

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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COMPLAINT CASE NO. 0548 OF 2020

Smt. Kailash Rani, (8283906699)
Science Teacher,
House No. 3176, Sector-19-D,
Chandigarh.

...Complainant

Versus

Public Information Officer,
O/o Director,
Secondary Education, Punjab,
PSEB Complex, Shikhiya Bhawan,
4th Floor, Phase-VIII, S.A.S. Nagar (Mohali).

...Respondent

HEARD Through CISCO WEBEX/TELEPHONE

PRESENT: Smt. Kailash Rani, Complainant.
Sh. Gurpreet Singh, Sr. Assistant on behalf of the Respondents.

ORDER:

This order may be read with reference to the previous order dated: 05.01.2021.

The Complainant states that irrelevant information has been provided to her by the Respondents.

The Respondent state that information has already been supplied to the Complainant and letter dated 31.12.2020 received from the Complainant is not matched with his RTI application dated 11.06.2020.

In these circumstances, it is relevant to invite the attention of the Complainant to the judgment 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 whereby, 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. 0548 OF 2020

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.

In case the Complainant has any grouse about the provided information, he is advised to challenge the response of the PIO, before the designated First Appellate Authority, as envisaged under section 19 (1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.

If, however, the Complainant does not feel satisfied with the decision of the First Appellate Authority, he 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 Complaint Case is hereby, **disposed of and closed.** Copies of the order be sent to the parties.

**Chandigarh
10.03.2021**

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 2398 OF 2020

Shri Charankamal Singh, (9417607444)
H. No. 246-A, New Shampura Colony,
Near Shahnai Palace, Village Shampura,
District Ropar-140001

...Appellant

Versus

Public Information Officer,
O/o Director, Secondary Education, Punjab,
Shikhiya Bhawan,
Phase-VIII, S.A.S. Nagar (Mohali).

First Appellate Authority
O/o Director, Secondary Education, Punjab,
Shikhiya Bhawan,
Phase-VIII, S.A.S. Nagar (Mohali).

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Advocate Jaspreet Singh on behalf of the Appellant.
Shri Amandeep Singh, Sr. Assistant on behalf of the Respondents.

ORDER:

The RTI application is dated 22.05.2020 vide which the Appellant has sought information from the PIO O/o Director, Secondary Education, Punjab on the following 8 points in his RTI application: -

ਵਿਸ਼ਾ:- ਸਿੱਖਿਆ ਵਿਭਾਗ ਵਿੱਚ ਪਦ-ਉਨਤੀਆਂ ਲਈ ਨਿਰਧਾਰਤ ਕੀਤਾ ਤਜਰਬਾ ਘਟਾਉਣ ਬਾਰੇ।

ਉਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਪੱਤਰ ਨੰ: ਉਤਾਰਾ ਅੰ.ਵਿ.ਪੰ.ਨੰ:9/6/2019-5ਪੀ.ਪੀ.1/1546227/1 ਮਿਤੀ ਚੰਡੀਗੜ੍ਹ 08-08-2019 ਅਨੁਸਾਰ ਪੱਦਉਨਤੀਆਂ ਦਾ ਨਿਰਧਾਰਤ ਕੀਤਾ ਤਜਰਬਾ ਘਟਾਉਣ ਬਾਰੇ ਵੱਖ-ਵੱਖ ਸਮੇਂ ਸਰਕਾਰ ਵੱਲੋਂ ਹਦਾਇਤਾਂ ਜਾਰੀ ਕੀਤੀ ਗਈਆਂ ਹਨ।

ਕ੍ਰਿਪਾ ਕਰਕੇ ਸਿੱਖਿਆ ਵਿਭਾਗ ਵਿੱਚ ਕੰਮ ਕਰਦੇ ਮਾਸਟਰ ਕੈਡਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਉਕਤ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਕੀਤੀ ਗਈ ਪੂਰਨ ਕਾਰਵਾਈ ਦੀ ਸੂਚਨਾ ਦਿੱਤੀ ਗਈ:-

- 1) ਇਸ ਸਬੰਧ ਵਿੱਚ ਸਬੰਧਤ ਮਾਸਟਰ ਕੈਡਰ ਦੀ ਦਫਤਰੀ ਫਾਇਲ ਦੀ ਇੱਕ ਤਸਦੀਕਸ਼ੁੱਦਾ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ।
- 2) ਮਾਸਟਰ ਕੈਡਰ ਬਾਰੇ ਫੈਸਲਾਂ ਲੈਣ ਵਾਲੇ ਸਬੰਧਤ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਸੈ:ਸਿ:) ਮੋਹਾਲੀ ਦੇ ਅਧਿਕਾਰੀ ਦਾ ਨਾਮ ਅਤੇ ਪਤਾ ਸਬੰਧੀ ਸੂਚਨਾ ਦਿੱਤੀ ਜਾਵੇ।
- 3) ਨਿਯਮਾਂ ਅਨੁਸਾਰ ਇਹ ਕਾਰਵਾਈ ਕਿੰਨੇ ਸਮੇਂ ਵਿੱਚ ਪੂਰੀ ਕਰਨਾ ਬਣਦਾ ਸੀ, ਇਸ ਦੀ ਵੀ ਸੂਚਨਾ ਦਿੱਤੀ ਜਾਵੇ।
- 4) ਉਕਤ ਪੱਤਰ ਅਨੁਸਾਰ ਅਣਗਹਿਲੀ ਕਰਨ ਵਾਲੇ ਅਧਿਕਾਰੀ ਵਿਰੁੱਧ ਕੀਤੀ ਗਈ ਕਾਰਵਾਈ ਦੀ ਸੂਚਨਾ ਦਿੱਤੀ ਜਾਵੇ।
- 5) ਅਣਗਹਿਲੀ ਕਰਨ ਵਾਲੇ ਕਰਮਚਾਰੀ ਵਿਰੁੱਧ ਬਣਦੀ ਸਜ਼ਾ ਦੇ ਪ੍ਰਾਵਧਾਨ ਦੀ ਸੂਚਨਾ ਦਿੱਤੀ ਜਾਵੇ।

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APPEAL CASE NO. 2398 OF 2020

- 6) ਇਹ ਕਾਰਵਾਈ ਹੁਣ ਕਿੰਨੇ ਸਮੇਂ ਵਿੱਚ ਪੂਰੀ ਕਰ ਲਈ ਜਾਵੇਗੀ, ਇਸ ਦੀ ਸੂਚਨਾ ਦਿੱਤੀ ਜਾਵੇ।
- 7) ਇਸ ਫਾਇਲ ਦਾ ਮੈਨੂੰ ਨਰੀਖਣ ਵੀ ਕਰਵਾਇਆ ਜਾਵੇ।
- 8) ਇਸ ਫਾਈਲ ਨੂੰ ਸਮੇਂ ਸਿਰ ਨੇਪਰੇ ਨਾ ਪੂਰਾ ਨਾ ਕਰਨ ਵਾਲੇ ਅਧਿਕਾਰੀ ਅਤੇ ਕਰਮਚਾਰੀ ਵਿਰੁੱਧ ਨਿਯਮਾਂ ਅਨੁਸਾਰ ਅਨੁਸ਼ਾਸ਼ਨੀ ਕਾਰਵਾਈ ਕਰਨ ਵਾਲੇ ਸਮਰੱਥ ਅਧਿਕਾਰੀ ਦਾ ਨਾਮ, ਪਤਾ ਅਤੇ ਮੋਬਾਇਲ ਨੰਬਰ ਦੀ ਵੀ ਸੂਚਨਾ ਦਿੱਤੀ ਜਾਵੇ।

On not receiving information from the PIO or on filing First Appeal with the First Appellate Authority (hereinafter FAA) on 25.06.2020, the Appellant filed Second Appeal in the Commission on 01.09.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and as such Notice of hearing was issued to the parties for 03.11.2020.

During the hearing dated 03.11.2020, the Respondent had stated that information has already been supplied to the Appellant vide letter dated 14.10.2020 and again on 19.10.2020 by registered post whereas the Appellant was absent. The Appellant was advised to furnish the deficiencies to the Respondent and matter was adjourned to 23.12.2020.

During the hearing dated 23.12.2020, the Representative of the Appellant had stated that incomplete information has been provided to the Appellant whereas the Respondent was Absent. The Appellant was directed to inspect the record on 06.01.2021 whereas the Respondent was absent. However, the Respondent was directed to provide the same after inspection on the telephone. The matter was adjourned to 19.01.2021.

During the hearing dated 19.01.2021. The Respondent had stated that the representative of the Appellant was not visited the office. Therefore both were directed the meet in the office of the Respondent on 03.02.2021 for inspection the record. The matter was adjourned to 23.02.2021.

During the hearing dated 23.02.2021. The Respondent had stated that the representative of the Appellant was not visited the office. Therefore, representative of the Appellant had given last opportunity to inspect the record on 24.02.2021. The matter was adjourned to 10.03.2021.

The case is fixed for today. The Respondent states the representative of the Appellant visited the office and provides him the remaining information. The Appellant confirms the same and gives his consent to close the case. Therefore no further action is required in this Appeal Case, hence, the case is **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
10.03.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 2522 OF 2020

Sh. Avtar Singh, (9815850622)
S/o Late Sh. Diljit Singh,
Village & Post Office Chuharwali,
District Jalandhar-144102

...Appellant

Versus

Public Information Officer,
O/o Assistant Excise & Taxation Commissioner,
Kapurthala.

