

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Sh Suraj Parkash, S/o Sh Bhagwan Chand,
H No-162/2, Chabutra Mohalla, Tehsil Banga,
Distt SBS Nagar.

... Appellant

Versus

Public Information Officer,
O/o Director,
Social Justice and Minority Department Punjab,
Special Welfare-1, SAS Nagar.

Public Information Officer,
O/o Director,
Social Justice and Minority Department Punjab,
SCO-1, Phase-1, SAS Nagar.

...Respondent

Appeal Case No. 1823 of 2021

PRESENT: Sh.Suraj Parkash as the Appellant
Sh.Baldev Singh for the Respondent

ORDER:

The appellant through an RTI application dated 29.12.2020 has sought information regarding the detail of vacant posts filled in the general category by de-reserving SC/BC category posts – date of de-reserving the posts – proposal approved by the departments – a copy of the notification to de-reserve the posts and other information as enumerated in the RTI application from the office of Director Social Justice and Minority Department, Pb Mohali. The appellant was not provided with the information provided after which the appellant filed the first appeal before the first appellate authority on 20.02.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Nawanshahar/Mohali. As per the appellant, the PIO has not supplied the information.

The respondent present pleaded that since the information relates to Social Welfare Branch-1, (Reservation Cell), Department of Social Justice and Minority, Pb Chandigarh, the RTI application has been transferred to them under section 6(3) of the RTI Act vide letter dated 03.02.2021.

Having gone through the record, the Commission observes that the RTI application was filed on 29.12.2020 and PIO has transferred the RTI application to the concerned PIO only on 03.02.2021, which should have been transferred within five days of its receipt. The Commission has taken a serious view of this and hereby directs to the PIO to **show cause why penalty should not be not imposed under Section 20 of the RTI Act 2005 for not attending to the RTI application within the statutorily prescribed time.** 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 persons of the show cause and direct them to appear before the Commission along with the written replies.

Appeal Case No. 1823 of 2021

The PIO- Social Welfare Branch-1, (Reservation Cell), Department of Social Justice and Minority, Pb Chandigarh is impleaded in the case and directed to look at the RTI application transferred by PIO O/o Director Social Justice and Minority Department, Pb Mohali vide letter dated 03.02.2021 and provide the information to the appellant within 15 days of the receipt of the order, otherwise, the Commission will be constrained to take action against the PIO under section 20 of the RTI Act. A copy of the RTI application is being attached with the order.

The case is adjourned. To come up for further hearing on **18.01.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Nawanshahar. The PIO to appear at Chandigarh.

Chandigarh
Dated: 04.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

**CC to PIO- Social Welfare Branch-1, (Reservation Cell),
Department of Social Justice and
Minority,Pb, Civil Secretariat-2, Chandigarh**

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Sh Sandeep Joshi,
273/6, Ward No-9, Taraori,
Distt. Karnal, Haryana.

Appellant

Versus

Public Information Officer,
O/o SMO, Civil Hospital,
Mandi Gobindgarh,
Distt Fatehgarh Sahib.

...Respondent

Complaint No. 524 of 2021

PRESENT: None for the Complainant
None for the Respondent

ORDER:

The complainant through an RTI application dated 10.04.2021 has sought information regarding the detail of admission/treatment of Vaibhav Joshi s/o Sandeep Joshi along with names of doctors who attended the patient – detail of the post of Dr Wali Mohd. Action if any to be taken if he is practising at home even being in Govt. service - and other information as enumerated in the RTI application from the office of SMO Civil Hospital, Mandi Gobindgarh. The complainant was not provided with the information provided after which the complainant filed a complaint in the commission on 29.04.2021. The complainant had filed a complaint under Life & Liberty, however, the Hon'ble CIC has ordered to consider the case under the general category.

The case has come up for hearing today through video conferencing at DAC Fatehgarh Sahib. Both the parties are absent.

Having gone through the record, the Commission observes that the RTI application was filed on 10.04.2021 and there is nothing on file that establishes that the PIO has addressed the RTI application. There has been an enormous delay of six months in attending to the RTI application. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty should not be not imposed under Section 20 of the RTI Act 2005 for not attending to the RTI application within the statutorily prescribed time.** 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 persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is again directed to provide information to the complainant within 15 days of the receipt of the order.

