

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,  
Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: [psic20@punjabmail.gov.in](mailto:psic20@punjabmail.gov.in) Visit us: [www.infocommpunjab.com](http://www.infocommpunjab.com)

Whatsapp No. 62848-20189 Cisco Webex: 158 708 3455



Sh. Nirmal Singh Dhiman, Supdt, Grade-I (Retd.),  
S/o Late Sh. Gurbax Singh,  
R/o - H No 895, Phase IX (Sector 65),  
Mohali-160062 Mob. 9988163411

..Appellant

Vs

Public Information Officer,  
O/o Financial Commissioner (Revenue),  
(Administration - I Branch),  
Punjab Civil Secretariat,  
Chandigarh.

First Appellate Authority  
O/o Financial Commissioner (Revenue),  
Punjab Civil Secretariat,  
Chandigarh.

....Respondent(s)

Appeal Case No. 98/2021

ORDER

This order may be read with reference to the previous order dated 24.5.2021 vide which the orders in this case was reserved to be pronounced.

2. The appellant has sought the following information as per his RTI application:-

(a) *Supply a photo copy of the office noting on the basis of the facts contained in the representation dated 176.2020 addressed to the FCR cited as subject dealt with by the office by discharging their functions and duties in the light of the instructions No. 1/06/2011-IR dated 15.4.2013 of the Government of India, ministry of Personnel, Public Grievances and pension, Department of Personnel and Training and the guidelines for section 4(1)(b)(iii) relating to procedure followed in the decision making process, including channels of supervision and accountability. The relevant portion of the Para 3.3.1 is as under*

*“All Government officers have to follow laid down office procedure manual or the other rules which gives details of how representation, petitions and applications from citizens must be dealt with. Templates, formats and basic steps of decision making and briefly explained in such manuals. These descriptions constitute elements of decision making are briefly explained in such manuals. These descriptions constitute elements of decision making process in general It should be duty attested by the P.I.O. under her seal.*

Contd..p/2

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Appeal Case No. 98 of 2021

-2-

(b) supply a photo copy of the office noting of the representation dated 12.9.2019 (delivered on 14.9.2020) addressed to the F.C.R. dealt with by the office by discharging their powers and duties as stated in (a) above. It should be duly attested by the P.I.O. under her seal.

(c) Supply a photo copy of the office noting on the basis of which the office prepared the reply to convey to the applicant vide Memo No. 11/4/2019-6-Admn.1/18390 dated 17.9.2020 and filed the representation under Section 19(8)(d) of the RTI Act, 2005.

The office noting be duly attested by the Public Information Officer under her Seal.

(d) Supply a photo copy of the office noting of my representation dated 13.1.2018(dy.No. 233 dated 15.1.2018 and denied its receipt in the branch. It was brought to the notice of the APIO in my application 12.5.2019 (delivered on 14.5.2019. Supply a copy of the office noting on the basis of which the office prepared the reply and conveyed to the applicant vide Memo No. 11/10/2015-6/admn/1/13664 dated 8.8.2019 by the APO without indicating the reasons and shown your inability to supply the same. This office noting to be supplied be duly attested by the Public Information Officer under her Seal.”

3. The appellant filed the RTI application with the Public Information Officer on 7.10.2020 and the first appeal was filed by the appellant on 17.11.2020. Feeling aggrieved, the appellant filed the 2<sup>nd</sup> appeal with the Commission on 24.12.2020. Accordingly, the hearing was fixed for 15.3.2021.

4. During the hearing on 15.3.2021 the representative of the respondents contended that the information has already been sent to the appellant with a copy to the Commission. Therefore, a copy of the information comprising 24 pages along with the submission of the respondent-Public Information Officer comprising 3 pages with a forwarding letter were handed over to the appellant to go through the same and point out deficiency, if any, before the next date of hearing and the case was adjourned for 24.5.2021.

5. During the hearing on 24.5.2021, the representative of the respondents stated that the information as available on record has already been supplied to the appellant with a copy to the Commission and nothing more is available on record which could be supplied to the appellant. Also the representative of the respondents stated that the rejoinder has already been filed vide letter

Contd..p/3

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Appeal Case No. 98/2021

-3-

No. 11/12/2021-5੯ 1/4793 dated 28.4.2021 and also the appellant filed the reply on the rejoinder filed by the respondent-Public Information Officer and after hearing both the parties, the orders in this case was reserved to be pronounced.

6. The appellant has not pointed out any deficiency in the information so supplied by the respondents but he has pointed out the procedural lapses for which no directions can be given to the respondent-Public Information Officer as per the provisions of the RTI Act, 2005.

7. It is appropriate to mention that the "Information" means as per the provisions of the RTI Act, 2005, any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

8. Furthermore, it is relevant to mention Section 2 (j) of the RTI Act, 2005 which is as follows:-

"right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- (i) inspection of work, documents, records;
- (ii) taking notes, extracts or certified copies of documents or records;
- (iii) taking certified samples of material;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

9. More so, as per the instructions issued by Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training No. 1/7/2009-IR dated 15 June, 2009, and the relevant portion of the same is reproduced below:-

*"....the High Court of Bombay at Goa in the above referred case has held on 3.4.2008*

*Contd..p/4*

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Appeal Case No. 98/2021

-4-

*that the term 'information' as defined in the Right to Information Act does not include answers to the questions like 'why'. The relevant part of the judgement is reproduced below:*

*"The definition of information cannot include within its fold answers to the question "why" which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information"*

8. Keeping in view the above, the Commission observes that no further action is required to be taken in this case as the complete information as available on record has already been supplied to the appellant pertaining to his RTI application. Therefore, the case is disposed of and closed.

Dated: 7.6.2021

Sd/  
(Suresh Arora)  
Chief Information Commissioner,  
Punjab.