

Shri Tejinder Singh, Advocate, r/o Village Bholapur, PO Ramgarh, Chandigarh Road, Ludhiana-141123.

-----Appellant

Vs

Public Information Officer o/o Deputy Commissioner, Ludhiana.

First Appellate Authority o/o Deputy Commissioner, Ludhiana.

Public Information Officer-cum-Officer Incharge, Miscellaneous Branch O/o Deputy Commissioner, Ludhiana.

.....Respondents

Appeal Case No. 264 of 2019

Present:- Shri Tejilnder Singh, appellant, in person. None on behalf of the respondents.

<u>ORDER</u>

In this case, Shri Tejinder Singh, Appellant, vide his RTI application dated 23.05.2018, addressed to the PIO, sought Action Taken Report on a complaint received from Commissioner Foods & Drugs Administration, Punjab vide Diary No. 561, dated 11.04.2018 against Dr. Adesh Kang, District Health Officer, Ludhiana. On receiving no information he filed an appeal with the First Appellate Authority vide his application dated 18.11.2018 and subsequently approached the Commission in Second Appeal vide his application dated 07.01.2019, which was received in the Commission on 07.01.2019. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. Today, the appellant informs that no reply/information has been received from the respondent PIO. None is present on behalf of the respondents. However, a letter No. 342-343/PIO/RTI, dated 01.02.2019 has been received from DRO-cum-PIO, Ludhiana vide which



Officer Incharge, Miscellaneous Branch, office of Deputy Commissioner, Ludhiana has been directed to file a reply and pursue the case in the Commission. Accordingly, the Officer Incharge, Miscellaneous Branch, office of Deputy Commissioner, Ludhiana is impleaded as a necessary party in this case and he is directed to supply the requisite information to the appellant before the next date of hearing, failing which punitive action under the provisions of RTI Act, 2005 will be initiated against him.

3. To come up on **15.04.2019 at 11.30 A.M. for further proceedings.**

Dated : 06.03.2019

Sd/-(S.S. Channy) Chief Information Commissioner Punjab



Shri Nirmal Singh Dhiman s/o Late Shri Gurbax Singh, r/o H.No.895, Phase XI, Sector 65, Mohali.

-----Appellant

Vs

Public Information Officer o/o Under Secretary to Govt. of Punjab, Department of Revenue, Administration III Branch, Punjab Civil Secretariat, Chandigarh.

First Appellate Authority o/o Financial Commissioner to Govt. of Punjab, Department of Revenue, Punjab Civil Secretariat, Chandigarh.

-----Respondents

Appeal Case No. 284 of 2019

Present:- Shri Nirmal Singh Dhiman, appellant, in person.

Smt. Parvinder Kaur, Superintendent and Smt. Amarjeet Kaur, Senior Assistant, on behalf of the respondents.

<u>ORDER</u>

In this case, Shri Nirmal Singh Dhiman, Appellant, vide his RTI application dated 20.04.2018, addressed to the PIO, sought copies of office noting relating to his representations dated 28.10.2017 and 29.10.2017 regarding his pension. On receiving no information he filed an appeal with the First Appellate Authority vide his application dated 21.05.2018 and subsequently approached the Commission in Second Appeal vide his application dated 07.01.2019, which was received in the Commission on 07.01.2019. Accordingly, a Notice of Hearing was issued to the concerned parties for today.



provided information is incomplete as Annexures have not been provided and Speaking Order has not been passed by the First Appellate Authority. The respondents inform that Speaking Order has already been passed on 28.04.2015 by the First Appellate Authority. The appellant expresses dis-satisfaction. Consequently, after hearing both the parties and discussing the matter, the respondents are directed to provide copies of Annexures to the appellant and get the original file inspected by the appellant to identify any specific document required by him and supply duly attested copy of the same to him on the spot. The respondents are also directed to provide a written submission to the appellant stating that no other document relating to instant RTI application is available in their record.

