

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. 0022 OF 2021

Shri Maninderjit Singh, (9815955201)
S/o Sh. Swaran Singh,
R/o # A-358, New Partap Nagar, Amritsar.

...Complainant

Versus

Public Information Officer,
O/o Municipal Corporation,
AMRITSAR.

...Respondent

HEARD THROUGH CISCO WEBEX-VC/TELEPHONE

PRESENT: None for the parties.

ORDER:

This order may be read with reference to the previous order dated 29.07.2021.

Both the parties are absent.

After examining the case file, it is revealed that sufficient reply/information has already been supplied to the complainant vide letter no. M.T.P./32, dated 04.08.2020.

In these circumstances, 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. 10787-10788 of 2011 (arising out of SLP(C) No. 32768-32769/2010) - Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereby, 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. 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.

Since there is an alternative and efficacious remedy of first appeal available to the Complainant under section 19 (1) of the RTI Act, 2005, 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.

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COMPLAINT CASE NO. 0022 OF 2021

Since there is an alternative and efficacious remedy of first appeal available to the Complainant under section 19 (1) of the RTI Act, 2005, 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.

In case the Complainant has any grouse about the provided information, he is advised to challenge the response of the PIO, before the designated First Appellate Authority, as envisaged under section 19 (1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.

Accordingly, this case is hereby, remanded back to the First Appellate Authority who is directed to decide the RTI application afresh as per provisions of the RTI Act, 2005.

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.

In view of the observations noted above, the instant Complaint Case is hereby,
Disposed Off and Closed. Copies of the order be sent to the parties.

**Chandigarh
06.10.2021**

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy to intimation and necessary action along with RTI application dated 19.03.2020.

First Appellate Authority,
O/o Commissioner,
Municipal Corporation,
Amritsar.

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APPEAL CASE NO. 0234 OF 2021

Advocate Kamaljit Singh Anand, (9815033415)
Chamber No. 5014, 5th Floor,
Lawyer Chamber Complex, Part-III,
District Courts, Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o Registrar,
Society Registration Department, Punjab,
17 Bays Building, Room No. 325/3, Sector17-B, Chandigarh.

First Appellate Authority

O/o Registrar,
Society Registration Department, Punjab,
17 Bays Building, Room No. 325/3, Sector17-B, Chandigarh.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: None on behalf of the Appellant.
Shri Jaswant Rai, Superintendent –cum – APIO for the Respondents (9464893934)

ORDER:

This order may be read with reference to the previous order dated 29.07.2021.

The Respondent reiterates his earlier version that information sought by the appellant is about a Charitable Society, namely, Arya Prachar Sabha bearing registration no. 33 of year 1964-65. As per official record this number allotted to Dayanand Medical College & Hospital, Ludhiana and an Affidavit in this regard has been filed in the Commission vide diary no. 16334, dated 27.07.2021 whereas the appellant is absent.

After examining the case file, it is revealed that the information sought by the appellant to which the respondent has given a proper reply and an affidavit in this regard has already been sent to the appellant with the order dated 29.07.2021. It is assumed that appellant is satisfied with the response provided to him by the respondents. Therefore, no further cause of action is left in the matter, hence the instant appeal case is **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
06.10.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 2182 OF 2020

Sh. Paramjit Singh, (9781719255; 9417246907)
H. No. 3, Gali No. 4,
Banta Singh Colony, P.O. Dasuya,
District Hoshiarpur.

...Appellant

Versus

Public Information Officer,
O/o The Principal,
Govt. Sr. Sec. School,
Sagran, District Hoshiarpur.

First Appellate Authority,
O/o The Principal,
Govt. Sr. Sec. School,
Sagran, District Hoshiarpur.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Sh. Paramjit Singh, Appellant.
Smt. Anita Rani, Punjabi Lecturer for the Respondents.

ORDER:

The RTI application is dated 05.03.2020 vide which the Appellant has sought information from the PIO O/o Principal, Government Senior Secondary School, Sagran, District Hoshiarpur on the following points in his RTI application: -

- 1) ਨਿਵੇਦਕ ਦੀ ਰਿਟਾਇਰਮੈਂਟ ਮਿਤੀ 31-03-2015 ਤੋਂ ਬਾਦ ਮਿਤੀ 31-12-2019 ਤੱਕ ਸਕੂਲ ਪ੍ਰਿੰਸੀਪਲ ਵਲੋਂ ਨਿਵੇਦਕ ਦੇ ਬੈਂਕ ਖਾਤੇ ਵਿੱਚ ਜਮਾ ਕਰਵਾਈ ਹਰੇਕ ਤਰ੍ਹਾਂ ਦੀ ਰਾਸ਼ੀ ਦੀ ਰਕਮ, ਮਿਤੀ ਅਤੇ ਵੇਰਵਾ ਦੱਸਿਆ ਜਾਵੇ।
- 2) ਨਿਵੇਦਕ ਦੇ ਬੈਂਕ ਖਾਤੇ ਵਿੱਚ ਕਿਹੜੇ ਕਿਹੜੇ ਸਕੂਲ ਫੰਡ ਵਿੱਚੋਂ ਕਿੰਨੀ ਕਿੰਨੀ ਰਕਮ ਜਮਾ ਕਰਵਾਈ ਗਈ।

On not receiving information from the PIO or on filing First Appeal with the First Appellate Authority (hereinafter FAA) on 26.06.2020, the Appellant filed Second Appeal in the Commission on 14.08.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and as such Notice of hearing was issued to the parties.

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APPEAL CASE NO. 2182 OF 2020

The case is fixed for today. The appellant reiterates his earlier version that information of point No.1 of his RTI has been supplied by the Respondents and information in respect of point 2 has not been supplied to him till date. The PIO appears in person along with the record related to the RTI application of the appellant. She files her written submission as under:-

- 1) ਪੁਆਇੰਟ ਇੱਕ ਵਿੱਚ ਸ਼੍ਰੀ ਪਰਮਜੀਤ ਸਿੰਘ ਜੀ ਵਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਇਸ ਸਕੂਲ ਦੇ ਪੱਤਰ ਨੰ: ਸੱਗਰਾਂ/21/693-95 ਮਿਤੀ 02.03.2021 ਅਨੁਸਾਰ (ਕੁਲ ਪੰਨੇ-7) ਭੇਜੀ ਜਾ ਚੁਕੀ ਹੈ।
- 2) ਪੁਆਇੰਟ 2 ਵਿੱਚ ਮੰਗੀ ਗਈ ਸੂਚਨਾ question form ਵਿੱਚ ਹੈ ਜੋ ਕਿ R.T.I. Act under cover ਨਹੀਂ ਹੈ।

In view of the above observations, no further intervention is called for; hence, the Appeal Case is **disposed of and closed**. Copies of the order be sent to the parties.

**Chandigarh
06.10.2021**

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 2980 OF 2021

Sh. Amritpal Singh S/o Sh. Avtar Singh, (9815362281)
R/o H. No. 263A/13, Gali No. 8,
Hussainpura East, Amritsar.

...Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Amritsar.

First Appellate Authority
O/o Commissioner,
Municipal Corporation, Amritsar.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Sh. Amritpal Singh, Appellant.
Sh. Ramesh Kumar, Jr. Assistant on behalf of the Respondents (8968834326)

ORDER:

The RTI application is dated 23.04.2021 vide which the Appellant has sought information as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (hereinafter FAA) on 21.05.2021 and Second Appeal was filed in the Commission on 30.06.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and Notice of hearing was issued to the parties for 06.10.2021.

The Respondent orally states that requisite information has already been supplied to the appellant whereas the appellant confirms that he has received the information from the respondents and expresses his satisfaction with the provided information. He further gives his consent to close the case.

In the light of the above, no further cause of action is left in the matter, hence the instant appeal case is **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
06.10.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 2521 OF 2020

Ms. Amritpal Kaur D/o Sh. Surjan Singh, (9888787415)
C/o Advocate Preetinder Pal, Councillor,
Chamber No. 136, Judicial Complex,
Jagraon, District Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o Punjab State Information Commission,
Sector-16, Chandigarh.

First Appellate Authority
O/o Punjab State Information Commission,
Sector-16, Chandigarh.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Ms. Amritpal Kaur, Appellant.
Sh. Sudhir Dhawan, Section Officer – cum – PIO.

ORDER:

The RTI application is dated 11.09.2019 vide which the Appellant has sought information from the PIO O/o Punjab State Information Commission, Sector -16, Chandigarh on the following points in his RTI application: -

