



Sh Vasdev Garg,  
Mittwa street, Water Works Road,  
Mansa.

... Complainant

Versus

Public Information Officer,  
O/o Civil Surgeon,  
Ludhiana.

...Respondent

**Complaint Case No. 1162 of 2021**

**PRESENT: Sh.Vasdev Garg as the Appellant**  
**Shri Rakesh Kumar, RTI Clerk, for the Respondent**

**ORDER:**

The complainant, through an RTI application dated 19.07.2021, has sought information regarding the home addresses of Dr.Manjit Singh, Dr.Renu Chatwal and Sh.Umesh Guta (all retired) as enumerated in the RTI application from the Civil Surgeon Ludhiana. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 16.09.2021.

The case last came up for hearing on 18.04.2022 through video conferencing at DAC Ludhiana/Mansa. As per the complainant, the information has not been provided by the PIO.

The respondent present pleaded that since the information sought by the complainant is personal information of the officer, it cannot be provided, and the reply has been sent to the complainant vide letter dated 13.04.2022.

The Commission observes that this is a complainant case and the complainant has come to the Commission under the provision of Section 18 of the RTI Act, 2005, in which no directions for providing further information can be given by the Commission.

The Hon'ble Supreme Court of India in its Order dated 12.12.2011 in Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP No.32768-32769/2010) has held that while entertaining a complaint 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 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.

If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he/she will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

Given the observations noted above, the instant case is remanded back to the concerned First Appellate Authority-cum-Civil Surgeon, Ludhiana, with a copy of the RTI application for their ready reference and is also directed to call the complainant within 30 days of the receipt of the order, provide the information/reply pertaining to this RTI application. A compliance report of the same be sent to the Commission.

**Complaint Case No. 1162 of 2021**

The Commission has taken a serious view of this delay and hereby directs the PIO to **show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not attending to the RTI application within the prescribed period. He/she should file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies.

On hearing the case on 03.08.2022 the PIO was directed to file reply to the show cause notice issued on 18.04.2022.

**Hearing dated 03.08.2022 :**

The case has come up for hearing today through video conferencing at DAC Ludhiana/Mansa.

The respondent present pleaded that the residential address of Dr. Manjit Singh, SMO, I Mobile Unit, Dr.Renu, Civil surgeon and Dr. Umesh Gupta, ACFA has been provided vide letter dated 23.05.2022.

Having gone through the RTI application and the reply of the respondent, the Commission observes that the PIO has provided the requisite information to the complainant and no more cause of action is left. Hence, the **case is disposed of and closed.**

**Chandigarh**  
**Dated :03.08.2022**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

**CC to :First Appellate Authority,**  
**Director Health Services, Pb**  
**Sector 34, Chandigarh.**

**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden,**

**Sector 16, Chandigarh.**

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Sh Vasdev Garg,  
Mittwa street, Water Works Road,  
Mansa.

... Complainant

Versus

Public Information Officer,  
O/o Principal Secretary,  
Health & Family Welfare,  
Sector-34-A, Chandigarh

...Respondent

**Complaint Case No. 1161 of 2021**

**PRESENT: Sh.Vasdev Garg as the Appellant  
Sh.Lalit Kumar, Suptd. O/o Principal Secretary and Sh. Sanjeev Sharma,  
Sr.Assistant from O/o Director Health for the Respondent**

**ORDER:**

The complainant, through an RTI application dated 19.07.2021, has sought information regarding the implementation of the instructions of the Secretary dated 27.07.2015 regarding reimbursement of medical bills of retired persons enumerated in the RTI application from the Principal Secretary Health & Family Welfare, Punjab Chandigarh. The complainant was not satisfied with the reply of the PIO dated 05.08.2021 (PIO sent a reply that there is no implementation report received from the Director of Health Services,) after which the complainant filed a complaint in the Commission on 16.09.2021.

