

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; Email: psic26@punjabmail.gov.in;

COMPLAINT CASE NO. 1018 OF 2018

Sh. Palwinder Singh,
S/o Sh. Jasbir Singh,
R/o VPO: Gangomahal,
Tehsil: Ajnala, Distt: Amritsar.

...Complainant

Versus

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

...Respondent

PRESENT: None for the parties.

ORDER:

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

21.11.2018.

2. Neither the complainant nor the Respondent is present for today's hearing.

3. One more opportunity is given to both the parties to appear in the Commission to precede the case, failing which decision shall be taken on merit.

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

Chandigarh
09.01.2019

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

PUNJAB STATE INFORMATION COMMISSION

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COMPLAINT CASE NO. 1022 OF 2018

Sh. Munish Kumar Garg,
S/o Sh. Pawan Kumar Garg,
Near Tagore School Wali Gali,
Main Bazar, Talwandi Saboo.

...Complainant

Versus

Public Information Officer,
O/o District Health Officer,
Bathinda.

...Respondent

PRESENT: None is present on behalf of the complainant.
Sh. Shishan Kumar, Drug Inspector, Bathinda-2 & Sh. Onkar Singh,
Drug Inspector, Bathinda-3 for the Respondents.

ORDER:

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

21.11.2018.

2. The Complainant is absent from today's hearing and he was also absent on the last date of hearing i.e. 21.11.2018 in the Commission.

3. Sh. Shishan Kumar, Drug Inspector, Bathinda-2 appears and states that as per Commission's order the appellant was advised to inspect the record but he did not turned up till date.

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.

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COMPLAINT CASE No. 1022 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 08.08.2018, the first reply was sent to the complainant vide letter dated 13.08.2018. The respondent has given the reply within the time as prescribed under the RTI Act. The conduct of the respondent is found satisfactory.

7. In view of the observations noted above, instant complaint case is **closed and disposed off**. Copies of the order be sent to the parties.

**Chandigarh
09.01.2019**

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

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APPEAL CASE NO. 1870 OF 2018

Sh. Rajneesh Aggarwal,
B-7/370, Grain Market,
Phillaur, District Jalandhar.

...Appellant

Versus

Public Information Officer,
O/o District Manager,
Punjab State Civil Supplies,
Corporation Ltd, Jalandhar.

First Appellate Authority
O/o General Manager (Finance & Accounts),
Punjab State Civil Supplies Corporation Ltd.,
Chandigarh.

...Respondents

PRESENT: None is present on behalf of the Appellant.
Sh. Rajiv Sehgal, Sr. Auditor –cum- PIO & Sh. Sunil Bahri, S.Asstt.

ORDER:

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

21.11.2018.

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

3. Sh. Rajiv Sehgal, Sr. Auditor –cum- PIO appears and files written reply in response to the Show Cause Notice issued to him vide order dated: 21.11.2018 mentioning therein that the matter is in controversy with regard to information sought by the appellant under the RTI Act is sub-judice before the District & Session Judge, Jalandhar and information cannot be provided to the appellant due to the pendency of court cases. The copy of the same is taken on record.

4. After examining the case file and perusing the record as available in the file, it is ascertained that the information sought by the appellant has been denied by the department under Section 8 (h) of the RTI Act, 2005. The appellant is misusing the RTI Act for his personal grievances. The RTI Act is not means of grievances redressal. The Commission, has to adjudicate as per provisions mandated by RTI Act, 2005. This is a case of grievance of the appellant who has attempted to find redressal thereof by filling second appeal in the Commission.

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APPEAL CASE No. 1870 of 2018

5. The perception of the appellant that use of RTI Act can be employed as a mechanism for redressal of his grievance is beyond the paradigm of the Act. The Commission advises the appellant to approach the competent forum or Court for redressal of his grievance as it is unable to go outside the jurisdiction stipulated by the RTI Act.

6. The Respondent - PIO has filed the reply in response to the Show Cause Notice, which is taken on record. Keeping in view all the facts mentioned in the reply are found satisfactory. The Show Cause Notice is hereby, dropped. In wake of aforementioned, this Appeal Case is hereby devoid of merit and hence **closed and disposed off**. Copies of the order be sent to the parties.

**Chandigarh
09.01.2019**

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

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APPEAL CASE NO. 1897 OF 2018

Sh. Joginder Singh,
S/o Sh. Dayal Singh,
H.No. B-IV/922, Old Radha Swami Street,
Barnala.

...Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Nagar Council, Bhadaur,
Distt: Barnala.

First Appellate Authority

O/o Deputy Director,
Local Bodies, Patiala.

...Respondents

PRESENT: Sh. Joginder Singh, Appellant.
Sh. Gurcharan Singh, Executive Officer –cum- PIO O/o M.C.
Bhadaur, District Barnala.