- 1) ਇਹ ਕਿ ਅਪੀਲ ਕੇਸ ਨੰ: 3956 ਆਫ 2018 ਅਤੇ ਅਪੀਲ ਕੇਸ ਨੰ: 758 ਆਫ 2019 ਦੇ ਸਬੰਧ ਵਿੱਚ ਮਿਤੀ 20.06.2019 ਨੂੰ ਕੀਤੇ ਆਰਡਰ ਵਿੱਚ ਲਿਖਿਆ ਹੈ ਕਿ "The respondents submit that the file in question was handed over on the verbal order of the Government pleader. (ਆਰਡਰ ਦੀ ਕਾਪੀ ਨੱਥੀ) ਉਸ ਗੌਰਮਿੰਟ ਪਲੀਡਰ ਦਾ ਨਾਮ ਅਤੇ ਜਿਸ ਮਿਤੀ ਨੂੰ ਫਾਈਲ ਜੁਬਾਨੀ ਤੌਰ ਤੇ ਰੱਖੀ ਸੀ ਅਤੇ ਜਿਸ ਪੁਲਿਸ ਮੁਲਾਜਮ ਨੇ ਗੌਰਮਿੰਟ ਪਲੀਡਰ ਨੂੰ ਜੁਬਾਨੀ ਤੌਰ ਤੇ ਫਾਈਲ ਦਿੱਤੀ ਸੀ, ਉਸਦਾ ਨਾਮ ਅਤੇ ਨੰਬਰ ਦੀ ਵਿਸਥਾਰ ਪੁਰਬਕ ਸਾਫ ਸੁਥਰੀ ਤਸਦੀਕ ਸੁਦਾ ਜਾਣਕਾਰੀ ਮੁਹੱਈਆ ਕਰਵਾਈ ਜਾਵੇ।
- 2) ਇਹ ਕਿ ਅਪੀਲ ਕੇਸ ਨੰ: 3956 ਆਫ 2018 ਅਤੇ ਅਪੀਲ ਕੇਸ ਨੰ: 758 ਆਫ 2019 ਦੇ ਸਬੰਧ ਵਿੱਚ ਮਿਤੀ 20.06.2019 ਨੂੰ ਕੀਤੇ ਆਰਡਰ ਵਿੱਚ ਲਿਖਿਆ ਹੈ ਕਿ "The matter is still under consideration of the Hon'ble High Court. ਇਹ ਕਿ ਜਿਹੜੇ ਦਸਤਾਵੇਜ਼ ਦੇਖ ਕੇ ਪਤਾ ਲੱਗਾ ਕਿ ਮਾਨਯੋਗ ਹਾਈ ਕੋਰਟ ਵਿੱਚ matter still ਹੈ, ਉਨ੍ਹਾਂ ਦਸਤਾਵੇਜ਼ਾਂ ਦੀਆਂ ਤਸਦੀਕ ਸੁਦਾ ਨਕਲਾਂ ਅਤੇ ਮਿਤੀ 20.06.2019 (ਜੋ ਕਿ ਸੂਚਨਾ ਕਮਿਸ਼ਨਰ ਸ੍ਰੀ ਯਸ਼ਵੀਰ ਮਹਾਜਨ ਦੀ ਅਦਾਲਤ ਵਿੱਚ ਮੇਰੀ ਪੇਸ਼ੀ ਸੀ) ਤੋਂ ਬਾਅਦ ਦੀ ਮਾਨਯੋਗ ਹਾਈ ਕੋਰਟ ਵਿੱਚ ਜੋ ਵੀ ਪੇਸ਼ੀ ਤਾਰੀਖ ਹੈ, ਉਸਦੀ ਵਿਸਥਾਰ ਪੁਰਬਕ ਜਾਣਕਾਰੀ ਮੁਹੱਈਆ ਕਰਵਾਈ ਜਾਵੇ।

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APPEAL CASE NO. 2521 OF 2020

On not receiving information from the PIO or on filing First Appeal with the First Appellate Authority (hereinafter FAA) on 30.12.2019, the Appellant filed Second Appeal in the Commission on 08.09.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and as such Notice of hearing was issued to the parties.

The case is fixed for today. The Appellant reiterates her earlier version that no information has been provided to her whereas PIO states that sufficient information/reply has already been supplied to the appellant vide memo no. PSIC/RTI/262/2020/266-67, dated 12.02.2021 as under: -

"...Please refer to your RTI application received in the office vide diary no. 17920 dated 17.09.2019 and the hearing in this case on 11.02.2021.

2. *In this connection, it is to inform you that the requisite information has already been sent to you vide letter dated 28.09.2019. However, as directed by Shri Hem Inder Singh, Ld. SIC during hearing in the above case is again send to you as under:-*

a) *As already informed, no such information i.e. name of police official and number who handed over the file to Govt. Pleader is available in the record of the Commission. The order dated 20.06.2019 of Shri Yashvir Mahajan, SIC is self explanatory a copy of which is again enclosed herewith.*

b) *No such information/document is available in the record of the Commission regarding "the matter is still under consideration of the Hon'ble High Court."*

3. *Further, regarding order of First Appellate Authority of the Commission the matter was further examined by the Commission. The Hon'ble Chief Information Commissioner spoken to SSP/Jagraon to deal with the issue who assured that he will call the appellant and resolve the issue at his own level as per law.*

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APPEAL CASE NO. 2521 OF 2020

Moreover, the appellant is advised to visit the Respondent office for personal hearing on 11.08.2021 vide order dated 08.07.2021 but she did not turn up for the same. She is again advised to inspect the record relating to her RTI application vide order dated 11.08.2021 and she was again absent.

In light of the above, the Commission observes that inspite of orders of the Commission to inspect the relevant record as also to attend the hearing in person so that the Bench is able to hear the version of the appellant and respondent simultaneously. She has been evading the orders and as such it seems that the appellant is not pursuing her appeal case and her doing so, amount to sheer wastage of time of Public Authority. The Bench does not feel that further intervention of Bench is going to serve any purpose. As such, the appeal case is **disposed of and closed**. Copies of the order be sent to the parties.

**Chandigarh
06.10.2021**

Sd/-
(Hem Inder Singh)
State Information Commissioner