**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

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Sh. Ajit Singh, President,

Anti Crime Anti Corruption,

Youth Bureau, R/o H. No.985,

Sangat Mandi, Tehsil and Distt:Bathinda.

Appellant.

Versus

**Public Information Officer**,

O/o Govt., Elementary School,

Sangat Mandi.

First Appellate authority

o/o DEO(E),

Bathinda.

Respondent

**Appeal CASE NO. 3569 OF 2016**

**PRESENT:** Sh .Ajit Singh, the appellant.

 Smt. Neeru Garg, Head Teacher on behalf of the respondent.

**ORDER:**

 This order may be read with reference to the previous order dated 11.05.2017 vide which the respondent was directed to file an affidavit.

2. The respondent states that as directed by the Commission during the last hearing, she has brought an affidavit, which is taken on record. Original copy of the affidavit is handed over to the appellant.

3. After going through the affidavit, the appellant states that he is satisfied.

4. The perusal of the record reveals that the PIO has already supplied the information to the appellant during the last hearing, which was available in their office record. At today’s hearing, she has filed an affidavit stating that whatever information has been supplied is as per official record. Original copy of the same is handed over to the appellant today in the Commission. Since, the orders of the Commission has been complied with by the respondent. No further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed.**

5. Announced in the open Court. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**10.08.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Rajpreet Singh,

S/o Sh. Joginder Singh,

Ward No.12, Bhikhi, Mansa.

Appellant

Versus

**Public Information Officer**,

O/o Divisional Engineer,

Water Resource Management and

Development Corporation, Lining Div No.1,

Ferozepur.

**First Appellate authority**

o/o Deputy Director (S), Punjab,

Education Board, Mohali.

Respondent

**Appeal CASE NO. 3702 OF 2016**

**PRESENT:** Sh. Gurtej Singh, the appellant.

 Sh. Vijay Kumar, SDE on behalf of the respondent.

**ORDER:**

This order may be read with reference to the previous order dated 17.05.2017.

2. At today’s hearing, the appellant states that he has received the information except point no. 6 and 7 which has still not been provided to him by the respondent.

3. The respondent states that he has brought the information regarding point no. 7, which is handed over to the appellant. He further states that information regarding point no. 6 is not available in the record and he has filed an affidavit in this regard today in the Commission. Copy of the same is taken on record.

4. After hearing both the parties and perusal of the record, it is ascertained that the information which was available in the official record of the respondent has been supplied to the appellant and for remaining information i.e point no. 7, the respondent has filed an affidavit stating that this information is not available in their office record. Original copy of the affidavit is handed over to the appellant today in the Commission. Since, the orders of the Commission has been complied with by the respondent. No further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed.**

5. Announced in the open Court. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**10.08.2017 State Information Commissioner**

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Sh. Satnam Singh,

S?o SH. Kashmit Singh,

R?o Vilalge: Dhani, Karka Singh,

Tehsil: Abohar, Distt: Fazilka.

 --------Appellant.

Vs.

**Public Information Officer**

o/o Tehsildar,

Abohar.

**First Appellate Authority**

o/o Deputy Commissioner,

Fazilka.

 …Respondents

**Appeal Case No. 4226 of 2016**

Present : None is present on behalf of the appellant.

 Sh. Iqbal Singh, Clerk on behalf of the respondent.

**ORDER**

 The RTI application is dated 12.08.2016 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 24.10.2016 and second appeal was filed in the Commission on 21.12.2016 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 23.05.2017 in the Commission but due to unavoidable reason, the same was postponed and fixed for today’s hearing.

3. The appellant is absent for today’s hearing without any intimation to the Commission.

4 The respondent states that the reply to the RTI application of the appellant has already been sent to him vide letter dated 18.10.2016. He further states that the appellant has sought voluminous information which is not possible for the office to provide the same.