3. It has been brought to the notice of the Commission by the PIO that the appellant had earlier filed 14 Appeal Cases with the Commission for seeking same/similar information, which had been disposed of by the Commission, after the information was provided to him. Accordingly, it is directed that no other RTI application from the Appellant for seeking same/similar information be entertained in future.

4. With these directions, the instant case is **disposed of and closed**.

Dated : 06.03.2019

Sd/-(S.S. Channy) Chief Information Commissioner Punjab

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Mrs. Sheelwanti/Sharanjit Kaur #932-B, MIG, Jamalpur Colony, Ludhiana.

-----Appellant

Vs

Public Information Officer o/o Deputy Commissioner, Ludhiana.

First Appellate Authority o/o Deputy Commissioner, Ludhiana.

Public Information Officer, O/o Additional Chief Administrator, Greater Ludhiana Area Development Authority, (GLADA), Ludhiana.

Appeal Case No. 294 of 2019

-----Respondents

Present:- Smt. Sheelawanti, Complainant, in person.

Ms. Anju Bala, Clerk, office of Deputy Commissioner, Ludhiana and Shri Santosh Kumar Bains, S.D.E., GLADA, Ludhiana, on behalf of the respondents.

<u>ORDER</u>

In this case, Smt. Sheelawanti, Complainant, vide her RTI application dated 02.01.2018, addressed to the PIO, sought certain information regarding her Red Card. On receiving no information she filed First Appeal with the First Appellate Authority vide her application dated 03.03.2018 and subsequently approached the Commission in Second Appeal vide her application dated 08.01.2019, which was received in the Commission on 08.01.2019. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. Today, the representative of the office of Deputy Commissioner, Ludhiana submits a letter No. 34-37/RTI/R.R.A., dated 05.03.2019 from Deputy Commissioner, Ludhiana vide which Chief Administrator, GLADA, Ludhiana has been directed to supply the requisite information to the appellant and pursue the case in the Commission.

3. The respondent of the office of GLADA, Ludhiana submits a letter No. EO

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GLADA/Ludhiana/2019/1023, dated 05.03.2019 from PIO informing that information has already been sent to the office of Deputy Commissioner, Ludhiana vide letter No. 1265, dated 27.04.2018 and letter No. 2192, dated 27.06.2018.

4. The respondent states that the matter is still under consideration and no final action has been taken. Accordingly, concerned officer of RRA Branch is directed to get the matter decided, within one month, after giving the appellant a patience hearing as the RTI Act is for transparency as well as for accountability.

5. With these directions, the instant case is **disposed of and closed**.

Sd/-

Dated : 06.03.2019

(S.S. Channy) Chief Information Commissioner Punjab

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Mrs. Sheelawanti/Sharanjit Kaur # 932-B, MIG, Jamalpur Colony, Ludhiana.

Vs

-----Complainant

Public Information Officer o/o Deputy Commissioner, Ludhiana.

Public Information Officer, O/o Additional Chief Administrator, Greater Ludhiana Area Development Authority, (GLADA), Ludhiana.

Complaint Case No. 47 of 2019

Present:- Smt. Sheelawanti, Complainant, in person.

Ms. Anju Bala, Clerk, office of Deputy Commissioner, Ludhiana and Shri Santosh Kumar Bains, S.D.E., GLADA, Ludhiana, on behalf of the respondents.

<u>ORDER</u>

In this case, Smt. Sheelawanti, Complainant, vide her RTI application dated 16.10.2018, addressed to the PIO, sought Action Taken on her representation dated 23.08.2018 regarding result of interview held on 10.06.2013. On receiving no information she filed a complaint with the Commission vide her application dated 08.01.2019, which was received in the Commission on 08.01.2019. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

Today, the representative of the office of Deputy Commissioner, Ludhiana submits a letter No. 41/RTI/R.R.A., dated 05.03.2019 from Superintendent Grade-1, office of Deputy Commissioner, Ludhiana vide which it has been informed that requisite information has been supplied to the complainant vide letter No. 332/R.R.A., dated 12.11.2018 and no observations have been received from her. The respondent states that Red Card has not been issued to the complainant as the matter is under consideration of GLADA and their recommendations have not been received as yet. Accordingly, concerned officer is directed to take necessary action on the application of the complainant after giving her a patience hearing and submit Action Taken Report as the RTI Act is for transparency as well as for accountability.
With these directions, the instant case is **disposed of and closed**.

Sd/-

(S.S. Channy) Chief Information Commissioner Punjab



Shri Jasbir Singh s/o Shri Harbans Singh, Jalal Khera, P.O. Sular, District Patiala.

-----Appellant

Public Information Officer o/o Director General of Police, Punjab, Chandigarh.

First Appellate Authority o/o Director General of Police, Punjab, Chandigarh. ------Respondents

Vs

Appeal Case No. 317 of 2019

Present:- Shri Jasbir Singh, Appellant, in person.

Shri Hakam Singh, H.C., on behalf of the respondents.

<u>ORDER</u>

In this case, Shri Jasbir Singh, Appellant, vide his RTI application dated 10.10.2018, addressed to the PIO, sought certain information regarding funds provided for renovation of Police Station Pattran. On receiving no information he filed an appeal with the First Appellate Authority vide his application dated 12.11.2018 and subsequently approached the Commission in Second Appeal vide his application dated 09.01.2019, which was received in the Commission on 09.01.2019. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. Today, the representative of the respondents submits a letter No. A.C./317 of 2019/21 AC/185-186, dated 05.03.2019 from SSP-cum-PIO Patiala, enclosing a copy of the provided information, vide which it has been informed that requisite information has already been supplied to the appellant vide letter No. 856-57/MOD, dated 27.10.2017. He hands over a copy of the information to the appellant, who after perusing the same, expresses satisfaction.

3. Accordingly, the case is **disposed of and closed.**

Sd/-(S.S. Channy) Chief Information Commissioner Punjab



Shri Tejinder Singh, Advocate, r/o Village Bholapur, Post Office Ramgarh, Chandigarh Road, Ludhiana-141123.

-----Appellant

Vs

Public Information Officer o/o Sub Divisional Magistrate, Jagraon, District Ludhiana.

First Appellate Authority o/o Deputy Commissioner, Ludhiana.

-----Respondents

Appeal Case No. 304 of 2019

Present:- Shri Tejilnder Singh, appellant, in person. None on behalf of the respondents.

<u>ORDER</u>

In this case, Shri Tejinder Singh, Appellant, vide his RTI application dated 22.11.2017, addressed to the PIO, sought certain information regarding the licenses issued from August 2017 to November 22, 2017 along with the function of Track. On receiving no information he filed an appeal with the First Appellate Authority vide his application dated 03.04.2018 and subsequently approached the Commission in Second Appeal vide his application dated 17.12.2018, which was received in the Commission on 08.01.2019. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. Today, none is present on behalf of the respondents. However, a letter No. 8282, dated 05.03.2019 has been received from APIO, office of SDM, Jagraon enclosing a copy of information, which has been sent to the appellant by M.L.C., office of SDM Jagraon vide letter No. 8281/M.L.C., dated 05.03.2019. A copy of this letter/information is handed over to the appellant, who is directed to furnish his observations, if any, on the provided information, to the PIO, with a copy to the Commission.

3.

Dated : 06.03.2019

To come up on 15.04.2019 at 11.30 A.M. for further proceedings.

Sd/-(S.S. Channy) Chief Information Commissioner Punjab



Shri Sunil Kumar s/o Shri Lekh Raj, r/o 1350/9, Gali Gujran Wali, Chowk Baba Sahib, Amritsar.

-----Appellant

Vs

Public Information Officer o/o Police Commissioner, Ludhiana.

First Appellate Authority o/o Police Commissioner, Ludhiana.

Appeal Case No. 308 of 2019

-----Respondents

Present:- None for the appellant.

Shri Pawandev Singh, S.I., on behalf of the respondents.

