**PUNJAB, STATE INFORMATION COMMISSION**

**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

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Sh Lakhwinder Singh,

H No-15, Gurdeep Singh Colony(Back Side Thapar College,

Near Ablowal P.O Sidhuwal,

Patiala. . Appellant.

Versus

**Public Information Officer,**

Registrar, IBHO, (Water Resource Department),

Irrigation, Hydel Building, Sector-18, Chandigarh.

**First Appellate Authority,**

Director, Water Cell,

Water Resource Department,

Sec-17-E, Chandigarh. ...Respondent

**Appeal Case No. 1074 of 2018**

Present : (i) Sh Lakhwinder Singh, Appellant.

 (ii) For the Respondent: Sh Kamaljit Singh, Sr Assistant alongwith

 Sh Ravinder Kumar,Superitendent.

**ORDER**

This order may be read with reference to the previous order dated 09.05.2018 vide which the complainant was advised to visit the office of the Respondent to inspect the record.

2. The Complainant states that, as directed in the previous hearing he had visited the office of the Respondent thrice, for the inspection of the record and to identify the required information but he could not get the information as the staff was not available or was busy on every occasion.

3. I have gone through the file and it is observed that the appellant has visited the office of the Respondent thrice but was not attended by any one. It shows that the orders of the Commission have not been complied with. The Appellant has, therefore, suffered mental harassment and financial loss for visiting the office of the Respondent. For this the appellant demands that the Respondent be penalized and he be compensated for the detriment suffered. In this view of the matter, ends of justice would be met by awarding a compensation of **Rs.1500/- (Rupees One thousand Five Hundred Only)**

 **Appeal Case No. 1074 of 2018**

 **to the appellant**. The compensation will be paid by the office of the Respondent to the appellant within seven days from the receipt of this order.

4. To come up for further hearings on **03.07.2018 (at 11.00 AM).** Copies of the order be sent to the parties  ***through registered post***.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 07.06.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION,**

**Red Cross Building, Sector-16, Chandigarh**

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Sh Karan Kapoor,

R/o #221, Sector-21-A,

Chandigarh. Complainant.

Versus

**Public Information Officer,**

Executive Officer, MC, Sunam,

Distt Sangrur. ...Respondent

**Complaint Case No. 343 of 2018**

Present: (i) Sh Karan Kapoor, the Complainant

 (ii) For the Respondent, Sh Arjan Dev, J.E.

**ORDER**

This order may be read with reference to the previous order dated 10.05.2018 vide which the complainant was advised to visit the office of the Respondent to inspect the record.

2. The Complainant states that, as directed in the previous hearing he had visited the office of the Respondent for the inspection of the record and to identify the required information but he could not identify the information and get the information as the staff was not available in the office on that day.

3. The Respondent is directed to bring the original record along with them on the next date of hearing for showing the same to the Complainant in the Court.

4. To come up on **04.07.2018 at 11.00 AM**. Copy of the order be sent to the parties

**Sd/-**

 **Chandigarh (Preety Chawla)**

 **Dated: 07.06.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION,**

**Red Cross Building, Sector-16, Chandigarh**

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Sh Sh Manjeet Singh, S/o Sh Tara Singh,

R/o Ward No-8, Near 66KV Electricity House,

Chainpura Basti, Lehragaga,

Distt Sangrur.. Complainant.

Versus

**Public Information Officer,**

SSP,

Sangrur . ...Respondent

**Complaint Case No. 355 of 2018**

Present: (i) Manjeet Singh, the Complainant

 (ii)For the Respondent: Sh Ajaib Singh, ASI

**ORDER**

This order may be read with reference to the previous order dated 10.05.2018.

2. The Respondent has stated that he has got the information for handing over to the appellant today. A Copy of the same is handed over to the Complainant.

3. The Complainant states that he has gone through the information but is not satisfied with the information provided.

4. Today, both the parties mutually agreed that the Complainant will visit the office of respondent on **11.06.2018 at 11.00 AM** and inspect the relevant records to identify the information required by him. The respondent shall provide the identified documents to the Complainant within a fortnight, in accordance with the relevant provisions of the RTI Act, 2005 on receipt of requisite fee.

5. To come up on **03.07.2018 at 11.00 AM**. Copy of the order be sent to the parties.

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 07.06.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION,**

**Red Cross Building, Sector-16, Chandigarh**

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Smt Manu Kataria, (UDC Accounts),

# 1392/1, B-Tank, Kacha, Patiala. Complainant.

Versus

**Public Information Officer,**

Deputy Chief Accounts Officer,

PSPCL, Patiala ...Respondent

**Complaint Case No. 367 of 2018**

Present: (i) Smt Manu Kataria,the Complainant alongwith Smt Tanu Kataria.

 (ii)For the Respondent: Smt Rajni Mattu, Assistant Manager, HR,PSPCL

**ORDER**

This order may be read in reference to the previous order dated 10.05.2018.

2. The Respondent states that the information has already been provided to the

Complainant.