ORDER:

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

21.11.2018.

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

3. Sh. Gurcharan Singh, Executive Officer –cum- PIO O/o M.C. Bhadaur appears and states that he has no knowledge about the RTI application of the appellant and the dealing clerk has not informed him regarding this RTI. He further requests that some more time be given to him to provide the information.

4. In view of the above, the Respondent – PIO is directed to conduct departmental inquiry against the erring officer/official who is responsible for the delay in supplying the information and file an affidavit in response to the Show Cause Notice order dated: 21.11.2018, on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated against him.

5. 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.

Cont...P-2

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APPEAL CASE No. 1897 of 2018

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.

6. 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 Executive Officer, Nagar Council, Bhadaur, District Barnala, is thus, responsible for the inadequate handling of the RTI requests and in the instant case as well.

7. I, therefore, order that compensation of Rs. 2000/- (Rupees Two Thousand Only) be paid to the appellant for the detriments suffered by him.

8. This amount shall be payable from the funds of PIO O/o Executive Officer, Nagar Council, Bhadaur, District Barnala, by way of crossed Cheque/Demand Draft in the name of Sh. Joginder Singh within one month.

9. 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.

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

**Chandigarh
09.01.2019**

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

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APPEAL CASE NO. 1970 OF 2018

Sh. Love Kumar Dua,
S/o Late Sh. Megh Raj Dua,
R/o H.No.125, Model Town,
Samrala Road, Khanna,
Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o Secretary,
Indian Red Cross, Khanna,
Distt:Ludhiana.

First Appellate Authority
O/o Sub Divisional Magistrate,
Khanna.

...Respondents

PRESENT: Sh. Love Kumar Dua, Appellant.
Sh. Khushpal Chand, Secretary O/o Indian Red Cross Society,
Khanna for the Respondent.

ORDER:

This order may be read with reference to the previous order dated
05.12.2018.

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

3. Sh. Khushpal Chand, Secretary O/o Indian Red Cross Society,
Khanna appears and file an Affidavit mentioning therein that available information
has been provided to the appellant as per official record.

4. After examining the case file, it is revealed that the available
information has been provided to the appellant and the original Affidavit is
handed over to the appellant, during the hearing.

5. Thus, information as per the record of the O/o Indian Red Cross
Society, Khanna 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.

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APPEAL CASE No. 1970 of 2018

6. 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
09.01.2019**

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

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APPEAL CASE NO. 3292 OF 2018

Sh. Anil Kumar Singh,
Village & Post Office Rahon,
Tehsil & Distt: Nawanshahar.

...Appellant

Versus

Public Information Officer,
O/o Municipal Council,
Rahon, Distt: SBS Nagar.

First Appellate Authority
O/o Deputy Director,
Local Bodies, Jalandhar.

...Respondents

PRESENT: Sh. Anil Kumar Singh, Appellant.
Sh. G. B. Sharma, Executive Officer –cum- PIO O/o Municipal
Council, Rahon, (S.B.S. Nagar).

ORDER:

This order may be read with reference to the previous order dated:
21.11.2018.

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

3. Sh. G. B. Sharma, Executive Officer –cum- PIO O/o Municipal
Council, Rahon, (S.B.S. Nagar) appears and states that as per orders of the
Commission the appellant has visited the office of the Respondent and inspected
the record but he did not pinpoint the exact information. He further states that the
appellant has not deposited the inspection fee till today.

4. In view of the above, the appellant is advised to specify the exact
information and furnished the deficiencies in writing to the Respondent – PIO
within a week under intimation to the Commission. The Respondent – PIO is
directed to remove the same after receiving the deficiencies. The Respondent –
PIO is again directed to facilitate the inspection to the appellant after taken the
requisite inspection fee and provide the information to the appellant free of cost,
not more than 50 pages and if the appellant wants more, it should be charged as
per the RTI Act, 2005.

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

Chandigarh
09.01.2019

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

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APPEAL CASE NO. 3305 OF 2018

Ms. Alka Chatrath,
2055, Sector: 15/C,
Chandigarh.

...Appellant

Versus

Public Information Officer,
O/o DPI (EE),
Phase-VIII, Ajitgarh, Distt: Mohali.

First Appellate Authority
O/o DPI (EE),
Phase-VIII, Ajitgarh, Distt: Mohali.

...Respondents

PRESENT: Adv M.M. Pandey is present on behalf of the Appellant.
Sh. Sohan Singh, Assistant Director –cum- PIO & Sh. Jagdish
Parshad, Sr. Assistant.

ORDER:

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

21.11.2018.

2. Adv M.M. Pandey appears on behalf of the Appellant and states that incomplete information has been provided to the appellant.

