

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,  
SECTOR – 16, CHANDIGARH**

**Tel No. 0172-2864116, Fax No. 0172-2864125**

**Visit us @ [www.infocommpunjab.com](http://www.infocommpunjab.com); Email: [psic26@punjabmail.gov.in](mailto:psic26@punjabmail.gov.in);**

## **COMPLAINT CASE NO. 1157 OF 2018**

Sh. Balwant Singh,  
S/o Sh. Amar Singh,  
# 50, Gali No.3, Ward No.1,  
Sutlaj Colony, Rupnagar.

...Complainant

Versus

**Public Information Officer,**  
O/o Sub Divisional Magistrate,  
Roopnagar.

...Respondent

**PRESENT:** Sh. Balwant Singh, Complainant.  
Sh. Randeep Singh, Clerk & Shingara Singh, Naib Court  
O/o SDM, Roopnagar for the Respondent.

### **ORDER:**

The Complainant sought information as enumerated in her RTI application dated: 04.04.2018. She filed complaint in the Commission dated: 30.10.2018 under section 18 of the Right to Information Act, 2005.

2. Notice of hearing has been issued to the parties for 08.01.2019 to appear before the Commission.

3. The Complainant appears and states that no information has been provided to him by the Respondent – PIO.

4. Sh. Randeep Singh, Clerk O/o SDM, Roopnagar appears on behalf of the Respondent – PIO and states that the requisite information has already been supplied to the Complainant vide letter no. 108, dated: 08.05.2018 through registered post. Copy of the same is taken on record. He further states that no observation has been received from the Complainant.

5. The Complainant filed RTI application with the PIO on 04.04.2018 for certain information. He received a reply dated 08.05.2018 from the PIO, which he found unsatisfactory. The Complainant therefore filed a Complaint with the Commission on 30.10.2018 under Section 18 of the RTI Act.

6. The perusal of the file reveals that the complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such the FAA has not been able to address the grievances of the Complainant.

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**COMPLAINT CASE No. 1157 of 2017**

7. It must be noted that there is an alternate and efficacious remedy of First Appeal available under Section 19(1) of the RTI Act. It appears that the Complainant has failed to avail the same in the instant case. Consequently, the First Appellate Authority (FAA) has not had the chance to review the PIO's decision as envisaged under the RTI Act.

8. In view of the aforesaid, the instant matter is remanded to the FAA. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard.

9. The FAA is directed to peruse all the relevant documents during the hearing and examine whether the information provided by the PIO is complete, relevant and correct. Where the FAA is satisfied that the information provided by the PIO is as per the records, the First Appeal shall be disposed of. In the event, there are any deficiencies in the information provided by the PIO, the FAA shall direct the PIO to provide the complete information in reply to the RTI application dated 04.04.2018 to the Complainant.

10. **In the given circumstances, this case is hereby, remanded back to the FAA** who is directed to decide the RTI application afresh as per provisions of the RTI Act 2005. In view of the above, the instant Complaint Case is hereby, **closed and disposed off**. Copies of the order be sent to the parties.

**Chandigarh  
08.01.2019**

Sd/-  
**(Prof. Viney Kapoor Mehra)  
State Information Commissioner**

**Copy to Intimation and Necessary Action:-**

**The Additional Deputy Commissioner,  
Roopnagar.**

**Encl:** RTI Application of the Complainant.

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## **COMPLAINT CASE NO. 1162 OF 2018**

Advocate Pawan Kumar Sharma,  
S/o Late Sh. Bhagwant Kishore,  
H. No. 585, Phase-2, Mohali.

...Complainant

Versus

**Public Information Officer,**  
O/o Senior Medical Officer,  
Civil Hospital, S.A.S. Nagar (Mohali).

...Respondent

**PRESENT:** Adv Pawan Kumar Sharma, Complainant.  
Sh. Satish Kumar, Nursing Staff O/o S.M.O., Mohali.

### **ORDER:**

The Complainant sought information as enumerated in her RTI application dated: 20.09.2018. She filed complaint in the Commission dated: 01.11.2018 under section 18 of the Right to Information Act, 2005.

2. Notice of hearing has been issued to the parties for 08.01.2019 to appear before the Commission.

3. The Complainant appears and states that no information has been provided to him by the Respondent – PIO till date.

4 Sh. Satish Kumar, Nursing Staff O/o S.M.O., Mohali appears on behalf of the Respondent - PIO and states that the Complainant has asked to the deposit the documentation fee vide letter no. ਸਿ.ਹ.ਐਸ.ਏ.ਐਸ.ਨਗਰ/ਆਰ.ਟੀ.ਆਈ./2985, ਮਿਤੀ: 05-11-2018 but he did not turned up.

