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Sh Kewal Krishna Verma,

B-6, MCH 171 , Sheikhan Mohalla,

Hoshiarpur. Complainant

Versus

**Public Information Officer,**

O/o Principal Govt High School,

Husnar. .. ...Respondent

***Remanded back***

**First Appellate Authority,**

O/o Principal Govt High School,

Husnar.

**Complaint Case No. 915 of 2017**

Present : (i) Sh. Kewal Krishan Verma, the complainant

(ii) For the respondent : Sh. Balraj Singh, Sh. Surinder Singh, Science Master

**ORDER**

1. The RTI application is dated April 2017 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 31.08.2017 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 06.11.2017 in the Commission.
3. Respondent states that information will be provided to the complainant as soon as possible. All the points have been discussed in the Commission today in the presence of the Respondent and Appellant. Respondent has agreed to provide copy of salary slip month-wise, appointment letter , attendance register.
4. Respondent states that the information which is available on record will be provided to the complainant. He further states that some information is lying with another department. Respondent is directed to transfer the application of the complainant to the concerned department.

5. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information

**Complaint Case No. 915 of 2017**

Commissioner and another Vs. State of Manipur and another, 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 which is as under:-

*(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for 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.

6. 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, 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.

7. 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.

8. In view of the observations noted above, the instant case is **disposed of.** Copies of this decision be sent to the parties ***through registered post.***

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 06.11.2017 State Information Commissioner**

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Ms Anuradha Singla, C/o Sh Sanjeev Goel,

35 Model Town, Patra, Distt Patiala. Complainant

Versus

**Public Information Officer,**

O/o Education Recruitment Board,

Govt Model Sr. Sec School, (Microsoft Building),

Phase-3B-1, Mohali.. ...Respondent

**Complaint Case No. 916 of 2017**

Present : (i) None is present on behalf of the complainant

(ii) For the respondent : Sh. Baljinder Singh, Sr. Assistant and Sh. Surinder Singh, APIO

**ORDER**

The RTI application is dated 01.03.2017 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 31.08.2017 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 06.11.2017 in the Commission.

3. Respondent states that he has personally brought the sought for information to deliver it to the complainant today in the Commission. Complainant is absent today. Respondent is directed to send the same to the complainant through registered post. Respondent has assured that the information will be sent to the complainant through registered post.

4. On the assurance of the respondent, the case is **disposed of and closed**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 06.11.2017 State Information Commissioner**

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Sh Vaneet Arora S/o Lt Sh Vijay Arora,

B-34-8309, Durga Puri, St No-16,

Haibowal kalan, Ludhiana Appellant

Versus

**Public Information Officer,**

O/o Blossom English Sr Sec School,

Shastri Nagar, Ludhiana.

**First Appellate Authority**, Principal, Blossom English Sr Sec School,

Shastri Nagar, Ludhiana. ...Respondent

**Appeal Case No. 2353 of 2017**

Present : (i) Sh. Vaneet Arora, the appellant

(ii)None is present on behalf of the respondent

**ORDER**

1. The RTI application is dated 14.07.2017 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 28.08.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 06.11.2017 in the Commission.

3. Sh, Vaneet Arora the appellant states that no information has been given to him so far.

4. Respondent is absent today.

5. A perusal of the file shows that the notice of hearing which was issued to the department was delivered back to the Commission. Therefore, one more opportunity is given to the respondent to appear before the Commission and state his case.

6. To come up on **27.11.2017 at 11.00AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 06.11.2017 State Information Commissioner**

***Through registered post***

CC: Smt. Swaranjit Kaur, DEO (SE), Ludhiana is directed to come present on the next date of hearing.

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Sh. Gurpreet Singh, S/o Sh Malkeet Singh,

H No-11, Basant Vihar, Opposite New Truck Union,

Sangrur. Complainant

Versus

**Public Information Officer,**

O/o District Education Officer, (S),

Pathankot. ...Respondent

**Complaint Case No. 712 of 2017**

Present : (i) Sh. Gurpreet Singh the complainant

(ii)For the respondent : Sh. Dalip Singh the complainant

**ORDER**

This order may be read with reference to the previous order dated 20.09.2017.

2. Respondent has brought the information today in the Commission, which is handed over to the complainant. Complainant has gone through the same and states that he is satisfied with the information provided.

3. In view of the foregoing, no cause of action is left. The complaint filed by the complainant is, therefore **disposed of and closed**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 06.11.2017 State Information Commissioner**

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Sh. Gurpreet Singh, S/o Sh Malkeet Singh,

H No-11, Basant Vihar, Opposite NewTruck Union,

Sangrur. Complainant

Versus

**Public Information Officer,**

O/o District Education Officer, (S),

Bathinda . ...Respondent

**Complaint Case No. 715 of 2017**

Present : (i) Sh. Gurpreet Singh the complainant

(ii) None is present on behalf of the respondent

**ORDER**

This order may be read with reference to the previous order dated 20.09.2017 vide which the respondent was absent and he was directed to send complete information to the complainant.

2. Sh. Gurpreet Singh- the complainant states that no information has been given to him so far.

3. Respondent is again absent today.

4. A perusal of the file shows that the complainant has filed RTI application on 13.04.2017, but after lapse of more than six months no information has been given to him so far, which shows that the respondent has no regard for the orders issued by the Commission. This is indeed a serious matter.

5. In view of the foregoing, **Smt. Bhupinder Kaur, DEO** is directed to show cause why action should not be taken against her for not attending the hearing inspite of order of the Commission. She should file a written reply in response to the show cause notice as to why the Complainant should not be compensated for the mental harassment suffered by her in getting the information. In addition to the written reply PIO is hereby given an opportunity u/s 20(1) proviso thereto for a personal hearing before the imposition of such penalty on the next date of hearing. She may take note that in case she does not file her written reply and does not avail herself of the opportunity of personal hearing on the date fixed, it will be presumed that she has nothing to say and the Commission shall proceed to take further proceedings against her ex-parte.

**Complaint Case No. 715 of 2017**

6. To come up on **27.11.2017 at 11.00 AM**. Copy of the order be sent to the parties ***through registered post.***

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 06.11.2017 State Information Commissioner**

*Note: After the order was dictated in the open court, the respondent, Sh. Maghi Ram, appeared. He was read out the above order.*

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 06.11.2017 State Information Commissioner**

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Ms. Jasbir Kaur, W/o Sh Basant Singh,

Village and P.O Saidpur, Via Thata Jadid,

Kapurthala. Appellant.

Versus

**Public Information Officer,**

O/o Director Public Instructions (S).

Ajitgarh, Punjab.

**First Appellate Authority**

O/o Director Public Instructions (S).

Ajitgarh, Punjab. ...Respondent

**Appeal Case No. 1859 of 2017**

Present : (i) None is present on behalf of the appellant

(ii) For the respondent: Sh. Daljit Singh, Sr. Assistant and Smt. Harvinder Kaur, ADSA

**ORDER**

This order may be read with reference to the previous order dated 20.09.2017.

2. The appellant is absent today.

3. Respondent states that complete information has been sent to the appellant.

4. A perusal of the file shows that the appellant is absent today. He was not even present on the last date of hearing. Even the orders sent to him has not been returned undelivered which makes it clear that the same has been duly received by him. However, since the appellant is not present, it is not appropriate to prolong this matter any further. It is presumed that he is satisfied with the information provided.

5. In view of the foregoing, no cause of action is left. The appeal filed by the appellant is, therefore, **disposed of and closed**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 06.11.2017 State Information Commissioner**

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Ms Amanbir Kaur, D/o Sh Jaswant Singh,

C/o Sh Madan Mohan Pandey, H No-2055,

Sec-15, Chandigarh. Appellant.

Versus

**Public Information Officer,**

O/o Director Public Instructions (S),

Phase-8, Mohali.

**First Appellate Authority**

O/o Director Public Instructions (S),

Phase-8, Mohali. ...Respondent

**Appeal Case No. 1887 of 2017**

Present : (i) Sh. M.M.Pandey , Advocate on behalf of the appellant

(ii) None is present on behalf of the respondent

**ORDER**

This order may be read with reference to the previous order dated 20.09.2017 vide which the respondent was directed to bring complete information in the Commission.

2. Sh. M.M.Pandey, Advocate is appearing on behalf of the appellant.

3. Respondent is absent today.

4. One last opportunity is given to the respondent to appear before the commission alongwith complete information, failing which action under Section 20 (1) of the RTI Act 2005 will be initiated.