The case is adjourned. To come up for further hearing on **03.01.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Fatehgarh Sahib. The appellant may appear at Chandigarh.

Chandigarh
Dated: 04.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Ms. Mandeep Kaur, D/o Sh Baljinder Singh,
R/o village Meerpur, P.O Kheri Naudh Singh,
Tehsil Khamanoo, Distt Fatehgarh Sahib.

Appellant

Versus

Public Information Officer,
O/o Director of Education,
SGPC, Bahadurgarh, Patiala.

First Appellate Authority,
O/o Director of Education,
SGPC, Bahadurgarh, Patiala.

...Respondent

Appeal Case No. 1893 of 2021

PRESENT: Ms.Mandeep Kaur as the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 14.12.2020 has sought information regarding recruitment of ad hoc Assistant Professor(History) in Mata Gujri College Fatehgarh Sahib by SGPC Committee Bahadurgarh – detail of marks obtained by candidate Pritpal Singh along with his educational qualification – merit list of eligible candidates – criteria for recruitment and other information as enumerated in the RTI application from the office of SGPC Bahadurgarh. The appellant was not provided with the information provided after which the appellant filed the first appeal before the first appellate authority on 15.01.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Fatehgarh Sahib/Patiala. As per the appellant, the PIO has not supplied the information.

The respondent is absent nor is represented. There has been an enormous delay of more than nine months in attending to the RTI application. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty should not be not imposed under Section 20 of the RTI Act 2005 for not attending to the RTI application within the statutorily prescribed time.** 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 persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is again directed to provide information to the appellant within 15 days of the receipt of the order.

The case is adjourned. To come up for further hearing on **03.01.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Fatehgarh Sahib. The PIO to appear through VC at DAC Patiala.

Chandigarh
Dated: 04.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Naresh K Gupta,
Whistle Blower, R/o Chowk No-1,
Jaitu , Distt FARIdkot.

... Complainant

Versus

Public Information Officer,
O/o SSP,
Faridkot.

...Respondent

Complaint Case No. 516 of 2021

PRESENT: Sh.Naresh Kumar Gupta as the Complainant
Sh.Ramesh Kumar, ASI for the Respondent

ORDER:

The complainant through an RTI application dated 01.04.2021 has sought information on 09 points regarding complaint title Naresh Kumar v/s Mukhtiar Singh & Others 156(3) for registration of FIR on 4 persons – the action taken report with endorsement no and date – date of sending the report on the complaint to Hon'ble court- report of matter 1908-09-1919 with the record called from DSP Jaitu and other information as enumerated in the RTI application from the office of SSP Faridkot. The complainant was not provided with the information provided after which the complainant filed a complaint under Section 18 of the RTI Act in the Commission on 19.05.2021.

The case has come up for hearing today through video conferencing at DAC Faridkot. The respondent present pleaded that the complainant had sought information relating to the complaint No.1908-PC-09/19. Since as per the report of PC Branch, the complaint was pending enquiry, the same reply was sent to the complainant vide letter dated 26.04.2021. Thereafter, the information has been supplied to the complainant on 20.05.2021 and 11.09.2021.

The complainant claims that he has received a reply relating to this RTI application only on 11.09.2021 and the reply dated 26.04.2021 was not relevant to this RTI application.

Facts of the case:

The appellant filed an RTI application on 1.04.2021.

The respondent sent a reply to the appellant of 26.04.2021 denying the information on the ground that the sought information is still in an inquiry stage.

The appellant filed a complaint case under Section 18 on grounds that no information has been provided.

Interim Order.

Having gone through arguments of both the parties and the facts on the file, I see that the PIO has replied within the stipulated period of thirty days. However, I find shortcomings in the reply of the PIO, as the PIO has blanketly refused the information by stating that the sought information is pending inquiry but has failed to qualify it with any exemption and speaking order.

Complaint Case No. 516 of 2021

Given the above observations, the PIO is directed to file a fresh reply to the court.

