

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.**  
**Ph: 0172-2864114, Email: - [psicsic30@punjabmail.gov.in](mailto:psicsic30@punjabmail.gov.in)**  
**Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)**



Shri Iqbal Singh Rasulpur  
Village Rasulpur, Tehsil Jagraon  
District Ludhiana.

...Appellant

Versus

**Public Information Officer,**  
O/o The Director,  
Welfare of SC, BC and Minorities,  
Punjab,  
Sector 34-A, Chandigarh

**First Appellate Authority**  
O/o The Secretary,  
Welfare of SC, BC and Minorities,  
Punjab,  
Punjab Civil Secretariat,  
Sector 9, Chandigarh

...Respondents

**APPEAL CASE NO. 4298 OF 2019**

**PRESENT: Sh.Satinderpal Singh, Advocate for the Appellant**  
**Sh.Gurpreet Singh, Sr.Assistant for the Respondent**

**ORDER:**

The appellant, through an RTI application dated 29.07.2019, has sought information on 04 points regarding action taken for constituting SC Protection Cell as per letter No.16346 dated 22.5.2017 – details of 50% matching funds received – a copy of draft sent to Central Govt – correspondence made with Social Welfare Department for constitution of SC Protection Cell as enumerated in the RTI application from the office of Director, Welfare of SC/BC and Minorities, Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 03.10.2019, which did not decide on the appeal.

The case was first heard by Ms.Preeti Chawla, State Information Commissioner, on 22.01.2020. The respondent present informed that the information had been supplied to the appellant. As per the appellant, the information was incomplete, and the appellant pointed out the deficiencies to the respondent. The respondent assured to sort out the same, and the appellant expressed his satisfaction over the same and stated that he has no objection if the case is disposed of. Accordingly, the case was disposed of and closed.

Since the deficiencies were not sorted out by the PIO, on the appellant's request, a fresh notice of hearing was issued to the parties for 26.08.2021. As per counsel for the appellant, the information was not provided. After hearing both the parties, the appellant was directed to inspect the record on 27.08.2021 and get relevant information. However, the case was referred to the Chief Information Commissioner for considering the case by a larger Bench.

**The case has come up before this Bench today.** As per the respondent, the information has been provided.

As per counsel for the appellant, the appellant has received the information and does not want to pursue the case further.

Since the information has been provided, no further interference from the Commission is required.

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

**Chandigarh**  
**Dated: 05.07.2022**

**Sd/-**  
**(Sanjiv Garg)**  
**State Information Commissioner**

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

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.**  
**Ph: 0172-2864114, Email: - [psicsic30@punjabmail.gov.in](mailto:psicsic30@punjabmail.gov.in)**  
**Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)**



Shri Kuldeep Singh S/o Shri Amarjeet Singh  
Village & PO Salodi, Tehsil Samrala  
District Ludhiana.

...Appellant

Versus

**Public Information Officer,**  
O/o The Senior Superintendent of Police,  
Punjab, **Sangrur**

**First Appellate Authority**  
O/o The Inspector General of Police,  
Patiala Range,  
PATIALA.

...Respondents

**APPEAL CASE NO. 1493 OF 2020**

**PRESENT: Sh.Satinderpal Singh, Advocate and Sh.Om Parkash for the Appellant**  
**Sh.Mandeep Singh, Constable for the Respondent**

**ORDER:**

The appellant, through an RTI application dated 05.12.2019 has sought information on 09 points regarding copy of order No.644-49/Steno dated 25.05.2015 relating to departmental enquiry against Sh.Gurinder Singh, Inspector alongwith complete enquiry report report as enumerated in the RTI application from the office of SSP Sanrur. The appellant was not provided the information after which the appellant filed a first appeal before the first appellate authority on 29.01.2020, which did not decide on the appeal.

The case was first heard by Ms.Preeti Chawla, State Information Commissioner on 22.07.2020. As per counsel for the appellant, the information was not provided. As per respondent Sh.Kuldeep Singh, ASI present on behalf of the PIO, the information being 3<sup>rd</sup> party, it was not provided. After hearing both the parties, the appellant was directed to file his reply and the respondent was directed to send the copy of information to the Commission office except third party information to decide the matter.

On the date of next hearing on 22.09.2020, the respondent stated that the information is not with them and is available with office of SSP Patiala. The PIO-SSP Patiala was directed to appear on the next date of hearing.

