

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
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Helpline No. 0172-2864100



Sh Iqbal Singh, Advocate
R/o House No 162, Ward No. 8,
Moahalla Moahitia Wala, Banur,
Distt. Mohali-140601

.....Appellant

..Vs

Public Information Officer,
O/o EO, Nagar Council. Banur, Distt. Mohali

First Appellate Authority,
O/o ADC (Urban Development)
Punjab, Mohali

.....Respondent

AC No. 4612 of 2021

Present : (i) Sh Iqbal Singh, the Appellant
(ii) For the Respondent: Sh Baljinder Singh, EO (9815113705).

ORDER

This order may be read with reference to the previous order dated 22.11.2021.

2. The Appellant states that the complete information has not been provided to him so far.
3. The Respondent states that the information has been sent to the Appellant vide registered post dated 05-10-2021. They have also filed a copy of the reply today in the Commission, which as under:-



AC No. 4612 of 2021

ਮੌਕੀ ਗਈ ਸੂਚਨਾ	ਦਿੱਤੀ ਜਾ ਰਹੀ ਸੂਚਨਾ
ਮੇਰੇ ਇਸ ਸਿਕਾਇਤ ਨੂੰ ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਵਲੋਂ ਕੀ ਡਾਇਰੀ ਨੰਬਰ ਲਗਾਇਆ ਗਿਆ ਸੀ। ਇਸ ਦੀ ਤਸਦੀਕ ਸੁਦਾ ਕਾਪੀਆ ਇਸ ਦਰਖਾਸਤ ਨਾਲ ਭੇਜੀਆ ਗਈਆ ਫੋਟੋਗਰਾਫ ਮੈਨੂੰ ਦਿੱਤੀਆ ਜਾਣ।	ਇਸ ਸਬੰਧੀ ਰਸੀਟ ਨੰਬਰ 255/2021 ਮਿਤੀ 17/06/2021 ਲਗਾਇਆ ਗਿਆ ਹੈ।
ਇਸ ਦਰਖਾਸਤ ਦੇ ਸਬੰਧੀ ਹੁਣ ਤੱਕ ਕੀਤੀ ਗਈ ਕਾਰਵਾਈ ਦੀ ਤਸਦੀਕ ਸੁਦਾ ਜਾਣਕਾਰੀ ਦਿੱਤੀ ਜਾਵੇ।	ਇਸ ਥਾਂ ਦੇ ਉੱਤੇ ਪਾਰਿਮਕ ਸਥਾਨ (ਸਮਾਧ) ਬਣਿਆ ਹੋਇਆ ਹੈ ਜੋ ਕਿ ਕਾਫੀ ਪੁਰਾਣਾ ਜਾਪਦਾ ਹੈ।
ਇਸ ਸਬੰਧੀ ਦਫਤਰ ਨਗਰ ਕੌਲ ਵਲੋਂ ਭੇਜੇ ਗਏ ਕਾਬਜਕਾਰੀਆ ਨੂੰ ਭੇਜੇ ਗਏ ਨੋਟਿਸਾਂ ਦੀ ਤਸਦੀਕ ਸੁਦਾ ਕਾਪੀਆ ਮੈਨੂੰ ਦਿੱਤੀਆ ਜਾਣ।	ਇਸ ਸਬੰਧੀ ਸੂਚਨਾ ਨਿੱਲ ਸਮਝੀ ਜਾਵੇ।
ਨਗਰ ਕੌਲ ਵਲੋਂ ਇਹ ਰਸਤੇ ਉਪਰ ਨਜਾਇਜ਼ ਉਸਾਰੀ ਕਰਕੇ ਕੀਤੇ ਗਏ ਕੰਬਜੇ ਨੂੰ ਅਜੇ ਤੱਕ ਹਟਾਇਆ ਕਿਸ ਕਾਰਨ ਨਹੀਂ ਗਿਆ ਹੈ।	ਉਕਤ ਅਨੁਸਾਰ।
ਮੇਰੇ ਵਲੋਂ ਭੇਜੀ ਗਈ ਇਸ ਆਰ.ਟੀ.ਆਈ. ਦੀ ਦਰਖਾਸਤ ਨੂੰ ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਨੇ ਕੀ ਡਾਇਰੀ ਨੰਬਰ ਲਗਾਇਆ ਹਾ ਤਸਦੀਕ ਸੁਦਾ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ।	ਇਸ ਸਬੰਧੀ ਰਸੀਟ ਨੰਬਰ 341/2021 ਮਿਤੀ 19/07/2021 ਲਗਾਇਆ ਗਿਆ ਹੈ।

4. After hearing both the parties and perusing the case file, it is ascertained that the Appellant has not received the complete information pertaining to point no.1. The Respondent assures the Court that the complete information pertaining to point no.1 will be provided to the Appellant today itself. The Appellant has expressed his satisfaction over the same.

5. In view of the foregoing, no further cause of action is left. Hence, the Appeal case filed by the appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Dated : 03.01.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Vishal Joshi (RTI and Human Right Activists)
1697/12, Street Chajju Mishar, Chowk Farid,
Amritsar (9914059678)

.....Complainant

..Vs

Public Information Officer,
O/o Director General of Punjab,
Punjab Police Headquarter, Sector 9,
Chandigarh

.....Respondent

CC No. 1137 of 2021

Present : (i) None is present on behalf of the complainant
(ii) For the Respondent: Sh. Narinder Singh, Sr. Constable (8727800286), Sh.
Ram Parshad, Sr. Assistant (9855464748)

ORDER

1. The RTI application is dated 21.05.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 08.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 03.01.2022 i.e. today.
3. The complainant is absent today.
4. The respondent states that the information , as exists, in the record has been provided to the complainant.
5. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to 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).

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CC No1137 of 2021

6. 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.

7. 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.

8. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) as the first appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to give an early date to hear the complainant and decide the matter. In case the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

9. 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.

10. 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/-**

Dated : 03.01.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Registered post:

First Appellate Authority
O/o Director Bureau of Investigation, Punjab
Punjab Police Headquarter, Sector 9,
Chandigarh

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Sh. Vishal Joshi (RTI and Human Right Activists)
1697/12, Street Chajju Mishar, Chowk Farid,
Amritsar (9914059678)

.....Complainant

..Vs

Public Information Officer,
O/o Director General of Punjab,
Punjab Police Headquarter, Sector 9,
Chandigarh

.....Respondent

CC No. 1134 of 2021

Present : (i) None is present on behalf of the complainant
(ii) For the Respondent: Sh. Narinder Singh, Sr. Constable (8727800286), Sh. Surinder Singh, ASI (8727800286)

ORDER

The RTI application is dated 15.05.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 08.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 03.01.2022 i.e. today.
3. The complainant is absent today.
4. The respondent states that reply has already been sent to the complainant.

5. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to 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).

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CC No1134 of 2021

6. 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.

7 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.

8. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) as the first appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to give an early date to hear the complainant and decide the matter. In case the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

9. 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.

10. 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/-**

Dated : 03.01.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Registered post:

First Appellate Authority
o/o Director General of Punjab
Punjab Police Headquarter, Sector 9,
Chandigarh

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Sh.Baljit Singh, S/o Sh. Satpal Singh
R/o Village Rangheri Kalan,
Tehsil Amlah, Distt. Fatehgarh Sahib

.....Appellant

Vs

Public Information Officer,
O/o BDPO, Amlah,
Distt. Fatehgarh Sahib
First Appellate Authority
o/o DDPO, Fatehgarh Sahib

.....Respondent

AC.No. 3116 of 2021

Present : (I) Sh . Baljit Singh the appellant (in the Commission office)
(ii) For the respondent : Sh. Gurpreet Singh, Panchayat Secretary (9888020840)

ORDER

This order may be read with reference to the previous order dated 26.11.2021 and 27.10.2021.

2. The appellant states that no information has been given to him so far.
3. The respondent Sh. Gurpreet Singh states that he has personally brought the information to deliver it to the appellant, which is handed over to him. The appellant has gone through the same and is satisfied.

The appellant states that the information provided by the respondent is not attested. Further, the respondent has promised that the same will be attested. The appellant expressed his satisfaction over the same and stated that he had no objection if the case is disposed of accordingly

4. In view of the foregoing, no cause of action is left, hence the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated : 03.01.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Dayal Singh Mann,
House No. 102, Sector 65, Phase 11,
Mohali - 160062

.....Appellant

..Vs

Public Information Officer,
O/o SSP, Mohali

First Appellate Authority,
O/o IGP, Roopnagar Range,
Roopnagar

.....Respondent

AC No. 3503 of 2021

Present : (i) Sh. Dayal Singh Mann, the appellant
(ii) For the respondent : Smt. Rajwinder Kaur, HC (8283060022)

ORDER

This order may be read with reference to the previous order dated 27.12.2021.

2. The appellant Sh. Dayal Singh Mann states that he has received the information and is satisfied.
3. The respondent states that the information has been given to the appellant.
4. Since the appellant has received the information and is satisfied, hence no cause of action is left. Therefore, the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated : 03.01.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab