed a complaint with the Commission vide letter dated 21.10.2017, which was received in the Commission on23.10.2017. . Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. Today, the complainant informs that no information has been supplied to him so far. None is present on behalf of the respondent without any intimation. Viewing the absence of the respondent seriously, the PIO is directed to file a detailed reply to the Commission in the matter and supply the requisite information to the complainant before the next date of hearing, with a copy to the Commission.

 3. To come up on **30.01.2018** **at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dates: 03-01-2018 (S. S. Channy)**

 **Chief Information Commissioner**

 **Punjab**

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Shri Chandan Kumar

s/o Shri Lal Babu Singh

H. No.3, Block-D,

Shivalik Vihar, Naya Gaon,

Mohali, Punjab. ---------Complainant

 **Vs.**

Public Information Officer

o/o Mahatma Gandhi State Institute of

State Administration, Punjab,

Institutional Area, Sector 26, Chandigarh. -------Respondent

**Complaint Case No. 1114 of 2017**

Present: None for the complainant.

Shri Balvir Singh Chaudhary, Administrative Officer-cum-PIO, on behalf of the respondent.

**ORDER**

 Shri Chandan Kumar, Complainant, vide an RTI application dated 24.08.2017, addressed to PIO, sought certain information regarding Writing Authority, Reviewing Authority and Accepting Authority for writing ACRs of Clerks and Senior Assistants for the period from 2011-12 to 2015-16 alongwith certain information in respect of retired employees. On receiving no information he filed a complaint with the Commission vide letter dated 12.10.2017, which was received in the Commission on 13.10.2017. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. Today, the complainant is not present. However, letter dated 01.01.2018 has been received through e-mail from his Counsel, Shri Jimmu Singla, Advocate

Contd……p/2

**CC - 1114 of 2017 -2-**

requesting for adjournment of the case to some other date as he is out of station.

3. Shri Balvir Singh Chaudhary, Administrative Officer-cum-PIO, appearing on behalf of the respondent, submits a letter No. Admn./PIO/2017/7089, dated 03.01.2018, alongwith two sets of provided information, stating therein that the requisite information has been supplied to the complainant vide letter No. Admn./PIO/2017/5451, dated 27/29.09.2017. Since the complainant is not present and his Counsel has not mentioned about the receipt of information in his letter, the PIO is directed to send one more copy of the information to the complainant by registered post and the complainant is directed to send his observations, if any, on the information, to the PIO, with a copy to the Commission.

 4. To come up on **20.02.2018** **at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dates: 03-01-2018 (S. S. Channy)**

 **Chief Information Commissioner**

 **Punjab**

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Shri Rajesh Gupta, President,

Social Reformers, Chamber No.5033,

Lawyers Chamber Complex,

District Courts, Ludhiana. ----------Complainant

 **Vs.**

Public Information Officer

o/o Deputy Commissioner, Ludhiana.

First Appellate Authority,

O/o Deputy Commissioner, Ludhiana. -------Respondents

**Complaint Case No. 1100 of 2017**

Present: Shri Rajesh Gupta, Complainant, in person along with his Counsel Shri Harjot Singh Bains, Advocate.

Shri Resham Singh, Superintendent, on behalf of the respondents.

**ORDER**

 Shri Rajesh Gupta, Appellant, vide an RTI application dated 12.06.2017, addressed to PIO, sought details of all the Trusts/NGOs/Associations/Societies who any funds or land has been provided either free or at concessional rates through any kind of Government Funds in last twenty years. On receiving no information, he filed a complaint with the Commission vide letter dated 10.10.2017. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. Today, Shri Resham Singh, Superintendent, appearing on behalf of the respondents, submits a detailed reply from DRO-cum-PIO, Ludhiana vide letter No. 01/8294/PIO/RTI, dated 01.01.2018, which is taken on record. It has been stated by the

Contd…..p/2

**CC - 1100 of 2017 -2-**

PIO that the complainant has been informed vide letter No. 2931/8294/PIO/RTI, dated 28.06.2017 and letter No. 3282/8294/PIO/RTI, dated 03.08.2017 that the sought information is not clear as to which office it relates and he has been advised to seek specific information from the concerned Department/Office. The complainant expresses dis-satisfaction.

3. 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. 10787-10788 of 2011(arising out of SLP(C) 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. As such, 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.

4. 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

Contd…..p/3

**CC - 1100 of 2017 -3-**

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.

5. 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.

6. In view of the observations noted above, the instant case is hereby ordered to be **closed and disposed of.**

 **Sd/-**

**Dates: 03-01-2018 (S. S. Channy)**

 **Chief Information Commissioner**

 **Punjab**