The case is adjourned. To come up for further hearing on **24.01.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Faridkot

Chandigarh
Dated: 04.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Lajpat Rai, S/o Sh Harbans Lal,
Romana Street, Jaito,
Tehsil & Distt Faridkot.

... Complainant

Versus

Public Information Officer,
O/o DSP, Jaito,
Distt. Faridkot.

First Appellate Authority,
O/o SSP,
Faridkot.

...Respondent

Appeal Case No. 1865 of 2021

PRESENT: Sh.Lajpat Rai as the Appellant
Sh.Sanjeev Kumar, DSP for the Respondent

ORDER:

The appellant through an RTI application dated 26.09.2020 has sought information regarding enquiry reports on applications submitted by the appellant, Bimla Devi, Sunita Devi as per diary register from 29.05.2019 – enquiry reports filed by MC Jaito employees against the appellant or Sunita Devi – statement of Sunita Devi including an affidavit, statement of MC employees in FIR No.80 dt.30.05.2019 and other information as enumerated in the RTI application from the office of DSP Jaito. The appellant was not provided with the information provided after which the appellant filed the first appeal before the first appellate authority on 24.12.2020 which took no decision on the appeal. The appellant had filed an appeal under Life & Liberty; however, the Hon'ble CIC has ordered to consider the case under the general category.

The case has come up for hearing today through video conferencing at DAC Faridkot. As per the appellant, the PIO has not supplied the information.

The respondent pleaded that since the information sought by the appellant was not specific since it was not clear that what the appellant sought. As per the respondent, now after having discussions with the appellant, the sought information has been clarified and the information will be provided within 15 days.

The case is adjourned. To come up for further hearing on **24.01.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Faridkot.

Chandigarh
Dated: 04.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Lajpat Rai, S/o Sh Harbans Lal,
Romana Street, Jaito,
Tehsil & Distt Faridkot.

... Complainant

Versus

Public Information Officer,
O/o DSP, Jaito,
Distt Faridkot.

First Appellate Authority,
O/o SSP,
Faridkot.

...Respondent

Appeal Case No. 1866 of 2021

PRESENT: Sh.Lajpat Rai as the Appellant
Sh.Sanjeev Kumar, DSP for the Respondent

ORDER:

The appellant through an RTI application dated 26.09.2020 has sought information regarding the DSP Staff duty list, mobile number including journey order – Receipt/dispatch register /RTI Register, SDM office, DC Office, Human Right Commission SC Commission, SSP Office etc. from 01.05.2019 to 31.09.2020 - list of enquiries done, pending up to date with complete record No.908/PC/8/19 dt.03.06.2019 and other information as enumerated in the RTI application from the office of DSP Jaito. The appellant was not provided with the information provided after which the appellant filed the first appeal before the first appellate authority on 26.12.2020 which took no decision on the appeal. The appellant had filed an appeal under Life & Liberty, however, the Hon'ble CIC has ordered to consider the case under the general category.

The case has come up for hearing today through video conferencing at DAC Faridkot. The case has come up for hearing today through video conferencing at DAC Faridkot. As per the appellant, the PIO has not supplied the information.

The respondent pleaded that since the information sought by the appellant was not specific since it was not clear that what the appellant sought. As per the respondent, now after having discussions with the appellant the sought information has been clarified and the information will be provided within 15 days.

Regarding information on point-5, I am in agreement with the respondents contention that providing the entire log books will be not be in public interest as they contain information regarding ongoing investigations, secret visits, etc. Since this concern is valid, I direct the PIO to not provide the entire log book, however, allow inspection of the log book and provide only that information that is relevant to the appellant's reasons for asking for records of the log book.

The case is adjourned. To come up for further hearing on **24.01.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Faridkot.

Chandigarh
Dated: 04.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Baljinder Sodhi,
120, Kanshi Nagar, Kot Sadeek,
Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o District Controller,
Food and Supply Department,
Jalandhar.

First Appellate Authority,
O/o District Controller,
Food and Supply Department,
Jalandhar.

...Respondent

Appeal Case No. 1816 of 2021

PRESENT: Sh.Baljinder Singh as the Appellant
Ms.Prabhjot Kaur, Food Safety Officer O/o Civil Surgeon, Jalandhar for the Respondent

ORDER:

The appellant through an RTI application dated 30.09.2020 has sought information regarding license issued to M/s Mansi Enterprises, Jalandhar for mfg Namkeen under the brand 'Jutt James Bond 007 Fried Snacks' – samples approved – date of approval – complaint received against the company – basis on which certificate was issued by FSSAI and other information as enumerated in the RTI application from the office of District Controller, Food & Supply Department Jalandhar. The appellant was not provided with the information provided after which the appellant filed the first appeal before the first appellate authority on 17.11.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Jalandhar. The respondent present pleaded that the information has been provided to the appellant. The appellant is not satisfied and informed that he has sought a copy of the license issued to M/s Mansi Enterprises and a certificate for approval of samples relating and the basis on which FSSAI had issued the certificate.

The respondent says that the information is in the custody of Dr Arun Verma, Designated Officer/Food Safety Officer O/o Civil Surgeon, Jalandhar.

Dr.Arun Verma, Designated Officer o/o Civil Surgeon, Jalandhar is impleaded in the case and directed to provide the information to the appellant on points 1 & 3 within 15 days and send a compliance report to the commission. A copy of the RTI application is being sent along with this order.

The case is adjourned. To come up for further hearing on **18.01.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Jalandhar.

Chandigarh
Dated: 04.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

**CC to Dr.Arun Verma, Designated officer/
Food Safety Officer
O/o Civil Surgeon, Jalandhar.**

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Sh Baljinder Sodhi,
120, Kanshi Nagar, Kot Sadeek,
Jalandhar.

... Appellant

Versus

Public Information Officer,
O/o District Controller,
Food and Supply Department,
Jalandhar.

First Appellate Authority,
O/o District Controller,
Food and Supply Department,
Jalandhar.

...Respondent

Appeal Case No. 1818 of 2021

PRESENT: Sh.Baljinder Singh as the Appellant
Ms.Prabhjot Kaur, Food Safety Officer O/o Civil Surgeon, Jalandhar for the Respondent

ORDER:

The appellant through an RTI application dated 30.09.2020 has sought information regarding license issued to M/s Omni Food Products for mfg and marketing the product Naman-G Noodle, China Chowmin' – sample approved and certificate issued - complaint received against the company from any person – FSSAI certificate issued and other information as enumerated in the RTI application from the office of District Controller, Food and Supply Department, Jalandhar. The appellant was not provided with the information provided after which the appellant filed the first appeal before the first appellate authority on 17.11.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Jalandhar. The respondent present pleaded that the information has been provided to the appellant. The appellant is not satisfied and informed that he has sought a copy of the license issued to M/s Mansi Enterprises and a certificate for approval of samples and the basis on which FSSAI had issued the certificate. The appellant further informed that the PIO has informed that no complaint is found against the company relating to point-2 but the appellant himself has filed a complaint earlier.

Having gone through the reply, the Commission observes that the PIO has denied the information under section 11 but has not issued notices to the 3rd parties.

The respondent says that the information is in the custody of Dr Arun Verma, Designated Officer/Food Safety Officer O/o Civil Surgeon, Jalandhar.

A license issued to a company does not qualify as third party information, as a license is the most vital document which allows customers to have faith in a product. Moreover, many people display their license numbers on their business establishments to win the confidence of customers. I am nulling this observation of the PIO that the information could not be provided because it comes under 3rd party and is exempt under section 11 of the RTI Act.

Appeal Case No. 1818 of 2021

Dr.Arun Verma, Designated Officer o/o Civil Surgeon, Jalandhar is impleaded in the case and directed to provide the information to the appellant and send a compliance report to the commission.

The case is adjourned. To come up for further hearing on **18.01.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Jalandhar.

Chandigarh
Dated: 04.10.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

**CC to Dr.Arun Verma, Designated officer/
Food Safety Officer
O/o Civil Surgeon, Jalandhar.**