First Appellate Authority
O/o Deputy Excise & Taxation Commissioner,
Jalandhar.

...Respondents

HEARD Through CISCO WEBEX/TELEPHONE

PRESENT: None on behalf of the Appellant.
Sh. Harpreet Singh, E.T.O. on behalf of the Respondents.

ORDER:

The RTI application is dated 19.05.2020 vide which the Appellant has sought information from the PIO O/o Assistant Excise & Taxation Commissioner, Kapurthala on the 8 points in his RTI application.

On not receiving information from the PIO or on filing First Appeal with the First Appellate Authority (hereinafter FAA) on 22.06.2020, the Appellant filed Second Appeal in the Commission on 08.09.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and as such Notice of hearing was issued to the parties for 11.11.2020.

During the hearing dated 11.11.2020, the Respondent had stated that reply/information has already been supplied to the Appellant vide letter dated 04.11.2020 whereas the Appellant was absent. The Appellant was advised to point out deficiencies in writing to the Respondent – PIO before the next date of hearing and matter was adjourned to 05.01.2021.

During the hearing dated 05.01.2021, the Respondent had stated that reply/information has already been supplied to the Appellant whereas the Appellant was again absent. The Appellant was again advised to point out deficiencies in writing to the Respondent – PIO before the next date of hearing and matter was adjourned to 10.03.2021. The matter was adjourned to 10.03.2021.

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APPEAL CASE NO. 2522 OF 2020

The case is fixed for today. The Respondent - PIO reiterates his earlier version that reply/information has already been supplied to the Appellant and after that no observation has been received from him.

The Appellant is 3rd time consecutively absent. It is presumed that he has satisfied with the provided information and does not want to pursue his case further.

In view of the above noted observations, the Commission observed that sufficient reply/information has been supplied to the Appellant. Therefore no further action is required in this Appeal Case, hence, the case is **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
10.03.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 3635 OF 2020

Shri Suresh Kumar Sharma, (9855890233)
R/o New Sharma Furniture House,
Partap Bazar, CHHERATTA,
AMRITSAR.

...Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
AMRITSAR.

First Appellate Authority
O/o Commissioner,
Municipal Corporation, AMRITSAR.

...Respondents

HEARD Through CISCO WEBEX/TELEPHONE

PRESENT: Sh. Suresh Kumar Sharma, Appellant.
Sh. Kanwaljit Singh, Jr. Engineer on behalf of the Respondents.

ORDER:

The RTI application is dated 03.09.2020 vide which the Appellant has sought information as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (hereinafter FAA) on 19.10.2020 and Second Appeal was filed in the Commission on 23.11.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and Notice of hearing was issued to the parties for 10.03.2021.

The Appellant attends the hearing through Webex, but due to poor connectivity, he is subsequently contacted on mobile phone and he states that no information has been provided to him by the Respondents.

The Respondent attends the hearing through Webex, but due to poor connectivity, he is subsequently contacted on mobile phone and he states that requisite information has already been provided to him.

The Respondent is directed to send the information on the Appellants mobile no. 9855890233. After that the Appellant confirms the same he has received the information and given his consent to close the case.

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APPEAL CASE NO. 3635 OF 2020

In view of the above, no further action is requires in this case, hence the Appeal Case is **disposed of and closed**. However, the Respondent – PIO is warned to be careful in future while dealing with the RTI application. Copies of the order be sent to the parties.

**Chandigarh
10.03.2021**

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 3636 OF 2020

Shri Suresh Kumar Sharma, (9855890233)
R/o New Sharma Furniture House,
Partap Bazar, CHHERATTA,
AMRITSAR.

...Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
AMRITSAR.

First Appellate Authority
O/o Commissioner,
Municipal Corporation, AMRITSAR.

...Respondents

HEARD Through CISCO WEBEX/TELEPHONE

PRESENT: Sh. Suresh Kumar Sharma, Appellant.
Sh. Hardeep Singh Sohi, Jr. Engineer on behalf of the Respondents.

ORDER:

The RTI application is dated 03.09.2020 vide which the Appellant has sought information as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (hereinafter FAA) on 19.10.2020 and Second Appeal was filed in the Commission on 23.11.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and Notice of hearing was issued to the parties for 10.03.2021.

The Respondent attends the hearing through Webex, but due to poor connectivity, he is subsequently contacted on mobile phone and he states that requisite information has already been provided to him.

The Appellant attends the hearing through Webex, but due to poor connectivity, he is subsequently contacted on mobile phone and he states that he has received the information today and given his consent to close the case.

In view of the above, no further action is required in this case, hence the Appeal Case is **disposed of and closed**. However, the Respondent – PIO is warned to be careful in future while dealing with the RTI application. Copies of the order be sent to the parties.

Chandigarh
10.03.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner