

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864118, Email: - psic28@punjabmail.gov.in

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COMPLAINT CASE NO. 0230 OF 2020

Smt. Kaushalaya Devi
W/o Late Shri Mohan Lal,
#309, Ward No.14-B,
Arya Samaj Block, DHURI,
Distt. Sangrur.

...Complainant

Versus

Public Information Officer,
O/o District Education Officer (SE),
Sangrur.

...Respondent

HEARD THROUGH CISCO WEBEX – VC/TELEPHONE

PRESENT: None for the Complainant.
Ms. Karamjit Kaur, Junior Assistant, for the Respondents.

ORDER:

The complainant applied for following information to the PIO o/o The Principal Secretary Finance, Punjab vide RTI application dated 05.08.2019:-

"I had been drawing my family pension from SBI branch, Dhuri(50028). Arrears of family pension as sanctioned by AG (A&E) Punjab has been paid to me on 29.08.2018. Your office has issued letter No.4/13/2013-5FPPS/101607/I Govt. Of Punjab, Department of Finance (Finance pension Policy & Coordination Branch) dated Chandigarh 27.06.217 to implement the judgement dated 22.10.2013 of Hon'ble Punjab & Haryana High Court in CWP No.25733 of 2012-A.P. Sharma & Others Vs. State of Punjab & Others.

The said judgement of Hon'ble High Court dated 22.10.2013 stipulates to pay interest @ 8% if payment of arrears are not made within the stipulated period as set by Hon'ble Court. Now, please given information to me under RTI Act 2005 what action has been initiated or is about to initiate by your department for the payment of interest on arrears of family pension as has been ordered by the Hon'ble High Court of Punjab & Haryana in CWP No.25733 of 2012".

When the information was not supplied by the PIO, a complaint has been made in the Commission on 06.03.2020.

2. The respondent states that the requisite information has already been provided to the Daughter-in-law of the complainant by hand on 08th September, 2020 as she was not feeling well and got receipt of the same from the daughter-in-law.

3. The Complainant is again absent today and she was also absent on 20.10.20 and 23.07.2020. She is contacted over phone but her phone was switched off. Last & final opportunity was given to the Complainant to come present on today's hearing but she failed to do so.

4. This is a Complaint case. Therefore, at this juncture it is relevant to invite the attention of the complainant to the judgment of the Hon'ble Supreme Court of India rendered on 12-12-2011 in Civil Appeal Nos. 10788 of 2011 (arising out of SLP © No. 32768-32769/2010) 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. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

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5. An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case. The complainant is advised to approach the first appellate authority in this behalf.

6. In the light of above, **this complaint case is ordered to be closed and disposed.** Copies of order be sent to the parties.

Chandigarh
04.11.2020

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 456 OF 2020

Advocate Pawan Kumar Sharma, (9463950619)
Kothi No. 585, Phase-2,
S.A.S. Nagar (Mohali).

...Appellant

Versus

Public Information Officer,
O/o Governance Reforms-I,
Punjab Civil Secretariat-2,
Sector-9, Chandigarh.

Public Information Officer,
O/o Punjab Vidhan Sabha,
Chandigarh.

First Appellate Authority
O/o Governance Reforms-I,
Punjab Civil Secretariat-2,
Sector-9, Chandigarh.

...Respondents

HEARD THROUGH CISCO WEBEX – VC/TELEPHONE

PRESENT: None on behalf of the Appellant.
Shri Surinder Pal Singh, Joint Secretary-PIO O/o Punjab Vidhan Sabha.

ORDER:

The appellant applied for certain information to the PIO o/o The Principal Secretary, Parliament Affairs Branch, GOP, Chandigarh vide RTI application dated 17.01.2019. When the information was not supplied by the PIO, he filed first appeal to FAA on 23.09.2020. Even when information was not supplied by the FAA, he filed 2nd appeal to the Commission on 20.01.2020.

2. The respondent states that the requisite information has already been supplied to the appellant on 27.02.2019 as under :-

S.No.	Demanded Information	Reply of the Department
1	Present position prevailing in the State of Punjab in implementing the RTI to information Act 2005(Hereinafter referred to as the Act)	Right to information Act2005 has been implemented in the State
2	Present position in respect of filing of RTI application under the Act, on line, in the light of email dated 11.01.2019 received from Shashi Lakhanpal Mishra "Sir, At Present, there is no system fo filing online RTI application. Please sent application with fee by post. Thanks PIO. Punjab Vidhan Sabha.Puniab	Question can be answered by PIO Vidhan Sabha
3	Punjab Govt. Proposal(s)/ decisions of implementing the act in a spirit of the act by the Hon'ble Parliament in the year 2005".	Government is committed to implement the Act in letter and spirit

3. The appellant acknowledges the above and expresses his willingness to close the case.

4. Letter No.10/4/2019-4Admn.Br.-1)1/110083/2020 dated 09.07.2020, sent to the appellant by the Respondent (O/o Punjab Govt. General Reforms Complaints department (Administrative Reforms Branch-1) copy received in the Commission by E-mail is taken on record.

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APPEAL CASE NO. 456 OF 2020

5. In view of the above, no further action is called for in this case and hence, **the case is ordered to be closed and disposed.** Copies of the order be sent to the parties.

Chandigarh
04.11.2020

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 1417 OF 2020

Shri Balbir Singh (9876475235)
S/o Shri Bant Singh,
VPO Manakpur Sharif
Tehsil Khera, District Mohali

Versus

...Appellant

Public Information Officer,
O/o Secretary,
Punjab School Education Board,
Phase-8, SAS Nagar (Mohali).

First Appellate Authority,
O/o Secretary,
Punjab School Education Board,
Phase-8, SAS Nagar (Mohali).

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Sh. Balbir Singh, Appellant.
Sh. Jeet Singh, Sr. Assistant, on behalf of the Respondent – PIO.

ORDER:

The appellant applied for following information to the PIO o/o Punjab School Education Board, Mohali vide RTI application dated 22.10.2019 :-

Certify that before 1984 in which phase/sector the office of Punjab School Education Board, Mohali was situated.

- 1. Certify in which year fire was broken out in above office. Give year-wise details.*
- 2. Provide copy of cut list of matric examination of high schools conducted in GHS Manakpur Sarif in Ropar district in the year 1984.*
- 3. Please provide the name of Superintendent in Manakpur Sarif examination centre in matriculation examination.*
- 4. Provide the list of students and compilation sheet of matric examination 1984 of above examination centre.*
- 5. Provide copy of award list of matric examination held at above centre in 1984.*

When the information was not supplied by the PIO, he filed first appeal to FAA on 12.12.2019. Even when information was not supplied by the FAA, he filed 2nd appeal to the Commission on 04.06.2020.

2. The Respondent submitted affidavit regarding supply of information from the Respondent-PIO stating therein that the information is more than 20 years old and supply of such old information is exempted under Section 8(3) of the RTI Act 2005.

3. Above original affidavit is handed over to the appellant and receipt of the same is given by him on 30.10.2020. Copy of affidavit is retained in case file.

4. The above appellant acknowledges the receipt of original affidavit and expresses his willingness to close the case.

5. In view of the above, **the case is ordered to be closed and disposed.** Copies of the order be sent to the parties.

Chandigarh
04.11.2020

Sd/-
(Hem Inder Singh)
State Information Commissioner