5. In view of the above, the Respondent – PIO is directed to bring the dispatch register alongwith copy of the postal receipt, on the next date of hearing, failing which Show Cause Notice under section 20 of the RTI Act, 2005 will be issued to him.

6. It is observed that the respondents are being represented by very low level officials who are not in a position to satisfy the commission and the appellant. From the next date of hearing, no person below the PIO or APIO will be allowed to appear in the Commission. Appearance of low level officials will amount to disrespect to the RTI Act besides invoking the provisions of imposition of penalty and also recommendation of disciplinary action against the PIO under Section 20 of RTI Act, 2005.

Cont...P-2

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**COMPLAINT CASE No. 1162 of 2018**

7. The case is adjourned for **06.02.2019 at 11:30 AM**. Copies of the order be sent to the parties.

**Chandigarh  
08.01.2019**

Sd/-  
**(Prof. Viney Kapoor Mehra)  
State Information Commissioner**

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## **APPEAL CASE NO. 2873 OF 2018**

Sh. Karamjit Singh,  
S/o Sh. Jagir Singh,  
R/o Village Rurki Kham,  
Tehsil: Kharar, Distt: Mohali.

...Appellant

Versus

**Public Information Officer,**  
O/o Block Development and Panchayat Officer,  
Block Majri, District S.A.S. Nagar.

**First Appellate Authority**  
O/o District Development and Panchayat Officer,  
District S.A.S. Nagar (Mohali).

...Respondents

**PRESENT:** Sh. Karamjit Singh, Appellant.  
None is present on behalf of the Respondent – PIO.

### **ORDER:**

The appellant has sought information as enumerated in his RTI application dated: 09.10.2017. First appeal was filed with the First Appellate Authority on dated: 25.11.2017 and second appeal was filed in the Commission on dated: 27.08.2018.

2. Notice of hearing has been issued to the parties for 08.01.2019 to appear before the Commission.

3. Neither the PIO nor his representative is present for today's hearing. The PIO has not bothered to inform the Commission about his absence.

4. The perusal of the case file, it is revealed that the appellant sought the voluminous information (ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਪਿੰਡ ਰੁੜਕੀ ਖਾਮ, ਡਾਕ: ਪਲਹੇੜੀ, ਤਹਿ: ਖਰੜ, ਵੱਲੋਂ ਸਾਲ 2006 ਤੋਂ ਲੈ ਕੇ 2017 ਤੱਕ ਜੋ ਮਸਤਰਕਾ ਮਾਲਕਾਨ ਅਤੇ ਪੰਚਾਇਤੀ ਜਮੀਨ ਠੋਕੇ ਤੇ ਦਿੱਤੀ ਉਸ ਪੰਚਾਇਤੀ ਜਮੀਨ ਦੇ ਖਸਰਾ ਨੰਬਰਾਂ ਅਨੁਸਾਰ ਠੋਕੇ ਦੀਆਂ ਰਸੀਦਾਂ ਦੀਆਂ ਤਸਦੀਕ-ਸੁਦਾ ਕਾਪੀਆਂ) from the Respondent – PIO through RTI application.

5. The Appellant is directed to justify what public interest is involved in the information asked for, on the next date of hearing.

6. In view of the above, the Respondent – PIO is directed to file written reply to the Notice of the Commission, on the next date of hearing, failing which action under section 20 of the RTI Act, 2005 will be initiated against him.

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**APPEAL CASE No. 2873 of 2018**

6. The case is adjourned for **23.01.2019 at 11:30 AM**. Copies of the order be sent to the parties.

**Chandigarh  
08.01.2019**

Sd/-  
**(Prof. Viney Kapoor Mehra)  
State Information Commissioner**

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## **APPEAL CASE NO. 3264 OF 2018**

Sh. Deepak Waraich, Advocate,  
Chamber No. 820, District Court Complex,  
District Courts, Ludhiana.

...Appellant

Versus

**Public Information Officer,**  
O/o Principal Secretary,  
Govt. of Science Technology and Environment,  
Punjab, Chandigarh.

**First Appellate Authority**  
O/o Principal Secretary,  
Govt. of Science Technology and Environment,  
Punjab, Chandigarh.