On the date of hearing on 26.10.2020, Sh.Hakam Singh O/o SSP Patiala appeared and informed that information being personal information of Sh.Gurinder Singh Bal, DSP, it cannot be provided since Sh.Gurinder Pal Singh has not consented to disclose his information who was also present on Webex. Sh.Gurinder Pal Singh was directed to send his written consent before the next date of hearing. On the date of hearing on 15.02.2021, the respondent present from the office of SSP Patiala reiterated his earlier plea that the information being 3<sup>rd</sup> party, it cannot be provided.

On the date of hearing on 01.06.2021, respondent was present from the office of SSP Patiala. However, none was present from the office of SSP Sangrur, the PIO-SSP Sangrur was issued a **show cause notice under section 20 of the RTI Act**. The respondent present from the office of SSP Patiala was directed to provide information and file reply through affidavit.

On the date of hearing on 27.07.2021, Sh.Kuldeep Singh, ASI appeared and submitted a reply to the show cause notice which was taken on record. After considering the reply, the show cause was dropped. The respondent present from the office of SSP Patiala reiterated their earlier plea of third party.

On the date of hearing on 26.08.2021, Sh.Gurinder Singh Bal appeared and filed his submission which was taken on record. The case was referred to the Chief Information Commissioner for considering the case by a larger bench.

**The case has come up before this Bench today.** As per respondent, the information being 3<sup>rd</sup> party, it cannot be provided.

As per counsel for the appellant, the information relates to departmental enquiry against Sh.Gurinder Singh Bal, the then SHO on the illegal custody of Sh.Om Parkash, real uncle of Sh.Kuldeep Singh who was illegally detained by Sh.Gurinder Singh Bal, the then SHO alongwith a box containing an amount of Rs.21,00,000/-. A writ petition was filed in the Punjab and Haryana High Court for release of Sh.Om Parkash alongwith personal belongings. On the detailed report of warrant officer, it was found that the detenu was found in the premises of Police Station alongwith box containing Rs.21,00,000/- without any proceedings as well as without following due procedure by Sh.Gurinder Singh, then SHO, it was recommended that departmental action be taken against him. Sh.Om Parkash was got released on the interference of warrant officer appointed by Punjab and Haryana High Court.

On the report of said warrant officer, a departmental enquiry was initiated against Sh.Gurinder Singh vide order dated 25.05.2015 which was marked to SSP Patiala. The enquiry has already completed by the SSP Patiala but the final outcome of the said enquiry has not been informed to the victim or any other relative. Further neither any punishment was given to Sh.Gurinder Singh nor any opportunity of bearing hear was given to Sh.Om Parkash by the enquiry officer.

The counsel has also cited a decision of Central Information Commission titled C Nagarajan vs Department of Posts on 19.01.2019 whereby on finality of departmental proceedings, the complainant/victim can access the information under the Act. Further as per CIC decision, it has been the consistent position of the Commission that a disciplinary enquiry assumes the characteristics of an ongoing investigation and the material thereof cannot be disclosed under section 8(1)(h) of the RTI Act but on finality of the enquiry that will be comes under Public Document, which falls under the ambit of RTI Act., hence the information being not a 3<sup>rd</sup> party information it cannot be denied.

From the facts given above and hearing both the parties, the Commission observes that it is a case of illegal detention of Sh.Om Parkash who is the real uncle of the appellant and the PIO has denied the information on the plea that the information is 3<sup>rd</sup> party but the PIO has not invoked any section of 3<sup>rd</sup> party under RTI Act., hence the PIO is directed to provide information to the appellant

Further it has been informed by the respondent that the record pertaining to enquiry is available in the office of Commandant 36 Battalion, Bahadurgarh Distt.Patiala since Sh.Gurinder Singh has been promoted as DSP and posted in the office of Commandant 36 Battalion, Bahadurgarh.

The PIO- Commandant 36 Battalion, Bahadurgarh Distt.Patiala is impleaded in the case and directed to provide enquiry report to the appellant. The information be provided within 10 days of the receipt of the order with a copy to the Commission.

To come up for further hearing on **07.09.2022 at 01.30 PM.**

**Chandigarh**

**Sd/-  
(Sanjiv Garg)**

**Dated: 05.07.2022**

**State Information Commissioner**

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

**CC to : The PIO- Commandant 36 Battalion,  
Bahadurgarh Distt.Patiala**