

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



Dr Subhash Chander Basu, (M-9464441950)
C/o Sh Dhruv Shankar Mishra, Advocate
#223, 2nd Floor, Street No.-4,
West Vinod Nagar, Delhi-110092

.....Appellant

..Vs

Public Information Officer,
O/o Chief Judicial Magistrate, First Class, Kharar

First Appellate Authority

O/o Hon'ble District & Sessions Judge, Mohali

.....Respondent

AC No.404 of 2022

Present : (i) None for the Appellant
(ii) for the respondent: Ms Gurpreet Kaur, Reader (81467-9690)

ORDER

This order may be read with reference to the previous order dated 11.05.2022.

2. The Appellant has been granted exemption from personal hearing vide orders dated 11.05.2022 hence, he was contacted telephonically. He states that he has not received the complete information till date. The Appellant has also filed his submissions vide Commission diary no. 10556 dated 19.05.2022 which are taken on record.

3. The Respondent states that the Appellant had pointed out deficiencies in the information provided to them. Accordingly, the Respondent has filed their reply as under:-



AC No.404 of 2022

It is submitted that the case file titled as "Dr. Subash Chander Basu Vs. Public Information Officer, bearing no.AC no.404/2022 is pending before your Commission.

It is submitted that the property statement sought by the applicant in Para no.10, the property statement of all Judicial Officers was sent to the Ld. District and Sessions Judge, SAS Nagar for every year. It is further submitted that lastly the property statement for the year 2020-21 of Ms. Ankita Gupta, Ld. Civil Judge (Jr.Divn)-cum-JMIC, Kharar, has also been sent to the Office of Ld. District and Sessions Judge, SAS Nagar vide letter bearing no.418 dated 31.08.2021 and the said record has not been retained by the Court. So, the requisite information can not be supplied to the applicant.

4. After perusing the case file, it is ascertained that, on the previous date of hearing, the Appellant was directed to point-out deficiencies in the information provided. The Appellant had sent the same to the Respondent. Accordingly the Respondent has filed their reply, which seems to be convincing. 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.

Sd/-

Dated: 04.07.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Smt. Kiran Sharma, (79730 81420)
W/o Late Shri Jagdish Sharma,
Street No. 42, Preet Nagar,
Shimlapuri, Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o Director General of Police,
Sector – 9, Chandigarh.

First Appellate Authority
O/o Director General of Police,
Sector – 9, Chandigarh.

...Respondents

APPEAL CASE NO. 4407 OF 2021

PRESENT: (I) None on behalf of the Appellant.

(ii) For the Respondent: Sh Ravi Kumar, Constable (98880130990) and Sh Ramesh, ASI (9915603000) O/o CP, Ldh and Sh Parshottam Kumar, o/o DGP Punjab (991560-3000)

ORDER:

This order may be read with reference to the previous order dated 27.05.2022.

2. The Appellant is not present today. However, she has filed her submissions through e-mail, which is taken on record.
3. The Respondent has filed their point-wise information as under:-



APPEAL CASE NO. 4407 OF 2021

ਉਪਰੋਕਤ ਵਿਸ਼ਾ ਸਬੰਧੀ ਆਪ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਆਪ ਵੱਲੋਂ ਮੰਗ ਪੱਤਰ ਮਿਤੀ 14-07-2021 ਵਿੱਚ ਮਿਤੀ 0-03-2021, 19-05-2021, 17-06-2021, 12-07-2021 ਅਤੇ ਅਜੇ ਸ਼ਰਮਾ ਵੱਲੋਂ ਮਿਤੀ 01-05-2021 ਨੂੰ ਮਾਨਯੋਗ ਮੁੱਖ ਮੰਤਰੀ ਪੰਜਾਬ ਅਤੇ ਡੀ.ਜੀ.ਪੀ. ਪੰਜਾਬ ਪੁਲਿਸ ਜੀ ਨੂੰ ਈ-ਮੇਲ ਰਾਹੀਂ ਭੇਜੀਆਂ ਸ਼ਿਕਾਇਤਾਂ ਸਬੰਧੀ ਲੜੀ ਨੰਬਰ 1 ਤੋਂ 9 ਤੱਕ ਸੂਚਨਾ ਦੀ ਮੰਗ ਕੀਤੀ ਹੈ। ਸ਼ਿਕਾਇਤ ਸ਼ਾਖਾ ਸੀ.ਪੀ.ਓ. ਲੁਧਿਆਣਾ ਦੀ ਰਿਪੋਰਟ ਮੁਤਾਬਿਕ ਸੂਚਨਾ ਦਾ ਵੇਰਵਾ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਹੈ ਜੀ :-