<u>ORDER</u>

In this case, Shri Sunil Kumar, Appellant, vide his RTI application dated 29.09.2018, addressed to the PIO, sought certain information regarding Complaint No. C.R. 1376000, dated 07.07.2018 filed by Shri Devanand. On receiving no information he filed an appeal with the First Appellate Authority vide his application dated 16.11.2018 and subsequently approached the Commission in Second Appeal vide his application dated 14.01.2019, which was received in the Commission on 14.01.2019. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. Today, the appellant is not present. However, a letter dated 05.03.2019 has been received from him through e-mail seeking exemption from personal appearance. He has requested to direct the PIO to supply complete information to him without any delay.

3. The representative of the respondents informs that final action on the said complaint has been taken and he has brought the information for handing over to the appellant. He submits a copy of the information to the Commission, which is taken on record. Since the appellant is not present, the respondent is directed to send the information to the appellant by registered post.

4. With these directions, the case is **disposed of and closed**.

Sd/-(S.S. Channy) Chief Information Commissioner Punjab

BIT HER DISSUE

Shri Jagshir Singh s/o Shri Gian Singh, #9/20, Mandi Mullanpur, Ludhiana.

-----Appellant

Vs

Public Information Officer o/o Senior Superintendent of Police, Ludhiana (Rural)

First Appellate Authority o/o Deputy Inspector General of Police, Ludhiana Range, Ludhiana.

-----Respondents

Appeal Case No. 309 of 2019

Present:- None for the appellant.

Ms. Jaspreet Kaur, S.I., on behalf of the respondents.

<u>ORDER</u>

In this case, Shri Jagshir Singh, Appellant, vide his RTI application dated 25.09.2018, addressed to the PIO, sought personal information in respect of staff posted at Police Station Dakha. On receiving no information he filed an appeal with the First Appellate Authority vide his application dated 12.11.2018 and subsequently approached the Commission in Second Appeal vide his application dated 14.01.2019, which was received in the Commission on 14.01.2019. Accordingly, a Notice of Hearing was issued to the concerned parties for today.

2. Today, the appellant is not present. However, a letter dated 05.03.2019 has been received from him intimating that the information regarding Point No. 1 has been provided but the information regarding Points No. 2 and 3 is still pending.

3. The representative of the respondents submits a letter No. 57/5A, PS Dakha, dated 04.03.2019 from SHO-cum-PIO, P.S. Dakha vide which information regarding Point No. 1 has been sent. Regarding Point No. 2 it has been intimated that any specific information has not been asked for and regarding Point No. 3 it has been intimated that the information regarding Departmental Action against the officials cannot be provided.

4. I agree with the plea put forth by the respondent PIO as it is a matter between the employee and the employer. Therefore, the appellant is advised to ask for specific information by filing a fresh RTI application with the concerned PIO.

4. Accordingly, the case is **disposed of and closed**.

Sd/-(S.S. Channy) Chief Information Commissioner Punjab



Shri Tejinder Singh, r/o Village Bholapur, P.O. Ramgarh, Chandigarh Road, Ludhiana – 141123.

-----Appellant

Vs

Public Information Officer o/o Municipal Corporation, Jalandhar.

First Appellate Authority o/o Municipal Corporation, Jalandhar.

-----Respondents

Appeal Case No. 2902 of 2018

Present:- Shri Tejinder Singh, Appellant, in person.

Ms. Pooja Kumari, Building Inspector, on behalf of the respondents.

<u>ORDER</u>

This case was earlier heard by Dr. Pawan Kumar Singla, SIC on 05.12.2018 and 07.01.2019. On 07.01.2019, during hearing of the case, he recommended to constitute a Full Bench/Division Bench to decide the matter as an important issue is involved in this case. Accordingly, a Division Bench comprising of Dr. S.S.Channy, CIC and Dr. Pawan Kumar Singla, SIC was constituted and a Notice of Hearing was issued to the concerned parties for today.

2. Today, the representative of the respondents states that the requisite information is available on the official Web Site of the Department. The appellant states that only Challan Numbers are available on the Site but complete requisite information is not available. On this respondent states that the appellant may visit her office on any



working day when she will explain the procedure and show the requisite information to him on the Web Site. Consequently, after hearing both the parties and discussing the matter, the appellant is advised to visit the office of the respondent on a mutually agreed date and time to obtain the requisite information, to which the appellant agrees.