The case first came up for hearing 18.04.2022 through video conferencing at DAC Mansa. The respondent Sh. Lalit Kumar, Suptd. from the office of Principal Secretary and Ms Armaan Bajaj, Sr.Assistant from the office of Director Health are present at Chandigarh.

Sh.Lalit Kumar, Suptd. informed that since the action was to be taken by the office of Director Health Services and the action report was not received from their office, the complainant was sent a reply vide letter dated 05.08.2021 that there is no implementation report available in their office and the information be collected from the DHS office.

Having gone through the record, the Commission observed that the PIO Office of Principal Secretary had not transferred the RTI application to the office of Director Health Services under section 6(3) of the RTI Act and denied the information by merely stating that it was with the Director Health Services and the applicant may take the information from their office. The Commission having taken a serious view of this dereliction issued a **show cause notice to the PIO under section 20 of the RTI Act 2005 for not transferring the RTI application to the concerned authority as prescribed under the RTI Act. And directed to file reply on an affidavit.**

**Hearing dated 03.08.2022 :**

The case has come up for hearing today through video conference facility available in the office of Deputy Commissioner Mansa.

The respondent present pleaded that in pursuance of the earlier order, the PIO has submitted the reply to the show cause notice tendering therein unconditional apology and requested to withdraw the show cause notice kindly.

In reply to the show cause notice, the PIO has made the following submissions-

That the complainant submits medical bills for reimbursement in the field office and wants immediate reimbursement of them.

That there is a fixed procedure for reimbursement of medical bills, which has to be followed. That he assumed charge on 16.06.2021 and remained engaged with other official engagements such as recruitment/creation of posts during the Corona pandemic.

Submissions of the PIO are accepted and the show cause notice is withdrawn.

The case is **disposed of**.

**Chandigarh**  
**Dated :03.08.2022**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**



Sh Anil Mittal, S/o Sh.Dharam Pal,  
# 22121, Gali No-11/4, Power House Road,  
Bathinda.

... Appellant

Versus

**Public Information Officer,**  
O/o EO, BDA,  
Bathinda.

**First Appellate Authority,**  
O/o Addl, Chief Administrator,  
BDA, Bathinda.

...Respondent

**Appeal Case No. 1943 of 2019**

**PRESENT:**    **Sh.Anil Mittal as the Appellant**  
                  **Sh.Balkaran Singh,PIO-DRO, Bathinda for the Respondent**

**ORDER:**        **This order** should be read in continuation to the previous order.

The case has already been heard on 17.10.2019, 23.12.2019, 17.03.2020, 07.09.2020, 09.03.2021, 15.06.2021, 22.09.2021, 25.01.2022 & 09.03.2022.

On the date of hearing on 17.10.2019, as per the appellant, the information on points 6,12 & 13 was related to Revenue Patwari, Patti Mehna. The revenue patwari was implicated in the case and directed to provide the information.

On **07.09.2020**, Revenue Patwari, Patti Mehna was present and informed that the information concerning them has been supplied to the appellant. The appellant stated that he had received information on point-6 only and other information that had been provided by the PIO-BDA was also not legible. Having gone through the RTI application and hearing both the parties, the following was concluded:

- |                 |                                                                                                                   |
|-----------------|-------------------------------------------------------------------------------------------------------------------|
| - Point-1,2,3&4 | - As per the appellant, the information is not legible. The PIO-BDA to provide a legible copy of the information. |
| - Point-5       | - PIO to respond appropriately                                                                                    |
| - Point-6       | - Copy of jamabandi to be provided by Patwari                                                                     |
| - Point-7       | - NA                                                                                                              |
| - Point-8       | - BDA to provide the information                                                                                  |
| - Point-9       | - The appellant is not satisfied with the reply. The PIO to Provide complete information.                         |
| - Point-10      | - PIO to provide a list of litigations                                                                            |
| - Point-11      | - Appellant not satisfied, PIO to provide complete information                                                    |
| - Point-12      | - PIO to provide demarcation                                                                                      |
| - Point-13      | - PIO to reply suitably                                                                                           |
| - Point-14      | - To reply appropriately                                                                                          |

Since the information was voluminous, the PIO was directed to contact the appellant on his mobile No.9643122971 and sort out all the discrepancies and provide complete information within a week of the receipt of this order. Further, since there was an enormous delay in providing the information, a copy of the order was sent to the Chief Administrator, BDA Bathinda with the direction to ensure compliance of the order.

On the date of the hearing on **09.03.2021**, the respondent informed that the record was inspected by the appellant and the available information has been supplied to the appellant. The appellant was still not satisfied.

Hearing both the parties, the PIO was directed to sort out the discrepancies and provide whatever information is available point-wise to the appellant with a copy to the Commission. If the information is not available, give in writing on an affidavit that the information that has been provided is true, complete and no further information is available in the record relating to this RTI application.

On the date of hearing on **15.06.2021**, Sh.Amandeep Singh, Jr Assistant o/o BDA Bathinda and Sh.Gurjant Singh, Naib Tehsildar were present who informed that the information has already been provided. As per the appellant, the PIO had not provided complete information nor had provided an affidavit. As per the appellant, the information on points 1,2,3&4 was not legible nor attested, the information on point-5 was incomplete and information on the remaining points as per the previous order of the Commission had not been provided by the PIO.

The PIO was given one last opportunity to comply with the earlier order of the Commission and sort out the discrepancies and provide complete information on each point duly attested. If the information is not available, to either procure from the concerned authorities and provide to the appellant or give in writing on an affidavit that the information that has been provided is true, complete and no other information is available with this public authority under which RTI application was filed.

On the date of the hearing on **22.09.2021**, the appellant informed that the PIO has not supplied the information. The respondent was absent.

The case was marked to the Deputy Commissioner, Bathinda with the direction to ensure that the order of the Commission is complied with by the concerned PIOs and the information is provided to the appellant.

On the date of the hearing on **25.01.2022**, Sh.Ranjit Singh, Naib Tehsildar appear on behalf of the PIO-DC-Bathinda and informed that the remaining information has been supplied to the appellant vide letter dated 29.11.2021 with a copy to the Commission and no further information is available.

The appellant informed that the information on points-5, 11 & 12 is still incomplete and information on points 8, 9,10, 13 & 14 have also not been provided by the PIO.

During the hearing on 22.09.2021, the case was marked to the Deputy Commissioner with the direction to ensure that the order of the Commission is complied with, and the information is provided to the appellant.

However, since the matter was unresolved and the order was not complied with by the PIO-DC Bathinda, it was reiterated that the case has been marked under section 5 (5) to Deputy Commissioner Bathinda. Section 5 (5) of the RTI Act states "Any officer, whose assistance has been sought under sub-section (4) , shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as the Central Public Information Officer or State Public Information Officer, as the case may be.

DC Bathinda was again directed to reconcile all information that is yet to be provided, and if complete information has been provided that was sought, to file an affidavit that whatever information has been provided is true, complete and no further information is available in the record relating to all points of the RTI application. The affidavit should be on stamp paper duly signed by the PIO and attested by the competent authority.

**On the date of last** hearing on 09.03.2022, Sh.Ranjit Singh, Naib Tehsildar was present and informed that the available information has been provided and no further information is available in the record.

The appellant informed that the PIO has not supplied complete information and he has already pointed out the discrepancies to the PIO with a copy to the Commission. As per the appellant, the PIO has also not supplied the affidavit as per the order of the Commission dated 15.06.2021.

Hearing both the parties, the PIO was directed to sort out the matter regarding the map relating to point-5. Regarding the rest of the information, the PIO was directed to provide an affidavit mentioning therein that the information that has been provided to the appellant (regarding all points of the RTI application) is true, complete and no other information is available in the record relating to this RTI application.

**Hearing dated 03.08.2022:**

The case has come up for hearing today through video conferencing at DAC Bathinda.

Shri Balkaran Singh, Distt. Revenue Officer-cum-PIO, Bathinda present pleaded that in pursuance of earlier order dated 09.03.2022, pointwise affidavit duly attested by the Executive Magistrate, Bathinda, has been sent to the Commission vide letter 29.07.2022 stating therein that copy of field book relating to point No.5 has also been supplied to the appellant vide letter 21.07.2022 by PIO-cum-Estate Officer, BDA, Bathinda.

The appellant claimed that the respondent has not supplied the affidavit.

The appellant is informed that an affidavit (including point No.5) has been received in the Commission office.

The original affidavit is being sent to the appellant with this order, after retaining a copy of the same in the record. The Commission is not inclined to further interfere in the matter.

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

**Chandigarh**  
**Dated 03.08.2022**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

**CC to: 1. Revenue Patwari,**  
**Patti Mehna, Distt.Bhatinda**

**2.PIO- Deputy Commissioner, Bathinda**



Sh.Karamjit Singh, S/o Sh Joginder Singh,  
Thuthian Wali Road, Near Maal Mandi,  
Ward NO-1, Mansa.

... Complainant

Versus

**Public Information Officer,**  
O/o Director,  
Social Security of Women and Child Development  
Deptt, Pb, Chandigarh.

...Respondent

**Complaint Case No. 116 of 2021**

**Present:       None for the Appellant**  
**Harjinder Kaur, CDPO, for the Respondent**

**ORDER:**

The complainant, through RTI application dated 01.09.2020 has sought information regarding leave availed by Kuljeet Kaur Anganwari worker Center No.134, Bhatti Basti, Mansa from 01.01.2020 to 22.08.2020 – the name of the person who receives the ration in the centre in place of Kuljeet Kaur and other information as enumerated in the RTI application concerning the office of Director Social Security of Women & Child Development Department Pb Chandigarh. The complainant was not provided with the information, after which the complainant filed a complaint in the Commission on 15.01.2021.

On the date of the first hearing on 16.06.2021, both the parties were absent. The case was adjourned.

On the date of the last hearing on **25.10.2021**, the appellant was absent and vide letter received in the Commission on 29.06.2021 informed that he received copies of some information from Child Development Project Officer Mansa, but the information was incomplete.

The respondent was absent on 2<sup>nd</sup> consecutive hearing. There was nothing on record that shows that the PIO had replied RTI application within the time prescribed under the RTI Act. The PIO was issued a **show-cause notice under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file a reply on an affidavit.**

On the last hearing date on 08.03.2022 through video conferencing at DAC Mansa/Mohali, the complainant claimed that the PIO had not supplied the complete information. The complainant further informed that he filed an RTI application on 01.09.2020 whereas the PIO had raised an amount of Rs.24/- as a fee for 12 pages only vide letter dated 14.01.2021.

The respondent is absent, nor has filed a reply to the show-cause notice.



**Complaint Case No. 116 of 2021**

The PIO was given one last opportunity to file a reply to the show-cause notice otherwise, it will be presumed that the PIO has nothing to say on the matter, and the Commission will act against the PIO as per provisions of section 20 of the RTI Act.

**Hearing dated 03.08.2022:**

The case has come up for hearing today through video conferencing at DAC Mansa.

The respondent present has brought the reply to the show cause notice by the then PIO Ms.Neha Singh. The respondent pleaded that the requisite information has already been provided to the complainant and the complainant acknowledged the receipt of the same but placed his signature on the letter on 18.01.2021.

The complainant is absent nor is represented.

Having gone through the RTI application, the record available in the file and the reply to the show-cause notice furnished by the PIO, I agree with the reply submitted by the PIO.

Decision-

The show cause notice stands dropped. It is further observed that the respondent has sufficiently supplied the information to the complainant and no further cause of action is left. Hence, the case **is disposed of and closed**.

**Chandigarh**  
**Dated 03.08.2022**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**