5. After hearing the respondent and perusal of the record, it is ascertained that the appellant has sought very voluminous information. He is advised to

Contd..p-2

**Appeal Case No. 4226 of 2016**

seek the specific information from the respondent within ten days with a copy to the Commission and follow up his case in the Commission, failing which decision shall be taken on merits. The respondent is also directed to provide the information which will be specified by the appellant, before the next date of hearing, failing which action under Section 20(1) of the RTIA ct, 2005 will be initiated.

6. The matter to come up for further hearing now on **04.10.2017 at 11.30AM.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**10.08.2017 State Information Commissioner**

 **STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Sukhdev Singh Brar,

Chamber NO.21, Civil Courts Complex,

Abohar, Distt: Fazilka.

 --------Appellant Vs.

**Public Information Officer**

o/o Tehsildar,

Abohar.

**First Appellate Authority**

o/o SDM,

Abohar.

 …Respondents

**Appeal Case No. 1130 of 2016**

Present : (i) Sh. Sunil Kumar, on behalf of the appellant.

(ii) Sh. Iqbal Singh, Clerk on behalf of the respondent.

**ORDER**

 The RTI application is dated 19.11.2016 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 27.12.2016 and second appeal was filed in the Commission on 18.04.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 03.07.2017 in the Commission but due to unavoidable reason, the same was postponed and fixed for today’s hearing.

3. At today’s hearing, the appellant has authorized Sh. Sunil Kumar to appear on his behalf. The representative of the appellant states, that the information which was demanded by the appellant has already been supplied to him by the respondent and he does not want to pursue his case further.

3. The respondent states that complete information as per office record has been supplied to the appellant and has shown the acknowledgment having received the information.

4. After hearing both the parties and perusal of the record, it is ascertained that the PIO has already supplied the information to the appellant with

Contd…p-2

**Appeal Case No. 1130 of 2016**

which the appellant is satisfied and has also given his satisfaction in writing. Copy of the same is taken on record. Since, the orders of the Commission has been complied with by the respondent. No further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed.**

5. Announced in the open Court. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**10.08.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Sanjeev Goyal,

S/o Sh. Ashok Kumar,

H.NO.148, (MCB Zone-2,0110),

Model Town, Phase-1, Near T.V Tower,

Bathinda.

Appellant

Versus

**Public Information Officer**,

O/o Executive Engineer,

Water Supply and sanitation,

Circle No.3, Bhagu Road,

Bathinda.

**First Appellate authority**

o/o Executive Engineer,

Water Supply and sanitation,

Circle No.3, Bhagu Road,

Bathinda.

Respondent

**Appeal CASE NO. 1096 OF 2016**

**PRESENT:** None for the parties.

**ORDER:**

The RTI application is dated 06.01.2017 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 10.04.2017 and second appeal was filed in the Commission on 10.04.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 03.07.2017 in the Commission but due to unavoidable reason, the same was postponed and fixed for today’s hearing.

3. The appellant is absent for today’s hearing without any intimation to the Commission.

4. A letter has been received from the appellant in the Commission vide diary no. 10421 dated 12.05.2017 mentioning therein that the information which has been sought by the appellant has already been supplied to him and has given the acknowledgment vide which, the appellant has given his receiving.

Contd…p-2

**Appeal CASE NO. 1096 OF 2016**

5. Since, the information which has been sought by the appellant has been provided to him by the respondent with which he is satisfied. No further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**10.08.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

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Sh. Janak Raj,

Kothi No.19837-B,

Nerd Dr. Rehka Maheshwari Hospital,

Bathinda.

Complainant

Versus

**Public Information Officer**,

O/o Executive Engineer,

Water Supply and Sanitation,

Circle No.1, Bathinda.

Respondent

**Complaint CASE NO. 385 OF 2017**

**PRESENT:** (I) None is present on behalf of the complainant.

 (ii) Sh. Hardeep Singh, Jr. Assistant on behalf of the respondent.

**ORDER:**

 The RTI application is dated 17.02.2017 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 11.04.2017 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 03.07.2017 in the Commission but due to unavoidable reason, the same was postponed and fixed for today’s hearing.