3. Sh. Sohan Singh, Assistant Director –cum- PIO appears and files written reply in response to the Show Cause Notice issued to him vide order dated: 21.11.2018 alongwith the remaining information for the perusal of the Commission and same is handed over to the representative of the appellant. Copy of the same is taken on record.

4. After going through the information, the representative of the appellant states that he is satisfied with the provided information and expressed his willingness in writing to close the case.

5. After examining the case file, it is ascertained that the Respondent –PIO has supplied the requisite information to the representative of the appellant today in the Commission. The Respondent - PIO has filed the reply in response to the Show Cause Notice, which is taken on record. Keeping in view all the facts mentioned in the reply are found satisfactory. The Show Cause Notice is hereby, dropped. However, the Respondent - PIO is warned to be careful in future while dealing with the RTI applications.

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APPEAL CASE No. 3305 of 2018

6. The Respondent – PIO has supplied the information to the representative of the appellant and he has received the same and expressed his willingness in writing that he has satisfied with the provided information and wants to close the case. 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
09.01.2019**

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

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APPEAL CASE NO. 3634 OF 2018

Sh. Sukhdev Singh,
S/ Sh. Inder Singh,
VPO: Kot Daram Chand Kalan,
Tehsil & Distt: Tarn Taran.

...Appellant

Versus

Public Information Officer,
O/o Senior Medical Officer,
Tarn Taran.

First Appellate Authority

O/o Civil Surgeon,
Tarn Taran.

...Respondents

PRESENT: None is present on behalf of the Appellant.
Dr. Ved Parkash, M.O. –cum- APIO & Sh. Manoj Kumar,
Pharmacist for the Respondents.

ORDER:

The appellant has sought information as enumerated in his RTI application dated: 30.07.2018. First appeal was filed with the First Appellate Authority on dated: 05.09.2018 and second appeal was filed in the Commission on dated: 29.10.2018.

2. Notice of hearing has been issued to the parties for 09.01.2019 to appear before the Commission.

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

4. Dr. Ved Parkash, M.O. –cum- APIO appears on behalf of the Respondent – PIO and states that the requisite information has already been supplied to the appellant vide letter no. 36-37, dated: 19.12.2018 through registered post dated: 24.12.2018. Copy of the same is taken on record.

5. The Appellant is advised to point out the deficiency, if any, in the provided information to the Respondent – PIO within a week, under intimation to the Commission. The Respondent – PIO is directed to remove the same, after receiving the discrepancies from the appellant, before the next date of hearing, failing which action would be initiated against him as per provisions of the RTI Act, 2005.

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

Chandigarh
09.01.2019

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

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APPEAL CASE NO. 3642 OF 2018

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

...Appellant

Versus

Public Information Officer,
O/o Municipal Council,
Ropar.

First Appellate Authority
O/o Regional Deputy Director,
Local Bodies, Patiala.

...Respondents

PRESENT: S. Jasbir Singh is present on behalf of the Appellant.
None is present on behalf of the Respondents.

ORDER:

The appellant has sought information as enumerated in his RTI application dated: 28.01.2018. First appeal was filed with the First Appellate Authority on dated: 02.05.2018 and second appeal was filed in the Commission on dated: 30.10.2018.

2. Notice of hearing has been issued to the parties for 09.01.2019 to appear before the Commission.

3. S. Jasbir Singh appears on behalf of the Appellant and states that no information has been provided to the appellant by the Respondent – PIO till date.

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

5. 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.

6. The case is adjourned for **13.02.2019 at 11:30 AM**. Copies of the order be sent to the parties.

Chandigarh
09.01.2019

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

PUNJAB STATE INFORMATION COMMISSION

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APPEAL CASE NO. 3650 OF 2018

Sh. Gagandeep Singh Janjua,
Village: Tura, P.O: Kumbh,
Tehsil: Amloh, District Fatehgarh Sahib.

...Appellant

Versus

Public Information Officer,
O/o Tehsildar,
Banga, District SBS Nagar.

First Appellate Authority
O/o Sub Divisional Magistrate,
Banga, District SBS Nagar.

Public Information Officer,
O/o Tehsildar,
Nawanshahar, District SBS Nagar.

Public Information Officer,
O/o Kanungo Circle,
Banga, District SBS Nagar.

...Respondents

PRESENT: None is present on behalf of the Appellant.
Sh. Daljit Singh, Sr. Assistant O/o S.D.M. Banga & Sh. Kashmir
Singh, Kanungo on behalf of the O/o Tehsildar, Banga.

ORDER:

The appellant has sought information as enumerated in his RTI application dated: 16.06.2018. First appeal was filed with the First Appellate Authority on dated: 03.08.2018 and second appeal was filed in the Commission on dated: 30.10.2018.