5. To come up on **28.11.2017 at 11.00 AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 06.11.2017 State Information Commissioner**

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Sh Arvind kumar, S/o Sh Lachhman Dass,

H No- B-1/140, Near Dashmesh Pita Gurudwara Mohalla Khokhaar,

Faridkot. . Complainant.

Versus

**Public Information Officer,**

O/o MC, Patti,

Distt Tarn Taran.

**First Appellate Authority,**

MC, Patti,

Distt Tarn Taran.  ...Respondent

**Complaint Case No. 1050 of 2017**

Present : (i) None is present on behalf of the Complainant

(ii)For the respondent: Sh. Anil Chopra, EO-cum-PIO

**ORDER**

This order may be read with reference to the previous order dated 04.10.2017.

2. The complainant is absent today. He has sent a mail vide Commission diary no. 25086 dated 06.11.2017 vide which he has pointed out deficiencies.

3. Respondent states that complete information has been sent to the complainant. He files his reply mentioning therein that no more information is available in their office record.

4. Copy of the same be sent to the complainant alongwith the orders. Since, the information has been sent to the complainant and the respondent has filed in writing that no more information is available in their office record.

5. In view of the foregoing, no cause of action is left. The complaint filed by the complainant is, therefore, **disposed of and closed.** Copy of the order be sent to the parties**.**

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 06.11.2017 State Information Commissioner**

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Ms Prerna D/o Sh Kewal Krishna,

H No-B-34-7562/6A, St No-9/11,

Gokul Vihar, Durga Puri, Haibowal Kalan,

Ludhiana. Appellant.

Versus

**Public Information Officer,**

O/o District Education Officer,(S),

Ludhiana.

**First Appellate Authority**

O/o Principal, Blossom English Sr. Sec School,

Shastri Nagar, Ludhiana. . ...Respondent

**Appeal Case No. 2269 of 2017**

Present : (i) Sh. Vaneet Arora on behalf of the appellant

(ii) None is present on behalf of the respondent

**ORDER**

This order may be read with reference to the previous order dated 03.10.2017 vide which a show cause notice was issued to the PIO, o/o Principal Blossom English Senior Secondary School.

2. Today, Sh. Vaneet Arora is appearing on behalf of the appellant and states that no information has been given to the appellant so far.

3. Respondent is absent today.

4. A perusal of the file shows that a show cause notice was issued to the PIO, o/o Blossom English Senior Secondary School on the last date of hearing. But today neither the PIO, o/o Blossom English Senior Secondary School nor PIO, o/o DEO (SE) , Ludhiana has appeared. One last opportunity is given to both the parties to appear before the Commission and follow their case. Smt. Sawarnjit Kaur, DEO(SE), Ludhiana is directed to come present on the next date of hearing.

5. To come up on **27.11.2017 at 11.00 AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 06.11.2017 State Information Commissioner**

***Through registered post***

CC: 1. Smt. Sawarnjit Kaur, DEO(SE), Ludhiana

2. PIO, o/o Blossom English Senior Secondary School, Ludhiana

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Shri Gulshan Kumar,

167-B, Industrial Estate, Miller Ganj

Ludhiana ....Appellant

Versus

**Public Information Officer,**

o/o ATP,Zone D Municipal Corporation

Ludhiana

**First Appellate Authority**

o/o Commissioner , Municipal corporation

Mata Rani Chowk,Ludhiana

...Respondents

**Appeal Case No. 2920 of 2017**

Present : (i) None is present on behalf of the appellant

(ii) For the respondent : Sh. Vijay Kumar, PIO

**ORDER**

This order may be read with reference to the previous order dated 03.10.2017.

2. The appellant is absent today.

3. Respondent states that complete information has already been sent to the appellant.

4. A perusal of the file shows that the appellant is absent for third consecutive hearing. Even he has not informed the Commission about his absence. Even the orders sent to him has not been returned undelivered which makes it clear that the same has been duly received by him. However, since the appellant is not present, it is not appropriate to prolong this matter any further. It is presumed that he is satisfied with the information provided.

5. It is observed that the respondent has also sent a reply in response to the show cause notice issued to him on 12.06.2017. Keeping in view all the facts mentioned in the reply the show cause notice is, hereby, dropped. No further action is required. The appeal filed by the appellant is, therefore**, disposed of and closed.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 06.11.2017 State Information Commissioner**

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Sh Lakhvir Kumar, S/o Sh Jaspal Ram,

President Society Against Corruption and Crimes Branch,

Village Gandwa, Tehsil Phagwara, Distt Kapurthala. Appellant.

Versus

**Public Information Officer,**

O/o Executive Engineer,

Construction Division, PWD B&R,

Pathankot.

**First Appellate Authority**

O/o Superintendent Engineer,

Construction Circle, PWD B&R,

Pathankot.

. ...Respondent

**Appeal Case No. 1304 of 2017**

Present : (i) None is present on behalf of the appellant

(ii) For the respondent : Sh. Naresh Kumar, PIO

**ORDER**

This order may be read with reference to the previous order dated 03.10.2017.

2. The appellant is absent today. He has not informed the Commission about his absence for today's hearing.

3. Respondent states that the information has been sent to the appellant through speed post. He has also given in writing that no more information is available in their office record.

4. Since, the information has been sent to the appellant. Moreover, the respondent has also given in writing that no more information is available in their office record. Therefore, no cause of action is left. The appeal filed by the appellant is, therefore, **disposed of and closed**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 06.11.2017 State Information Commissioner**

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Sh Tejinder Singh,

R/o Village Bholapur, P.O Ramgarh,

Chandigarh Road, Ludhiana . Appellant.

Versus

**Public Information Officer,**

O/o Municipal Corporation,

Moga

**First Appellate Authority**

O/o Corporation Engineer,

Municipal Corporation,

Moga. . ...Respondent

**Appeal Case No. 1408 of 2017**

Present : (i) Sh. Tejinder Singh, the appellant

(ii) For the respondent, Sh. Inderjit Singh, HDM

**ORDER**

Sh. Tejinder Singh the appellant states that he has received the information and is satisfied.

2. In view of the foregoing, no cause of action is left. The appeal filed by the appellant is, therefore **disposed of and closed**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 06.11.2017 State Information Commissioner**

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Sh. Bawa Singh, S/o Sh Sadhu Singh,

President Pandher Khurd Sehkar Kirat and Construction Sabha Ltd

316, Bhavani Nagar, Majitha Road, Amritsar. Appellant.

Versus

**Public Information Officer,**

O/o Executive Engineer, UBDC,

Jandiala mandal, Amritsar.

**First Appellate Authority**

O/o Superintendent Engineer,

Upperbari Doab Nehar, Amritsar.. ...Respondent

**Appeal Case No. 1395 of 2017**

Present : (i) Sh. Bawa Singh the appellant

(ii) None is present on behalf of the respondent

***ORDER***

This order may be read with reference to the previous order dated 19.09.2017 vide which last opportunity was given to the respondent to provide the information to the appellant.

2. Sh. Bawa Singh the appellant states that no information has been given to him so far.

3. Respondent is absent today.

4. A perusal of the file shows that the appellant has filed his RTI on 25.01.2017, but no information has been given to him so far, which shows that the respondent-PIO has no regard for the orders issued by the Commission.

**5.** In view of the above, Sh. Gurmeet Singh, XEN-cum-*PIO****,* Executive Engineer, UBDC, Jandiala Mandal, Amritsar**is directedto show cause in writing or through affidavit under Section 20(1) of the RTI Act, as to why penalty be not imposed upon him for willful delay/ denial of the information to the RTI applicant and why the compensation be not awarded to the appellant under Section 19 (8)(b) of the Act for detriment suffered.

In addition to his submission, the PIO is also hereby given an opportunity under Section 20(1) proviso, thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may note that in case he does not file his

**Appeal Case No. 1395 of 2017**

submission and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex-parte.

6. To come up on **27.11.2017 at 11.00 AM**. Copy of the order be sent to the parties ***through registered post.***

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 06.11.2017 State Information Commissioner**

*Note: After the order was dictated in the open Court, Sh. Avtar Singh- the respondent appeared. He was read out the above order. The case stands on 27.11.2017 at 11.00 AM.*

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 06.11.2017 State Information Commissioner**

***Through registered post***

CC: **Sh. Gurmeet Singh, XEN-cum-*PIO,* Executive Engineer, UBDC, Jandiala Mandal, Amritsar**