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3. Accordingly, the case is **disposed of and closed**.

Sd/-(Pawan Kumar Singla) SIC Sd/-(S. S. Channy) CIC

Dated 06.03.2019

CC:- PS/SIC (PKS) for the kind information of Ld. SIC (PKS)

Shri Sandeep Khatri, 126/B6, Gulmohar City, Dera Bassi, Mohali.

-----Appellant

Vs

The Public Information Officer o/o Managing Director, Punjab Health System Corporation, State Institute of Health & Family Welfare Complex, Mohali.

First Appellate Authority, Managing Director, Punjab Health system Corporation, State Institute of Health & Family Welfare Complex, Mohali.

-----Respondents

Appeal Cases No. 2249 and 2154 of 2018

Present: None on behalf of the appellant.

Shri Ramesh Singla, Pharmacist and Shri Sunil Kumar, Computer Operator, on behalf of the respondents.

<u>ORDER</u>

These cases were earlier clubbed and heard by Prof(Mrs.) Viney Kapoor Mehra, SIC on 05.10.20189, when during hearing, she recommended to constitute a Larger Bench to hear these cases. Accordingly, a Larger Bench comprising of Dr. S.S.Channy, CIC and Prof(Mrs.) Viney Kapoor Mehra, SIC was constituted and a Notice of Hearing was sent to the concerned parties for 19.12.2018. The cases were further postponed to 23.01.2019, due to certain administrative reasons.

2. On 23.01.2019, the appellant informed that the information regarding 3 points had been supplied to him but the information regarding remaining 6 points was still pending. Dr. Meena Hardip Singh, PIO of the office of Punjab Health Systems Corporation, Mohali, submitted a letter No. P.H.S.C./RTI/19/28-30, dated 22.01.2019 vide which the factual position of the case had been explained and copies of letter No. RTI/18/107, dated 07.03.2018 from the





PIO-cum-Assistant Civil Surgeon, Mohali and letter No. RTI/18/132, dated 12.04.2018 from First Appellate Authority-cum-Civil Surgeon Mohali had been sent. Vide these letters the PIO and the First Appellate Authority of the office of Civil Surgeon Mohali had informed the appellant that they were unable to provide the required information concerning INDUS International Hospital Derabassi which is a private entity and does not fall under the category of Public Authority as defined u/s 2(h) of the RTI Act, 2005.

3. The representative of the office of Civil Surgeon, Mohali submitted a letter No. RTI/2019/21, dated 22.01.2019 from PIO-cum-Assistant Civil Surgeon, Mohali vide which it had been informed that The Clinical Establishments(Registration and Regulation)Act, 2010 has since not been implemented in the State of Punjab by the Government of Punjab.

4. Consequently, after hearing the representatives of the respondents and discussing the matter at length, the respondents were directed to ascertain as to whether any land had been given to the said Hospital on concessional rate by the Government as in the case of MAX Hospital, Mohali and Fortis Hospital Mohali, on the basis of which these Hospitals had been declared as Public Authorities under the RTI Act, 2005. The respondents were directed to make a detailed written submission in this regard on the next date of hearing.

5. During hearing it was also observed that as per the Judgement of Supreme Court of India in case titled Thalappalam Service Cooperative Bank Ltd. and others versus State of Kerala and others in Civil Appeal 9017 of 2013 arising out of SLP© No. 24290 of 12, onus lies on the appellant to prove on the basis of documentary evidence that the said Hospital is a Public Authority under the RTI Act, 2005. Therefore, one final opportunity was afforded to him to vindicate his stand by submitting documentary evidence, if any, in this regard, on the

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next date of hearing to enable the Commission to arrive at a logical conclusion. The cases were adjourned for today.

