



Sh. Ramesh Kumar, S/o Sh Amar Nath,
H NO-1652, Sardar Nagar, Opposite Central Jail,
Ajnala Road, Amritsar.

... Appellant

Versus

Public Information Officer,
O/o SSP, Rural,
Amritsar.

First Appellate Authority,
O/o SSP, Rural,
Amritsar.

...Respondent

Appeal Case No. 3651 of 2020

PRESENT: Sh.Ramesh Kumar as the Appellant
Sh.Harpal Singh ASI for the Respondent

ORDER:

The appellant through RTI application dated 02.10.2020 has sought information on 12 points regarding FIR no.83/18 dated 16.08.2018- enquiry report of the enquiry – a copy of rule for temporarily not implementing the findings of enquiry – the name of officer deputed for 2nd enquiry of Prince Kumar and Vishal Singh and other information as enumerated in the RTI application from the office of SSP Amritsar(Rural). The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 28.10.2020 which took no decision on the appeal.

The case was last heard on 06.05.2021 through video conferencing at DAC Amritsar. The appellant claimed that the PIO has not provided the information.

The respondent was absent and vide letter received in the Commission on 15.03.2021, the PIO sent a reply, which was taken on the file of the Commission. In the reply, the PIO had stated that a re-enquiry was conducted by the then SP(HQ) Amritsar (R) who recommended the cancellation of the present case which was approved by the Director BOI. The Director BOI directed to proceed as per enquiry and the order of PO may be recalled by moving a separate application before the Hon'ble court. On the basis of that report, the case has been filed in the court of SDJM Ajnala for cancellation on 19.08.2020 and since the case is pending in the court, the information cannot be provided and the appellant has been asked to get the information from the concerned court.

Having gone through the RTI application, the Commission observed that the RTI application is not legible for the commission to take any decision.

The appellant was directed to send a typed legible copy of the RTI application to the Commission for the perusal of the appeal case.

A copy of the reply received from the PIO was sent to the appellant with the order.

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Hearing dated 03.08.2021:

The case has come up for hearing today through video conferencing at DAC Amritsar. The appellant has submitted a typed copy of the RTI application which has been taken on the file of the Commission. The appellant claims that the PIO has not supplied the information.

The Commission has received a reply from the PIO through email which has been taken on the file of the Commission. In the reply, the PIO has stated that the case has been filed in the court of SDJM Ajnala for cancellation on 19.08.2020 and the case is pending in the court, the information cannot be provided u/s 8(1)(g) of the RTI Act.

Having gone through the position of law on the matter, the police cannot deny the information simply on the ground that the cancellation report is presented in the court and the case is pending in the court or it does not have any case documents in its custody after submission of report in the court.

The PIO is directed to provide information to the appellant on all points of the RTI application as per the RTI Act and send a compliance report to the commission.

To come up for further hearing on **10.11.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated: 03.08.2021

(Khushwant Singh)
State Information Commissioner