**Public Information Officer,**  
O/o Municipal Corporation,  
Ludhiana.

...Respondents

**PRESENT:** Sh. P.K. Wadehra is present on behalf of the Appellant.  
Er. Amandeep Singh, RO-III O/o PPCB & Sh. Satpal Singh, S.A.  
O/o Science Technology & Vatavaran Department.

### **ORDER:**

This order may be read with reference to the previous order dated  
20.11.2018

2. Sh. P.K. Wadehra appears on behalf of the Appellant and states  
that the appellant is not satisfied with the provided reply/information.

3. Er. Amandeep Singh, RO-III O/o PPCB appears and states that  
available information has already been supplied to the appellant and rest of the  
information is lying with the Municipal Corporation, Ludhiana.

4. The Respondent – PIO (Principal Secretary, Govt. of Science  
Technology and Environment, Punjab, Chandigarh) is directed to retrieve the  
remaining information from the concerned department and supply the same to  
the appellant, before the next date of hearing, failing which action would be  
initiated against him as per provisions of the RTI Act, 2005.

5. Since, the information is to be provided by the PIO O/o Municipal  
Corporation, Ludhiana. I, therefore, order that PIO O/o Municipal Corporation,  
Ludhiana be impleaded as necessary party as Respondent No. 2.

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**APPEAL CASE No. 3264 of 2018**

6. I further direct to the Respondent – PIO O/o Municipal Corporation, Ludhiana to bring the original record relating to the RTI application of the Appellant, on the next date of hearing.
7. The case is adjourned for **21.02.2019 at 11:30 AM**. Copies of the order be sent to the parties.

**Chandigarh  
08.01.2019**

Sd/-  
**(Prof. Viney Kapoor Mehra)  
State Information Commissioner**



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## **APPEAL CASE NO. 3286 OF 2018**

Sh. Tejinder Singh,  
R/o Village Bholapur,  
P.O. Ramgarh, Chandigarh Road,  
Ludhiana.

...Appellant

Versus

**Public Information Officer,**  
O/o Managing Director,  
Punjab Health System Corporation,  
State Institute of Health & Family Welfare Complex,  
S.A.S. Nagar (Mohali).

### **First Appellate Authority**

O/o Managing Director,  
Punjab Health System Corporation,  
State Institute of Health & Family Welfare Complex,  
S.A.S. Nagar (Mohali).

...Respondents

**PRESENT:** Sh. Tejinder Singh, Appellant.  
Sh. Sunil Kumar, Computer Operator on behalf of the PIO.

### **ORDER:**

This order may be read with reference to the previous order dated  
20.11.2018

2. The appellant appears and states that incomplete information has  
been provided to him by the Respondent – PIO.

3. Sh. Sunil Kumar, Computer Operator appears on behalf of  
Respondent – PIO and files the reply in response to the show cause notice  
issued to him vide order dated: 20.11.2018.

4. After examining the case file, it is revealed that the reply filed by the  
Respondent is not up to the mark. Therefore, he is again directed to file the reply  
in proper Affidavit shape, on the next date of hearing, failing which action would  
be initiated against him as per Section 20 of the RTI Act, 2005.

5. The case is adjourned for **20.02.2019 at 11:30 AM**. Copies of the  
order be sent to the parties.

Chandigarh  
08.01.2019

Sd/-  
(Prof. Viney Kapoor Mehra)  
State Information Commissioner

### **Copy to Intimation and Necessary Action:- (Regd. Post)**

**Ms. Meena Hardeep Singh,**  
Director –cum- PIO,  
O/o Managing Director,  
Punjab Health System Corporation,  
State Institute of Health & Family Welfare Complex,  
Phase-VI, Near Civil Hospital, S.A.S. Nagar (Mohali).

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## **APPEAL CASE NO. 3336 OF 2018**

Sh. Vikram Vaid,  
(RTI Activist & Whistle Blower),  
# 1527, Gali No.2, Bagh Rama Nand,  
Amritsar.

...Appellant

Versus

**Public Information Officer,**  
O/o Civil Surgeon,  
Amritsar.

**First Appellate Authority**  
O/o Civil Surgeon,  
Amritsar.

...Respondents

**PRESENT:** Sh. Vikram Vaid, Appellant.  
Dr. Rajesh Bhagat, Medical Officer –cum- APIO O/o Civil Surgeon,  
Amritsar is present on behalf of the Respondents.

### **ORDER:**

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

11.12.2018.

2. The appellant states that incomplete and unattested information has been provided to him by the Respondent – PIO.

3. Dr. Rajesh Bhagat, Medical Officer –cum- APIO O/o Civil Surgeon, Amritsar appears on behalf of the Respondents and states that the requisite information has been provided to the appellant.

4. In view of the above, the Respondent – PIO is directed to provide the attested copies of the information to the appellant, before the next date of hearing.

5. The perusal of the case reveals that respondent has delayed the information about 8 months.

6. In view of the above, a show cause notice under Section 20(1) of the RTI Act is issued to the PIO O/o Civil Surgeon, Amritsar to why penalty should not be imposed upon him and also why compensation be not awarded to the appellant under Section 19 (8) (b) for willful delay/denial in supplying the information to the RTI applicant.

Cont...P-2

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**APPEAL CASE No. 3336 Of 2018**

7. The Respondent – PIO is directed to file an affidavit in response to the Show Cause Notice and appear personally on the next date fixed, otherwise it will be presumed that she has nothing to say and the Commission shall initiate ex-parte proceeding.

8. The perusal of the record reveals that in this case, the appellant has tried his best to get the information from the PIO who failed to provide the information to the appellant within stipulated period. He has been made to run from pillar to post for getting the information, which he could not get even after the notice was issued by the Commission in the Second Appeal. He has suffered unnecessary detriments/harassment in getting the information at the hands of the PIO.

9. I have also looked into all the facts and circumstances of the case. In my view this is a fit case, where award of compensation under Section 19 (8) (b) is also called for. I have no doubt in my mind that this state of affairs has also come about on account of the absence of adequate machinery for handling the RTI work in O/o PIO O/o Civil Surgeon, Amritsar, is thus, responsible for the inadequate handling of the RTI requests and in the instant case as well.

10. I, therefore, order that compensation of Rs. 3000/- (Rupees Three Thousand Only) be paid to the appellant for the detriments suffered by him.

11. This amount shall be payable from the funds of PIO O/o Civil Surgeon, Amritsar, by way of crossed Cheque/Demand Draft in the name of Sh. Vikram Vaid within one month.

12. The Respondent - PIO is also directed to send a copy of Cheque/Demand Draft to the Commission to establish the fact that order of the Commission has been complied with.

13. The case is adjourned for **12.02.2019 at 11:30 AM**. Copies of the order be sent to the parties.

**Chandigarh  
08.01.2019**

Sd/-  
**(Prof. Viney Kapoor Mehra)  
State Information Commissioner**

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## **APPEAL CASE NO. 3531 OF 2018**

Sh. Vikram Vaid,  
(RTI Activist & Whistle Blower),  
# 1527, Gali No.2, Bagh Rama Nand,  
Amritsar.

...Appellant

Versus

**Public Information Officer,**  
O/o Senior Medical Officer,  
Civil Hospital,  
Fatehgarh Churian, District Gurdaspur.

### **First Appellate Authority**

O/o Civil Surgeon,  
Gurdaspur.

...Respondents

**PRESENT:** Sh. Vikram Vaid, Appellant.  
Dr. Arun Kumar Sharma, S.M.O. is present on behalf of the PIO.

### **ORDER:**

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

11.12.2018.

2. The appellant appears and states that he has received the information except the point no. 18 of his RTI application.

4. Dr. Arun Kumar Sharma, Senior Medical Officer O/o CHC, Fatehgarh Churian appears and states that the requisite information has already been supplied to the appellant. He further states that the point no. 18 is query and in questionnaire form.

5. After examining the case file, it is revealed that the requisite information has already been supplied to the appellant except the point no. 18 of the RTI application of the appellant which is query.

6 Thus, information as per the record of the O/o S.M.O., CHC Fatehgarh Churian (Gurdaspur) was duly furnished. Once information stood furnished, it required no other action by the State Information Commission. If the appellant is dissatisfied with the non-supply of information, the remedy open to him is to approach either the higher authorities or to move an appropriate judicial forum for directions to the authorities.

# **PUNJAB STATE INFORMATION COMMISSION**

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**APPEAL CASE No. 3531 Of 2018**

7. In view of the above, therefore, no further action is required in this Appeal case, hence this case is **closed and disposed off**. Copies of the order be sent to the parties.

**Chandigarh  
08.01.2019**

Sd/-  
**(Prof. Viney Kapoor Mehra)  
State Information Commissioner**

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## **APPEAL CASE NO. 3551 OF 2018**

Sh. Joginder Singh,  
S/o Late Sh. Sukhvir Singh,  
R/o H. No. 553/1, Sector: 38/A,  
Chandigarh.

...Appellant

Versus

**Public Information Officer,**  
O/o Health and Family Welfare,  
Health Deptt, Govt., of Punjab,  
Mini Sectt., Sector: 09, Chandigarh.

**First Appellate Authority**  
O/o Health and Family Welfare,  
Health Deptt, Govt., of Punjab,  
Mini Sectt., Sector: 09, Chandigarh.

...Respondents

**PRESENT:** None is present on behalf of the Appellant.  
Sh. Shavi Garg, Clerk & Sh. Rajinder Kumar, Sr. Asstt. for the  
Respondents.

**ORDER:** The appellant has sought information as enumerated in his RTI application dated: 18.05.2018. First appeal was filed with the First Appellate Authority on dated: 02.07.2018 and second appeal was filed in the Commission on dated: 18.10.2018.

2. Notice of hearing has been issued to the parties for 08.01.2019 to appear before the Commission.

3. The appellant is absent from today's hearing in the Commission.

4. Sh. Shavi Garg, Clerk appears on behalf of the Respondent – PIO and states that information is not available in the official record.

5. The perusal of the case reveals that respondent has delayed the information about 8 months.

6. In view of the above, a show cause notice under Section 20(1) of the RTI Act is issued to Sh. Narinder Mohan, Superintendent –cum- PIO O/o Director, Health & Family Welfare, Punjab (PMH Branch), Sector-34-A, Chandigarh to why penalty should not be imposed upon him and also why compensation be not awarded to the appellant under Section 19 (8) (b) for willful delay/denial in supplying the information to the RTI applicant.

Cont...P-2

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**APPEAL CASE No. 3551 Of 2018**

7. The Respondent – PIO is directed to file an affidavit in response to the Show Cause Notice and appear personally on the next date fixed, otherwise it will be presumed that she has nothing to say and the Commission shall initiate ex-parte proceeding.

8. The case is adjourned for **21.02.2019 at 11:30 AM**. Copies of the order be sent to the parties.

**Chandigarh  
08.01.2019**

Sd/-  
**(Prof. Viney Kapoor Mehra)  
State Information Commissioner**

**Copy to Intimation & Necessary Action: -**

**Sh. Narinder Mohan,**  
Superintendent –cum- PIO  
O/o Director,  
Health & Family Welfare, Punjab (PMH Branch),  
Parivar Kalyan Bhawan, Sector-34-A, Chandigarh.

# **PUNJAB STATE INFORMATION COMMISSION**

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## **APPEAL CASE NO. 3569 OF 2018**

Sh. Tejinder Singh,  
R/oVillage Bholapur,  
P.O:Ramgarh, Chandigarh Road,  
Ludhiana.

...Appellant

Versus

**Public Information Officer,**  
O/o Civil Surgeon,  
Jalandhar.

**First Appellate Authority**  
O/o Civil Surgeon,  
Jalandhar.

...Respondents

**PRESENT:** Sh. Tejinder Singh, Appellant.  
Sh. Mandeep Singh, Jr. Asstt. on behalf of the Respondent – PIO.

### **ORDER:**

The appellant has sought information as enumerated in his RTI application dated: 30.05.2018. First appeal was filed with the First Appellate Authority on dated: 03.09.2018 and second appeal was filed in the Commission on dated: 22.10.2018.

2. Notice of hearing has been issued to the parties for 08.01.2019 to appear before the Commission.

3. The appellant appears and states that incomplete information has been provided to him by the Respondent – PIO.

4. Sh. Mandeep Singh, Jr. Asstt. appears on behalf of the Respondent - PIO and states that the available information has been provided to the appellant except the point 1 of the RTI application of the appellant due to the voluminous information.

5. The perusal of the case reveals that respondent has delayed the information about 8 months.

6. In view of the above, a show cause notice under Section 20(1) of the RTI Act is issued to the Respondent – PIO O/o Civil Surgeon, Jalandhar to why penalty should not be imposed upon him and also why compensation be not awarded to the appellant under Section 19 (8) (b) for willful delay/denial in supplying the information to the RTI applicant.



# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

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**Tel No. 0172-2864116, Fax No. 0172-2864125**

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**APPEAL CASE No. 3569 Of 2018**

7. The Respondent – PIO is directed to file an affidavit in response to the Show Cause Notice and appear personally on the next date fixed, otherwise it will be presumed that she has nothing to say and the Commission shall initiate ex-parte proceeding.

8. The case is adjourned for **20.02.2019 at 11:30 AM**. Copies of the order be sent to the parties.

**Chandigarh  
08.01.2019**

Sd/-  
**(Prof. Viney Kapoor Mehra)  
State Information Commissioner**