3. The Complainant states that the information provided to her is misleading and not complete and she is not satisfied with the same.

4. After hearing both the parties, it is ascertained that the matter is not clear, therefore **PIO- Sh. Rajendra Khokhar O/o Respondent**, is directed to come present on the next date of hearing. The Respondent is also directed to file an affidavit if the required information is not available in the office record of the Respondent.

5. To come up on **03.07.2018 at 11.00 AM**. Copy of the order be sent to the parties.

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 07.06.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION,**

**Red Cross Building, Sector-16, Chandigarh**

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Sh. Karnail Singh RETD AAE,

C/o Calcutta House, H No-196-B, Street No-2,

Guru Nank Nagar, VPO- Gill,

Distt Ludhiana. Appellant.

Versus

**Public Information Officer,**

Chief Engineer, Central Zone,

PSPCL, Ludhiana.

**First Appellate Authority**

Chief Engineer, (HRD/RTI Cell),

PSPCL, Patiala ...Respondent

**Appeal Case No. 1048 of 2018**

Present: (i) Sh Karnail Singh, Appellant

 (ii) For the Respondent: Er Ravi kumar, Sr XEN.

**ORDER**

 This order may be read with reference to the previous order dated 10.05.2018.

 2. The Respondent states that he has personally brought the complete information today in the Commission, which is handed over to the Appellant.

3. The Appellant has gone through the same. The Appellant has given in writing that he is satisfied with the information provided.

4. 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: 07.06.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION,**

**Red Cross Building, Sector-16, Chandigarh**

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E-mail Id- psic27@punjabmal.gov.in

Sh Himanshu Raj, C/o Law Office of Himanshu Raj,

# 102, Sector-10-A, Chandigarh. Complainant.

Versus

**Public Information Officer,**

Chief Administrative,

GMADA, Sector-62,

Mohali. ...Respondent

**Complaint Case No. 369 of 2018**

Present: (i) Mr Tarun Bajaj, on behalf of the Complainant.

 (ii) For the Respondent: Smt Sukhwinder Kumar,EO

 Alongwith Sh Raj Kumar Bansal, Supdt.

**ORDER**

 This order may be read with reference to the previous order dated 10.05.2018.

2. Sh Tarun Bajaj, is appearing on behalf of the Complainant without any authority letter.

3. Respondent states that he has brought the complete information today in the Commission for handing over to the Complainant which could not be provided to the Representative of the Complainant because he could not produce any authority letter. A Copy of the information is taken on record.

4. Sh Tarun Bajaj, representative of the complainant has gone through the information provided and states that he is satisfied with the same.

5. As directed during the last hearing, the respondent has filed an affidavit. I have gone through the said affidavit of the respondent and agree with it.The Complainant or the representative of the Complainant-Sh Tarun Bajaj (with authority letter) can collect the information provided from the Commission office on any working day

6. Since the complete information has been provided by the Respondent, 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: 07.06.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION,**

**Red Cross Building, Sector-16, Chandigarh**

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Sh Raman Kumar Verma,

#431-C, Street No-4, Gurbax Colony,

Patiala. Complainant.

Versus

**Public Information Officer,**

Chief Engineer,

Panchayat Raj, Public Works,

Sector-62, Mohali.

**Public Information Officer**

o/o Director Rural Development and Panchayat

Sarovar Path, Phase 8,

Sector 62, SAS Nagar ...Respondent

**Complaint Case No. 370 of 2018**

Present: (i) Er Raman Kumar Verma, the Appellant.

 (ii) For the Respondent: Smt Aarti Devi, Sr Assistant

 Alongwith Sh Harpreet Singh, Clerk

**ORDER**

This order may be read with reference to the previous order dated 10.05.2018.

2. Respondent states that he has personally brought the information today in the Commission, which is handed over to the Complainant.

3. The Complainant has gone through the same and states that he is satisfied with the provided information. A copy of the information is taken on record.

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

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 07.06.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION,**

**Red Cross Building, Sector-16, Chandigarh**

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Ms. Nirmaljeet Kaur, C/o,

# 895, Civil Lines,(Patel Nagar),

Shanti Nagar, Ward No-10, Moga. Complainant.

Versus

**Public Information Officer,**

Principal, Dr. Saif-Ud-Din,

Kitchlu Public Sen. Sec. School,

Moga. ...Respondent

**Complaint Case No. 1265 of 2017**

Present: (i) Gian Singh on behalf of the Complainant

 (ii)For the Respondent: Sh Amarjit Singh,Co-ordinator

**ORDER**

 This order may be read with reference to the previous order dated 10.05.2018 vide which DEO(SE), Moga was directed to come present today.

2. DEO(SE) is personally present today. He states that the Complainant has not approached the First Appellate Authority to seek information.

3. 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 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:-

**Complaint Case No. 1265 of 2017**

*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.

4. 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.

5. 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.

6.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:** 07.06**.2018 State Information Commissioner**

***Through registered post***

**CC: DEO(SE), Moga**