6. Today, the representative of the respondent PIO submits a letter No. PHSC/RTI/19/77, dated 05.03.2019 from Dr. Meena Hardeep Singh, Information Officer, Punjab Health Systems Corporation vide which it has been informed that they are unable to find out the information regarding the substantial Government benefits, the said private hospital has been getting or has gotten in terms of land concession or any other penury benefits directly or indirectly.

7. The appellant is not present without any intimation nor any documentary evidence has been received from him on the basis of which the said hospital could be declared as a Public Authority under the RTI Act, 2005. It shows that the appellant has nothing to say in the matter.

8. Accordingly, the cases in hand are **disposed of and closed**.

Sd/-(Viney Kapoor Mehra) SIC Sd/-(S. S. Channy) CIC

Dated : 06.03.2019

CC:- PS/SIC (VKM) for the kind information of Ld. SIC (VKM)



Shri Jagjit Singh s/o S. Ajit Singh, #205, GH 44, Sector 20, Panchkula.

-----Appellant

Vs

The Public Information Officer o/o Secretary to Govt. of Punjab, Department of Social Welfare, (Reservation Cell), Civil Secretariat-2, Sector 9, Chandigarh.

First Appellate Authority, Oo/o Secretary to Govt. of Punjab, Department of Social Welfare, (Reservation Cell), Civil Secretariat-2, Sector 9, Chandigarh.

-----Respondents

Appeal Case No. 2989 of 2018

Present: Shri Jagjit Singh, Appellant, in person.

Shri Nachhattar Singh, Superintendent and Shri Jaspreet Singh Randhawa, Senior Assistant, on behalf of the respondents.

<u>ORDER</u>

This case was earlier heard by Prof(Mrs.) Viney Kapoor Mehra, SIC on

 $19.12.2017, \ 07.02.2018, \ 21.03.2018, \ 16.05.2018, \ 21.06.2018, \ 29.08.2018 \ \text{and}$

17.10.2018. On 17.10.2018 during hearing, she recommended to constitute a Larger

Bench to hear this case. Accordingly, a Larger Bench comprising of Dr. S.S.Channy,

CIC and Prof(Mrs.) Viney Kapoor Mehra, SIC was constituted and a Notice of Hearing

was sent to the concerned parties for 19.12.2018, which was further postponed to

23.01.2019 due to certain administrative reasons.

2. On 23.01.2019, the appellant informed that the information regarding 3



points had been supplied to him but the information regarding remaining 6 points was still pending. The representative of the respondents stated that an affidavit had already been submitted by the PIO on 23.07.2018 explaining the factual position of the case. He further stated that some record has been destroyed as per Government instructions but list of destroyed files was not available in the record. Consequently, after hearing both the parties and discussing the matter,

it was directed that a copy of affidavit submitted by the PIO be provided to the appellant. It was also directed that a list of files, destroyed as per Government instructions, be also supplied to the appellant and in case it is not available, then responsibility be fixed for missing of the record and status report be submitted on the next date of hearing. The case was adjourned for today.

3. Today, Shri Nachhattar Singh, Superintendent-cum-PIO states that available information has already been supplied to the appellant and as per the directions of the Commission on the last date of hearing, a copy of Affidavit has been sent to the appellant by post. He further states that the record has been thoroughly checked but list of destroyed files has not been traced.

4. The appellant submits that in the absence of requisite record he cannot stake his claim for promotion. Consequently, after hearing both the parties and discussing the matter at length, the appellant is advised to submit his representation to Director General of Police, Punjab, Chandigarh for staking his claim for promotion as par with his juniors, who were promoted against posts reserved for S.C. category and

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the Director General of Police, Punjab, Chandigarh is directed to consider the claim of the appellant and pass appropriate orders within three months.

5. A copy of orders is forwarded to Director General of Police, Punjab, Chandigarh to ensure the compliance of orders.

6. With these directions, the case is **disposed of and closed**.

Sd/-	Sd/-
(Viney Kapoor Mehra)	(S. S. Channy)
SIC	CIC

Dated : 06.03.2019

CC: Director General of Police, REGISTERED Punjab, Sector:9, Chandigarh.

CC:- PS/SIC (VKM) for the kind information of Ld. SIC (VKM)