ਲੜੀ ਨੰਬਰ 1 ਵਿੱਚ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਸਬੰਧੀ ਆਪ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਮਿਤੀ 07.03.2021 ਨੂੰ ਕੀਤੀ ਸ਼ਿਕਾਇਤ ਜਿਸਨੂੰ ਸ਼ਿਕਾਇਤ ਸ਼ਾਖਾ ਸੀ.ਪੀ.ਓ. ਲੁਧਿਆਣਾ ਦਾ ਯੂ.ਆਈ.ਡੀ. ਨੰਬਰ 1992815 ਮਿਤੀ 16.03.2021 ਲੱਗਾ ਹੈ, ਮਿਤੀ 19.05.2021 ਨੂੰ ਕੀਤੀ ਸ਼ਿਕਾਇਤ ਜਿਸਨੂੰ ਯੂ.ਆਈ.ਡੀ. ਨੰਬਰ 2056222 ਲੱਗਾ ਹੈ, ਮਿਤੀ 17.06.2021 ਨੂੰ ਕੀਤੀ ਸ਼ਿਕਾਇਤ ਜਿਸਨੂੰ ਯੂ.ਆਈ.ਡੀ. ਨੰਬਰ 2067040 ਲੱਗਾ ਹੈ, ਮਿਤੀ 12.07.2021 ਨੂੰ ਕੀਤੀ ਸ਼ਿਕਾਇਤ ਜੋ ਟਰੇਸ ਨਹੀਂ ਹੋ ਰਹੀ ਅਤੇ ਮਿਤੀ 01.05.2021 ਨੂੰ ਦਿੱਤੀ ਦਰਖਾਸਤ ਜਿਸਨੂੰ ਯੂ.ਆਈ.ਡੀ. ਨੰਬਰ 2062103 ਲੱਗਾ ਹੈ। ਜਿਸਦੀਆਂ ਫੋਟੋ ਕਾਪੀਆਂ ਨੱਥੀ ਹਨ।

ਲੜੀ ਨੰਬਰ 2 ਵਿੱਚ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਸਬੰਧੀ ਆਪ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਦਰਖਾਸਤ ਨੰਬਰ 1992815 ਮਿਤੀ 16.03.2021 ਦਾਖਲ ਦਫਤਰ ਹੋ ਚੁੱਕੀ ਹੈ। ਜਿਸਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦਾ ਕਾਪੀਆਂ ਨੱਥੀ ਹਨ। ਦਰਖਾਸਤ ਨੰਬਰ 2056222 ਮੁਤਾਬਿਕ ਰਿਕਾਰਡ ਜੇ.ਸੀ.ਪੀ. ਦਿਹਾਤੀ ਲੁਧਿਆਣਾ ਪਾਸ ਪੜਤਾਲ ਅਧੀਨ ਹੈ। ਦਰਖਾਸਤ ਨੰਬਰ 2067040 ਅਤੇ 2062103 ਮੁਤਾਬਿਕ ਰਿਕਾਰਡ ਸ਼ਿਕਾਇਤ ਸ਼ਾਖਾ ਸੀ.ਪੀ.ਓ. ਲੁਧਿਆਣਾ ਪਾਸ ਵਿਚਾਰ ਅਧੀਨ ਹੈ। ਜੋ ਸੂਚਨਾ ਦਾ ਅਧਿਕਾਰ ਐਕਟ 2005 ਦੀ ਧਾਰਾ 8 (1) ਤਹਿਤ ਸੂਚਨਾ ਮੁਹੱਈਆ ਨਹੀਂ ਕਰਵਾਈ ਜਾ ਸਕਦੀ।

