

**PUNJAB STATE INFORMATION COMMISSION**  
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**Sector 16, Chandigarh.**  
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Sh. Rajinder Kumar, S/o Sh. Mehar Chand,  
Ward NO-2, Supreme Enclave,  
Near Vishvkarma Bhawan, Link Road,  
Mansa.

... Appellant

Versus

**Public Information Officer,**  
O/o Director,  
Local Govt, Sector-35-A,  
Chandigarh.

**First Appellate Authority,**  
O/o Director,  
Local Govt, Sector-35-A,  
Chandigarh.

...Respondent

**Appeal Case No. 2865 of 2020**

**Present: Sh.Rajinder Kumar as the Appellant**  
**Mrs.Sudha Rani-PIO for the Respondent**

**ORDER:**

The appellant through RTI application dated 06.07.2020 has sought information regarding a copy of letter No.149-50 dated 20.01.2020 relating to personal views of EO on the resolution passed in a general meeting of NC Mansa on 17.01.2020 and letter No.216-17 dt.24.01.2020 and other information as enumerated in the RTI application concerning the office of Director Local Govt. Punjab, Chandigarh. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 07.08.2020 which took no decision on the appeal.

The case first came up for hearing on 03.03.2021 through video conferencing at DAC Mansa. The appellant claimed that the PIO has not provided the information.

The respondent was absent. The PIO was directed to provide the information within 15 days of the receipt of this order and send a compliance report to the Commission. Failure to comply would attract proceedings under section 20 of the RTI Act.

On the date of hearing on **16.06.2021**, the respondent informed that the complete information had been provided to the appellant on 12.03.2021.

As per the appellant, the PIO had not provided the information on point-1.

The PIO was directed to provide information on point-1 within 15 days of the receipt of this order and send a compliance report to the Commission.

On the date of the last hearing on **25.10.2021**, the respondent informed that the information on point-1 has already been supplied to the appellant.

The appellant claimed that the document which was provided was dated 24.01.2020 (amended comments of the EO) whereas the appellant had sought a copy of letter No.149-150 dated 20.01.2021 vide which the EO had given his comments on the resolution passed in the meeting of NC dated 17.01.2020.

From the above, it was clear that the PIO was dilly-dallying the information and there was prima-facie evidence of a malafide intention of the PIO on not providing the sought document. The PIO was directed to procure it from the concerned authority under whose custody the document exists and provide it to the appellant.

However, since there was a piece of prima-facie evidence that this document was not been deliberately provided, the PIO was issued a **show-cause notice under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and directed to file reply on an affidavit.**

**Hearing dated 08.03.2022:**

The case has come up for hearing today through video conferencing at DAC Mansa/Mohali. The appellant claims that the PIO has not supplied the information as per the order of the Commission.

The respondent has submitted its reply which has been taken on the file of the Commission. In the reply, the PIO has mentioned that the NC Mansa had inadvertently mentioned the same No.(149-150) on two different letters and one of those letters had earlier been provided to the appellant and the other letter No.149-50 dated 20.01.2020 (containing comments of EO-NC Mansa on the resolution passed in the general meeting) has also been provided to the appellant vide letter dated 15.02.2020. The respondent has also sent a copy of that letter to the Commission which has been taken on record.

With the above, the information stands provided.

The show cause is dropped and the case is **disposed of and closed.** A copy of letter No.149-50 dated 20.01.2020 (containing comments of EO-NC Mansa on the resolution passed in the general meeting) is being sent to the appellant alongwith the order.

**Chandigarh  
Dated 08.03.2022**

**Sd/-  
(Khushwant Singh)  
State Information Commissioner**



Sh. Lajpat Rai, S/o Sh . Harbans Lal,  
H O-B-3/287, Romana Street,  
Jaito, Distt Faridkot.

... Appellant

Versus

**Public Information Officer,**  
O/o SSP,  
Faridkot.

**First Appellate Authority,**  
O/o SSP,  
Faridkot.

...Respondent

**Appeal Case No. 3144 of 2020**

**Present: Sh.Lajpat Rai as the Appellant**  
**Sh.Pawandeep Singh, HC O/o SSP Faridkot for the Respondent**

**ORDER:**

The appellant through the RTI application dated 09.06.2020 has sought information regarding complete files/action taken report on the applications filed vide No.413-LR/ASP Jaito 1912.2019, 382/IPC/R ASP 15/10/19. 458-5PC/2019 – SA register of PS Jaito 1.1.2018 to 01.03.2019, 28.05.2019 to 01.07.2019, 21.08.2019 to 31.12.2019, 01.01.2020 to 28.02.2020, 01.05.2020 till date – Case file No.29/2018 dated 03.04.2018, Casefile No.80 dated 30.05.2019 and other information as enumerated in the RTI application concerning the office of SSP Faridkot. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 12.06.2020 which took no decision on the appeal.

The case came up for hearing on 08.03.2022 through video conferencing at DAC Faridkot. As per the respondent, the information has been provided to the appellant vide letter dated 01.03.2021. As per the appellant, the information was incomplete on points 1,3 & 4 and the PIO has not supplied the information on point-2 stating that since the entry register contains some more records relating to security and secrecy documents, it cannot be provided.

Hearing both the parties, the appellant was directed to point out the discrepancies relating to points 1,3 & 4 in writing to the PIO with a copy to the Commission and the PIO was directed to remove the same. Regarding point-2, the appellant was directed to inspect the record on 12.03.2021 at 12.00 Noon and get the relevant information that is permitted under the RTI Act. The PIO was directed to allow inspection of the record to the appellant on the given date and time and provide the information as discussed during the hearing.

On the date of hearing on **16.06.2021**, as per the respondent, the discrepancies on points 1,3 & 4 had been sorted out and the information had been supplied to the appellant.

As per the appellant, the PIO provided only a copy of the enquiry report on 413-LR/ASP Jaito dated 19.12.2019 but had not provided information on complaint 382/IPC/R Asp 15.10.2019 and 458-5PC/2019. The appellant further informed that he inspected the record relating to point-2 but the PIO has not supplied the information.

As per the respondent, no further information on points 1,3 &4 was available in the record.

The PIO was directed to sort out the discrepancies. If the information is not available, give an affidavit that the information that has been provided on points 1, 3 & 4 is true, complete and no other information is available in the record. The affidavit should be on stamp paper duly attested by Notary Public. Regarding point-2 the respondent was directed to bring the record to the Commission at the next date of hearing.

On the date of hearing on **25.10.2021**, the appellant was absent and vide letter received in the Commission on 05.10.2021 sought adjournment. The case was adjourned.

**Hearing dated 08.03.2022:**

The case has come up for hearing today through video conferencing at DAC Faridkot. The appellant is present and claims that the PIO has not supplied the complete information nor has provided the affidavit relating to points 1,3 & 4 as well as not supplied the information on point-2.

The respondent is present at Faridkot and informed that in compliance with the order of the Commission, an affidavit relating to points 1,3 & 4 has been sent to the Commission and has brought the record relating to point-2.

The appellant is directed to visit the office of the PIO on 15.03.2022 at 11.00 AM and get the information relating to point 2. The PIO is directed to provide complete information relating to this point to the appellant.

Further, the affidavit sent by the respondent is neither on stamp paper nor from the PIO. The PIO is directed to provide a fresh affidavit(on stamp paper duly signed by the PIO) mentioning therein that the information that has been provided on points 1, 3 & 4 is true, complete and no other information is available in the record. A copy of the same be sent to the Commission.

With the above order, the case is **disposed of and closed**.

**Chandigarh**  
**Dated 08.03.2022**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

Sh. Lajpat Rai, S/o Sh. Harbans Lal,  
H O-B-3/287, Romana Street,  
Jaito, Distt Faridkot.

... Appellant

Versus

**Public Information Officer,**  
O/o SSP,  
Faridkot.

**First Appellate Authority,**  
O/o SSP,  
Faridkot.

...Respondent

**Appeal Case No. 3145 of 2020**

**Present: Sh.Lajpat Rai as the Appellant**  
**Sh.Pawandeep Singh HC for the Respondent**

**ORDER:**

The case first came up for hearing on 08.03.2022 through video conferencing at DAC Faridkot. The respondent present pleaded that the information has been supplied to the appellant vide letter dated 01.03.2021. As per the appellant, the provided information was incomplete.

Hearing both the parties, the appellant was directed to point out the discrepancies in writing to the PIO with a copy to the Commission and the PIO was directed to remove the discrepancies and provide the information as per the RTI.

On the date of hearing on **16.06.2021**, as per the respondent, the discrepancies were sorted out and the available information had been supplied to the appellant and no further information was available in their record.

As per the appellant, the information was incomplete.

The PIO was directed to sort out the discrepancies. If the information is not available, give an affidavit that the information that has been provided is true, complete and no other information is available in the record relating to this RTI application. The affidavit should be on stamp paper duly attested by Notary Public.

**On the date of the** last hearing on **25.10.2021**, the appellant was absent and vide letter received in the Commission on 05.10.2021 sought adjournment. The case was adjourned.

**Hearing dated 08.03.2022:**

The case has come up for hearing today through video conferencing at DAC Faridkot. The respondent present pleaded that the complete information has been provided to the appellant and no further information is available in the record. Further, an affidavit in this regard has also been provided to the appellant with a copy to the Commission.

The appellant claims that the information is incomplete since the PIO has not supplied the copies of the complaints as well as the affidavit provided is neither on stamp paper nor is signed by the PIO.

I have seen the copy of the affidavit and find that it does not bear the signature of the PIO, but some other officer. The PIO is directed to provide a fresh affidavit (on stamp paper duly signed by the PIO) mentioning therein that the information that has been provided is true, complete and no other information is available in the record. A copy of the same be sent to the Commission.

With the above order, the case is **disposed of and closed**.

**Chandigarh**  
**Dated 08.03.2022**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**



Smt.Khushpreet Kaur W/o Sh Gurpreet Singh,  
VPO LAPRAN, Tehsil Payal  
Distt.Ludhiana

...Complainant

Versus

**Public Information Officer,**  
O/o Subordinate Service Selection Board,  
Pb, Sector 68, SAS Nagar, Mohali

...Respondent

**Complaint Case No. 1231 of 2021**

**Present: Sh.Gurpreet Singh husband of Mrs.Khushpreet Kaur for the complainant**  
**Sh.Munish Garg, Sr.Assistant for the Respondent**

**ORDER:**

The complainant through RTI application dated 25.06.2021 has sought information on 04 points regarding including the name of Khushpreet Kaur for recruitment of SLA posts under ex-serviceman quota – a copy of the recruitment letter –number of persons recruited in 2013 for the post of SLA under ex-serviceman quota and other information as enumerated in the RTI application concerning the office of Subordinate Service Selection Board, Pb, Sector 68, SAS Nagar, Mohali The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 22.10.2021.

The case has come up for hearing today through video conferencing at DAC Ludhiana. The respondent is present at Chandigarh and informed that the information has already been supplied to the complainant vide letter dated 07.07.2021 with a copy to the Commission.

The complainant claims that they have not received the information.

The Commission has received a copy of the letter from the PIO on 27.01.2022 alongwith a copy of the information that has been taken on record.

A copy of the information received from the PIO is being sent to the complainant alongwith the order.

Having gone through the record, the Commission observes that since this is a complainant case and the complainant has come to the Commission under the provision of Section 18 of the RTI Act, 2005 in which no directions for providing further information can be given by the Commission. The RTI application has been replied within time.

The Hon'ble Supreme Court of India in its Order dated 12.12.2011 in Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP No.32768-32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information.

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 reasons speaking order.

**Complaint Case No. 1231 of 2021**

If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he/she will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act.,2005.

In view of the observations noted above, the instant case is remanded back to the concerned First Appellate Authority O/o Subordinate Service Selection Board, Pb, SAS Nagar, Mohali with a copy of RTI application for their ready reference and is also directed to call the complainant within 15 days of the receipt of the order, provide the information/reply pertaining to this RTI application. A compliance report of the same be sent to the Commission.

With the above observation and order, the case is **disposed of and closed**.

**Chandigarh**  
**Dated 08.03.2022**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**

**CC to First Appellate Authority**  
**O/o Subordinate Service Selection Board,**  
**Pb, Sector 68, SAS Nagar, Mohali**