2. Notice of hearing has been issued to the parties for 09.01.2019 to appear before the Commission.

3. The appellant has sent an Email in the Commission mentioning therein that he is unable to attend today's hearing in the Commission and sought an adjournment.

4. Sh. Kashmir Singh, Kanungo appears on behalf of the O/o Tehsildar, Banga and states that the available information has been supplied to the appellant and the remaining information is lying with the O/o Tehsildar, Nawanshahar and O/o Kanungo Circle, Banga. A letter has already been written to Kanungo Circle, Banga with a copy to the appellant vide letter no. 1044, dated: 02.07.2018.

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APPEAL CASE No. 3650 of 2018

5. In view of the above, the Respondent – PIO (O/o Tehsildar, Banga) is directed to retrieve the remaining information from the concerned offices and provide it to the appellant, before the next date of hearing.

6. Since, the information is to be provided by the PIO O/o Tehsildar, Nawanshahar and O/o Kanungo Circle, Banga. I, therefore, order that PIO O/o Tehsildar, Nawanshahar and O/o Kanungo Circle, Banga be impleaded as necessary party as Respondent No. 2 and 3.

7. I further direct to the Respondent – PIOs O/o Tehsildar, Nawanshahar and O/o Kanungo Circle, Banga to bring the original record relating to the RTI application of the Appellant, on the next date of hearing, failing which action would be initiated against them as per provisions of the RTI Act, 2005.

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

**Chandigarh
09.01.2019**

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

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APPEAL CASE NO. 3725 OF 2017

Sh. Karandeep Singh Kairon,
President National RTI Activist Forum,
7-South Model Gram, Sampuran Colony,
Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o Director,
Industry and Commerce, Punjab,
Chandigarh.

First Appellant Authority,
O/o Director,
Industry and Commerce, Punjab,
Chandigarh.

...Respondents

PRESENT: None is present on behalf of the Appellant.
Sh. Jagdev Singh, Deputy Manager O/o Punjab State Hosiery and
Knitwear Development Corporation Ltd.

ORDER:

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

21.11.2018.

2. The appellant is absent for today's hearing and has also not attended the last hearings dated 10.05.2018, 26.09.2018 and 21.11.2018.

3. Sh. Jagdev Singh, Deputy Manager O/o Punjab State Hosiery and Knitwear Development Corporation Ltd appears on behalf of the Respondent – PIO and states that the requisite information has already been supplied to the appellant vide letter dated: 13.02.2018 and submit his written reply in response to the Show Cause Notice issued to him.

4. The perusal of the file indicates that the information has been provided to the appellant by the respondent vide letter dated 13.02.2018. The reply to the show cause notice issued to Sh. Surinder Pal Singh, General Manager –cum- PIO is found satisfactory and therefore, it is hereby discharged. The appellant has not attended the information in the Commission consequently thrice entailing thereby that he does not want to follow up his case further. It is presumed that he has satisfied with the provided information. In wake of aforementioned, this Appeal Case is hereby, **closed and disposed off**. Copies of the order be sent to the parties.

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APPEAL CASE No. 3725 of 2017

**Chandigarh
09.01.2019**

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

Copy to Intimation & Necessary Action:-

**Sh. Surinder Pal Singh,
General Manager –cum- PIO,
O/o Director, Industry and Commerce, Punjab,
1st Floor, 17 Bays Building,
Sector-17-D, Chandigarh.**

PUNJAB STATE INFORMATION COMMISSION

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APPEAL CASE NO. 3728 OF 2017

Sh. Anil Kumar Garg,
H.No.2582, Block-C,
Ranjit Avenue, Amritsar.

...Appellant

Versus

Public Information Officer,
O/o DPI (Colleges),
Punjab, Mohali.

First Appellate Authority

O/o DPI (Colleges),
Punjab, Mohali.

...Respondents

PRESENT: None for the parties.

ORDER:

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

21.11.2018.

2. A letter has been received from the appellant in the Commission by email mentioning therein that he will not be able to attend today's hearing and sought an adjournment.

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, which shows that he has no regard to the orders of the Commission.

4. Last opportunity is given to the Respondent – PIO to appear personally and files the reply in response to the Show Cause Notice issued to him vide order dated: 21.11.2018, on the next date of hearing, failing which penalty provision will be initiated against him as per provisions of the RTI Act, 2005.

5. Last opportunity is given to the appellant to follow up his case in the Commission, failing which decision shall be taken on merits.

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

Chandigarh
09.01.2019

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

Copy to Intimation and Necessary Action:-

Public Information Officer (By name)
O/o DPI (Colleges), Punjab,
S.A.S. Nagar (Mohali).