ਲੜੀ ਨੰਬਰ 3 ਸਬੰਧੀ ਸੂਚਨਾ ਲੜੀ ਨੰਬਰ 2 ਵਿੱਚ ਦਿੱਤੀ ਜਾ ਚੁੱਕੀ ਹੈ।

ਲੜੀ ਨੰਬਰ 4 ਅਤੇ 5 ਸਬੰਧੀ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਜੋ ਦਰਖਾਸਤ ਨੰਬਰ 1992815 ਮਿਤੀ 16.03.2021 ਦੀ ਪੂਰੀ ਫਾਈਲ ਵਾਚਣ ਤੋਂ ਪਾਇਆ ਗਿਆ ਹੈ ਕਿ ਨਾ ਤਾਂ ਦਰਖਾਸਤੀ ਨੂੰ ਸ਼ਾਮਲ ਪੜਤਾਲ ਕਰਨ ਸਬੰਧੀ ਕੋਈ ਦਸਤਾਵੇਜ਼ ਅਤੇ ਨਾ ਹੀ ਕੋਈ ਬਿਆਨ ਨਾਲ ਨੱਥੀ ਹੈ ਅਤੇ ਬਾਕੀ ਉੱਕਤ ਅਨੁਸਾਰ ਦਰਖਾਸਤ ਜੋ ਪੜਤਾਲ/ਵਿਚਾਰ ਅਧੀਨ ਹਨ ਸਬੰਧੀ ਸੂਚਨਾ ਦਾ ਅਧਿਕਾਰ ਐਕਟ 2005 ਦੀ ਧਾਰਾ 8 (1) ਤਹਿਤ ਸੂਚਨਾ ਮੁਹੱਈਆ ਨਹੀਂ ਕਰਵਾਈ ਜਾ ਸਕਦੀ।

ਲੜੀ ਨੰਬਰ 6 ਸਬੰਧੀ ਸੂਚਨਾ ਲੜੀ ਨੰਬਰ 3 ਵਿੱਚ ਦਿੱਤੀ ਜਾ ਚੁੱਕੀ ਹੈ।

ਲੜੀ ਨੰਬਰ 7 ਅਤੇ 8 ਸਬੰਧੀ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਦਰਖਾਸਤ ਨੰਬਰ 1992815 ਮਿਤੀ 16.03.2022 ਸਬੰਧੀ ਜਾਬਤੇ ਅਨੁਸਾਰ ਬਣਦੀ ਕਾਰਵਾਈ ਅਮਲ ਵਿੱਚ ਲਿਆ ਕੇ ਪੜਤਾਲ ਕੀਤੀ ਗਈ ਹੈ।

ਲੜੀ ਨੰਬਰ 9 ਸਬੰਧੀ ਸੂਚਨਾ ਲੜੀ ਨੰਬਰ 2 ਵਿੱਚ ਦਿੱਤੀ ਗਈ ਹੈ।

4. I have gone through the reply filed by the Respondent and have agreed with it. In view of the above, 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: 04.07.2022

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

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Shri Jagdish Dhiman, (98153 96226)
S/o Shri Krishna Dhiman,
R/o Village Nagla, P.O. Handesra,
Tehsil Dera Bassi, District S.A.S. Nagar – 140501 (Mohali)

...Appellant

Versus

Public Information Officer,
O/o Tehsildar,
Zirakpur, District S.A.S. Nagar (Mohali).

First Appellate Authority
O/o Deputy Commissioner,
S.A.S. Nagar (Mohali).

...Respondents

APPEAL CASE NO. 652 OF 2022

Present: None for the parties.

ORDER

This order may be read with reference to the previous order dated 20.05.2022, vide which neither the appellant nor the respondent was present.

