

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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APPEAL CASE NO. 636 of 2018

Shri Prem Kumar Rattan, (987222-0039),
H.No. 78/8, Park Road,
New Mandi, Dhuri, District Sangrur.

...Appellant

Versus

Public Information Officer

O/o Chief Engineer,
PWD (B&R), Patiala.

First Appellate Authority,

O/o Chief Engineer,
(HQ) PWD (B&R), Patiala.

...Respondents

PRESENT: None is present on behalf of the Appellant.

Sh. Jasbir Singh, S.D.E. is present on behalf of Respondents.

ORDER:

This order may be read with reference to the previous order dated:
26.06.2019.

2. The Appellant is absent from today's hearing in the Commission. However, he emailed in the Commission mentioning therein that he is unable to attend today's hearing in the Commission due to unavoidable circumstances and requests for an adjournment.

3. Sh. Jasbir Singh, S.D.E. appears on behalf of the Respondents alongwith the Affidavit and remaining information but the Appellant is absent. Copy of the same is taken on record.

4. The perusal of the case reveals that the Respondent – PIO is not file an Affidavit in response to the Show Cause Notice issued to him vide order dated: 26.06.2019.

5. In view of the above, the Respondent – PIO is directed to file a proper Affidavit in response to the Show Cause Notice issued to him and should appear personally, on the next date of hearing, failing which penalty provisions will be initiated against him as per the RTI Act, 2005.

6. The case is adjourned to **21.08.2019 at 11:30 AM**. Copies of the order be sent to the parties.

Chandigarh
07.08.2019

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy to Necessary Action: -

Sh. N.P. Singh,
XEN –cum – PIO,
O/o Chief Engineer,
PWD (B&R), Patiala.

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COMPLAINT CASE NO. 1186 of 2018

Shri Surjit Singh Aujla,
Village: Aujla Dhank, PO: Liddar Kalan,
Distt. Jalandhar- 144502.

...Complainant

Versus

Public Information Officer,
O/o Executive Engineer (EE-2),
Water Supply & Sanitation Division,
Kapurthala.

...Respondent

PRESENT: Sh. Surjit Singh Aujla, Complainant.
Sh. Pavitar Singh, S.D.E. is present on behalf of the Respondents.

ORDER:

This order may be read with reference to the previous order dated 25.04.2019.

2. Sh. Pavitar Singh, S.D.E. appears on behalf of the Respondent – PIO and orally states that the complete information has already been sent to the Complainant through registered post.

3. The Complainant states that he has received the incomplete information.

4. In these circumstances, it is relevant to invite the attention of the Complainant to the judgement 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 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. 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.

Cont...P2

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COMPLAINT CASE NO. 1186 OF 2018

5. 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.
6. In the Complaint cases, it is to be seen whether the intention of the Respondent – PIO is clear or not. In this case the Complainant has filed his RTI on 26.09.2018. The Respondent- PIO has given reply to the RTI application on 10.12.2018.
7. Since, there is not too much delay in providing the information. No penal action is required to be taken against the Respondent. However, Respondent is warned to be careful in future while dealing with RTI application.
8. In view of the observations noted above, instant complaint case is **closed and disposed off**. Copies of the order are sent to the parties.

**Chandigarh
07.08.2019**

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy to Intimation and Necessary Action:-

The Superintending Engineer,
Water Supply & Sanitation Division,
Kapurthala.

Encl: RTI Application of the Complainant.

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APPEAL CASE NO. 4137 OF 2018

Shri Hardeep Singh,
House No. 163, Near PNB Bank,
Malerkotla Road, Dhuri, Distt. Sangrur.

...Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council, Rama,
Distt. Bathinda.

First Appellate Authority,
O/o Deputy Director,
Local Govt., Bathinda.

...Respondents

PRESENT: None is present on behalf of the Appellant.

Sh. Jaswinder Singh, Clerk is present on behalf of the Respondents.

ORDER:

This order may be read with reference to the previous order dated:
25.04.2019.

2. The Appellant is absent from today's hearing in the Commission and he was also absent on the last 4th consecutive hearings dated: 31.01.2019, 28.02.2019, 27.03.2019 and 25.04.2019.

3. Sh. Jaswinder Singh, Clerk appears on behalf of the Respondent – PIO and requests that some more time be given to him to file an Affidavit.

4. Last opportunity is given to the Respondent – PIO to appear personally alongwith the available information, if there is no other information then the Respondent – PIO will file a proper affidavit duly attested in response to the information supplied, on the next date of hearing, failing which strict action will be initiated against him as per provisions of the RTI Act, 2005.

5. Last & final opportunity is given to the Appellant to follow up his case in the Commission, failing which appropriate order in his absence shall be passed.

6. The case is adjourned to **28.08.2019 at 11:30 AM**. Copies of the order be sent to the parties.

Chandigarh
07.08.2019

Sd/-
(Hem Inder Singh)
State Information Commissioner