3. The complainant is absent for today’s hearing without any intimation to the Commission.

4. The respondent states that the complainant has sought information on 17.02.2017 but he had been expired on 04.05.2017. Copy of the death certificate is taken on record. He further states that the information has already been sent on his address.

5. Since, the information which has been sought by the complainant has been sent to him but unfortunately, he is no more. No, further cause of action is left in the instant Complaint Case, which is hereby, **disposed of and closed.**

6. Announced in the open Court. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**10.08.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Janak Raj,

Kothi No.19837-B,

Nerd Dr. Rehka Maheshwari Hospital,

Bathinda.

Complainant

Versus

**Public Information Officer**,

O/o Executive Engineer,

Water Supply and Sanitation,

Circle No.1, Bathinda.

Respondent

**Complaint CASE NO. 384 OF 2017**

**PRESENT:** (I) None is present on behalf of the complainant.

 (ii) Sh. Hardeep Singh, Jr. Assistant on behalf of the respondent.

**ORDER:**

 The RTI application is dated 27.01.2017 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 11.04.2017 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 03.07.2017 in the Commission but due to unavoidable reason, the same was postponed and fixed for today’s hearing.

3. The complainant is absent for today’s hearing without any intimation to the Commission.

4. The respondent states that the complainant has sought information on 27.01.2017 but he had been expired on 04.05.2017. Copy of the death certificate is taken on record. He further states that the information has already been sent on his address.

5. Since, the information which has been sought by the complainant has been sent to him but unfortunately, he is no more. No, further cause of action is left in the instant Complaint Case, which is hereby, **disposed of and closed.**

6. Announced in the open Court. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**10.08.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Pardeep Inder Singh,

S/o Sh. Daljit Singh,

R/o Village Madhir, Tehsil: Gidderbaha,

Distt: Sri Mukatsar Sahib.

Appellant

Versus

**Public Information Officer**,

O/o S.E,

Water Supply and Sanitation,

Shri Mukatsar Sahib.

**First Appellate Authority**

O/o Chief Engineer,

Water Supply

Respondent

**APPEAL CASE NO: 1284 OF 2016**

Present : None for the parties.

**ORDER**

The RTI application is dated 05.11.2016 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 26.01.2017 and second appeal was filed in the Commission on 05.05.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 03.07.2017 in the Commission but due to unavoidable reason, the same was postponed and fixed for today’s hearing.

3. Neither the appellant nor the respondent is present for today’s hearing. No intimation has been received from either as to the reason of absence.

4. In view of the foregoing, **the Respondent-PIO o/o S.E, Water Supply and sanitation, Shri Mukatsar Sahib is directed to show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time**, he should file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

Contd…p-2

**APPEAL CASE NO: 1284 OF 2016**

5. Last opportunity is given to the appellant to follow up his case in the Commission, failing which it shall be presumed that he does not want to pursue his case and decision shall be taken on merits. The respondent-PIO is also directed to appear personally on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

 6. The matter to come up for further hearing now on **04.10.2017 at 11.30AM**. Copies of the order be sent to the parties.

 **Sd/-**

**Chandigarh (Prof. Viney Kapoor Mehra)**

**10.08.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Smt. Sugra Bibi, D/o Sh. Asgar Ali,

W/o Sh. Akbar Salim, 16 SLW, Mian Wali Dhani,

Village Meharwala, Distt: Hanumangarh (Rajasthan).

Appellant

Versus

**Public Information Officer**,

O/o DSP,

Sri Mukatsar Sahib.

**First Appellate authority**

o/o IGP,

Bathinda.

Respondent

**Appeal CASE NO. 3652 OF 2016**

**PRESENT:** (I) Smt. Sugra Babi, the appellant.

 (ii) Sh. Gurjit Singh, DSP on behalf of the respondent.

**ORDER:**

This order may be read with reference to the previous order dated 17.05.2017 vide which the respondent was directed to file an affidavit.

2. At today’s hearing, the appellant states that till today, complete information has still not been provided to her by the respondent.

3. The respondent states that he has brought the information to deliver it personally to the appellant today in the Commission. Copy of the same is handed over to the appellant for her perusal.

4. After going through the information, the appellant states that she is satisfied with the information provided.

5. After hearing both the parties and perusal of the record, it is ascertained that the information as per official record stands provided with which the appellant is satisfied. No further cause of action is required in the instant Appeal Case, which is hereby, **closed and disposed of.**

6. Announced in the open Court. Copies of the order be sent to the parties.

 Sd/-

 **Chandigarh (Prof. Viney Kapoor Mehra)**

**10.08.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Hans Raj,

S/o Sh. Lal Chand,

R/o Dhani Dada Nrayan,

Backside, BSF, Chawni,

Hamayun Road, Abohar,

Distt: Fazilka.

Appellant

Versus

**Public Information Officer**,

O/o Tehsildar,

Abohar.

**First Appellate authority**

o/o SDM,

Abohar, Distt: Fazilka.

Respondent

**Appeal CASE NO. 254 OF 2017**

**PRESENT:** (I) Sh. Sunil Kumar, on behalf of the appellant.

 (ii) Sh. Iqbal Singh, Clerk on behalf of the respondent.

**ORDER:**

This order may be read with reference to the previous order dated 08.05.2017.

2. At today’s hearing, the appellant has authorized Sh. Sunil Kumar to appear on his behalf. The representative of the appellant states, that till today, complete and correct information has not been provided to the appellant by the respondent.

3. The respondent states that the information which was available in their office record has already been supplied to the appellant. Copy of the same is taken on record.

4. The representative of the appellant has pointed out deficiency today in the Commission. The respondent is directed to provide the information to the appellant as pointed out by the representative of the appellant today in the Commission, before the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

5. The matter to come up for further hearing now on **04.10.2017 at 11.30AM**. Copy of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**10.08.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Sanjeev Gupta, Advocate,

Chamber No209, District Courts,

Bathinda.

Complainant

Versus

**Public Information Officer**,

O/o Assistant Excise and Taxation Commissioner,

Deptt of Excise and Taxation, Bathinda.

Respondent

**Complaint CASE NO. 05 OF 2016**

**PRESENT:** (I) Sh. Munish Bansal, advocate on behalf of the complainant.

 (ii) Sh. Kali Charan, ETO on behalf of the respondent.

**ORDER:**

This order may be read with reference to the previous order dated 10.05.2017.

2. The complainant states that till today, complete information has not been provided to him by the respondent.

3. The respondent states that the complainant has sought very voluminous information and time to time they have provided the information. He further states that he has brought more information to deliver it to the complainant today in the Commission but the complainant has denied to receive the information.

4. The attention of the complainant is drawn to the decision of the Hon'ble Supreme Court of India dated 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 titled Chief Information Commissioner and Another Vs. State of Manipur and Another (arising out of SLP © No.32768-32769/2010) wherein it has been 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. As per the above decision of the Hon'ble Supreme Court of India, the*

*Information Commission has a power to receive and enquire into the complaint of any person who has been refused access to any information requested under this Act (section 18 (1)(b)} or has been given incomplete, misleading or false information*

*Contd..p-2*

**Complaint CASE NO. 05 OF 2016**

*under the Act (Section 18(1)(e) or has not been given a response to a request for information or access to information within time limits specified under the Act (Section 18(1)(c))*.

5. During the last hearing, a penalty of Rs. 10,000/- was imposed upon the PIO o/o Assistant Excise and Taxation Commissioner, Deptt of Excise and Taxation, Bathinda but till today, no compliance report has been submitted by the respondent.

6. Last opportunity is given to the respondent-PIO o/o Assistant Excise and Taxation Commissioner, Deptt of Excise and Taxation, Bathinda to deposit the penalty amount of Rs. 10,000/- in the relevant head and compliance report be submitted in the Commission, before the next date of hearing, failing which the penalty amount will be enhanced.

7. The matter to come up for further hearing now on **04.10.2017 at 11.30 AM.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**10.08.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

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Sh. Hardev Singh,

S/o SH. Hakam Singh,

R/o Village Malout, Distt: Shri Mukatsar Sahib.

Complainant

Versus

**Public Information Officer**,

O/o DEO (SE),

Bathinda.

Respondent

**Complaint CASE NO. 421 OF 2017**

**PRESENT:** (i) None is present on behalf of the complainant.

 (ii) Sh. Maghi Ram, Jr. Assistant on behalf of the respondent.

**ORDER:**

 The RTI application is dated 05.11.2016 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 27.04.2017 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 03.07.2017 in the Commission but due to unavoidable reason, the same was postponed and fixed for today’s hearing.

3. The complainant is absent for today’s hearing without any intimation to the Commission.

4. The respondent states that the complainant has sought very voluminous information and has already received the same in the year 2014.

5. The attention of the complainant is drawn to the decision of the Hon'ble Supreme Court of India dated 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 titled Chief Information Commissioner and Another Vs. State of Manipur and Another (arising out of SLP © No.32768-32769/2010) wherein it has been 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. As per the above decision of the Hon'ble Supreme Court of India, the*

*Contd…p-2*

**Complaint CASE NO. 421 OF 2017**

*Information Commission has a power to receive and enquire into the complaint of any person who has been refused access to any information requested under this Act (section 18 (1)(b)} or has been given incomplete, misleading or false information*

*under the Act (Section 18(1)(e) or has not been given a response to a request for information or access to information within time limits specified under the Act (Section 18(1)(c))*.

6. The perusal of the file shows that the complainant has given false declaration mentioning therein that earlier he has not filed any complaint regarding the same matter. The respondent has given in writing that the complainant is habitual to harass the department and is putting pressure by filling number of applications, whereas information as available in the record has been provided. RTI Act has been passed to enable a citizen to access information. But the fact remains that RTI act is information sharing forum and not a problem solving mechanism. Under the RTI Act information can be accessed by a citizen but for redressal of his grievance recourse lies somewhere else.

7. It is observed that the complainant has repeatedly filed the RTI application on the same matter. It is mere repetition. Such kind of repeated applications is sheer wastage of the time of Public Authority as well as the Commission. If complainant repeats the same, necessary action will be taken against him.

8. with these directions, the instant Complaint Case is hereby**, closed and disposed of.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**10.08.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

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**(**[**www.infocommpunjab.com**](http://www.infocommpunjab.com/) **and Email.ID scic@punjabmail.com**

Sh. Jaswant Singh,

8/407, Aavasan Mandal Colony,

Hanumangarh Junction,

Rajasthan.

Appellant

Versus

**Public Information Officer**,

O/o Tehsildar,

Abohar.

**First Appellate authority**

o/o SDM,

Abohar.

Respondent

**Appellant CASE NO. 3631 OF 2016**

**PRESENT:** (i) None is present on behalf of the appellant.

 (ii) Sh. Iqbal Singh, Clerk on behalf of the respondent.

**ORDER:**

This order may be read with reference to the previous order dated 17.05.2017 vide which last opportunity was given to the appellant to follow up his case.

2. At today’s hearing, the appellant is absent without any intimation to the Commission. He was absent even on the last hearing.

3. The respondent states that the information on this RTI application of the appellant has already been supplied to him vide letter dated 11.01.2016. He further states that the appellant has filed same RTI application on the same matter in the Court of Hon’ble SIC Sh. Alwinder Pal Singh Pakhoke against Appeal Case No.2940 of 2016, which is pending for hearing dated 18.08.2017.

4. After hearing the respondent and perusing the record, it is ascertained that the information has already been provided to the appellant but the appellant has not responded on the reply of the respondent. The appellant has not attended the hearing consecutively twice entailing that he does not want to pursue this case further. It is observed that the appellant has repeatedly filed the RTI application on the same matter. It is mere repetition. Such kind of repeated applications is sheer wastage of the time of Public Authority as well as the Commission. If appellant repeats the same, necessary action will be taken against her.

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5. With these observations, the instant Appeal Case is hereby, **closed and disposed off.**

6. Announced in the open Court. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**10.08.2017 State Information Commissioner**