2. The perusal of the file shows that during the last hearing, both the parties were not present. Today again, both the parties are not present. In the aforementioned circumstances, I am of the considered view that no useful purpose would be served by prolonging this matter any further. Hence the above said appeal case filed by the appellant is **dismissed for non perusal**. Copy of the order be sent to the parties

Dated: 04.07.2022

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

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Sh. Vasdev Garg, Mittwa Street,
Mittwa Street, Water Works Road,
Manda -151505

.....Complainant

..Vs

Public Information Officer,
O/o Principal Secretary, Finance Department, Punjab
Main Civil Secretariat, Chandigarh

.....Respondent

CC No. 141 of 2022

Present: (i) None is present on behalf of the complainant
(ii) For the respondent: Sh. Rajesh Mittal, Auditor-cum-PIO (9464206373)

ORDER

1. The RTI application is dated 29.01.2022 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 16.03.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 04.07.2022 in the Commission.
3. The respondent states that the information has already been sent to the complainant
4. 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).



CC No. 141 of 2022

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.

5. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 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.

6. 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.

7. 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.

8. 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**.

Dated: 04.07.2022

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

FIRST APPELLATE AUTHORITY

O/o Principal Secretary, Finance Department, Punjab
Main Civil Secretariat, Chandigarh

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Shri Jagdish Dhiman, (98153 96226)
S/o Shri Krishna Dhiman,
R/o Village Nagla, P.O. Handesra,
Tehsil Dera Bassi, District S.A.S. Nagar – 140501 (Mohali)

...Appellant

Versus

Public Information Officer,
O/o Sub Divisional Magistrate,
Dera Bassi, District S.A.S. Nagar (Mohali).

First Appellate Authority
O/o Deputy Commissioner,
S.A.S. Nagar (Mohali).

...Respondents

APPEAL CASE NO. 651 OF 2022

Present: None for the parties.

ORDER

This order may be read with reference to the previous order dated 20.05.2022, vide which neither the appellant nor the respondent was present.

2. The perusal of the file shows that during the last hearing, both the parties were not present. Today again , both the parties are not present. In the aforementioned circumstances, I am of the considered view that no useful purpose would be served by prolonging this matter any further. Hence the above said appeal case filed by the appellant is **dismissed for non perusal**. Copy of the order be sent to the parties.

Dated: 04.07.2022

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

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Sh. Sushil Kumar, House No. 1410, Phase 1
Urban Estate, Durgi Road, Ludhiana- 141013
(9814500575)

.....Appellant

..Vs

Public Information Officer,
O/o Police Commissioner, Ludhiana
First Appellate Authority,
O/o Police Commissioner, Ludhiana

.....Respondent

AC No. 3478 of 2021

Present: (i) None is present on behalf of the appellant
(ii) For the respondent: Sh. Ramesh Kumar, ASI (7937803000)

ORDER

This order may be read with reference to the previous order dated 30.05.2022 vide which neither the appellant nor the respondent was present.

2. The appellant is absent today. He has sent his submissions via mail which is taken on record.

3. The respondent states that point wise reply has already been sent to the appellant.

4. After hearing the respondent and going through the case file, it is observed that the respondent has sent his proper point wise reply to the RTI of the appellant. The appellant is absent today. It is observed that the appellant is absent for third consecutive hearing. However, since the appellant is not present, it is not appropriate to prolong this matter any further.

5. 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: 04.07.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Shri Amarjit Singh Dhamotia, (98887 10031)
R/o # 1331-5, Vishwakarma Bhawan,
Down Canal Road, Simlapuri, Ludhiana – 141003

...Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Nagar Council, Zirakpur,
District S.A.S. Nagar (Mohali).

First Appellate Authority
O/o Executive Officer,
Nagar Council, Zirakpur,
District S.A.S. Nagar (Mohali).

...Respondents

APPEAL CASE NO. 5081 OF 2021

Present: (i) None is present on behalf of the appellant
(ii) For the respondent: Sh. Nirdosh Sharma, Building Inspector (9915955511),
Sh. Gulshan Mehta, Advocate (9876468637)

ORDER

This order may be read with reference to the previous order dated 20.05.2022 vide which the appellant was not present.

2. The appellant is absent today. He has sent his submissions via mail, which is taken on record.

3. The perusal of the file shows that the appellant is absent for third consecutive hearing. The respondent has filed his reply that the information demanded by the appellant is very voluminous and vague.

It is observed that the appellant has not pointed out specific information so far. In the aforementioned circumstances, I am of the considered view that no useful purpose would be served by prolonging this matter any further.

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: 04.07.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab