

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

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Sh. Kaur Singh Sidhu
House No. 45, Newe Office Colony,
Patiala - 147001

.....Appellant

Vs

1.Public Information Officer,
O/o Chief Executive Officer.
Distt. Parishad, Ferozepur
Remanded back to:
Sh. Kirpal Singh Khukhar
o/o Additional Deputy Commissioner (D)
Chief Executive Officer, Zila Parishad, Fazilka

.....Respondent

CC.No. 554 of 2019

Present : (i) Sh. Kaur Singh Sidhu, the complainant
(ii) For the respondent : Sh. Vikrant Sethia, Clerk, o/o Zila Parishad,
Fazilka and Sh. Gurmeet Singh Dhillon

ORDER

This order may be read with reference to the previous order dated 10.09.2019 vide which PIO, o/o Chief Executive Officer, Distt. Parishad, Fazilka was directed to come present.

2. The complainant states that no information has been given to him so far.
3. Respondent states that the information has already been sent to the complainant.
4. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © 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 ,

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CC.No. 554 of 2019

2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for 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.

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. In case the complainant has any grouse, 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.

6. 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.

7. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Sd/-

Chandigarh
Dated: 10.10.2019

(Preety Chawla)
State Information Commissioner

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Sh. Rahul Gupta, S/o Shri Dharampal,
R/o House No. 170, Street No. 6,
Mohalla Hargobindpura, Jagraon
Distt.Ludhiana

..... Appellant

Vs

Public Information Officer,
O/o Secretary, Food Civil Supplies and Consumer Affairs, Punjab
Anaj Mandi, Sector 39C, Chandigarh
First Appellate Authority
O/o Secretary, Food Civil Supplies and Consumer Affairs, Punjab
Anaj Mandi, Sector 39C, Chandigarh

.....Respondent

AC.No. 803 of 2019

Present : (i) Sh. Rahul Gupta, the appellant
(ii) For the respondent : Sh. Amit Kumar, Inspector

ORDER

This order may be read with reference to the previous order dated 04.09.2019 vide which the appellant was directed to visit the office of the respondent on 09.09.2019 at 3.00 PM.

2. The appellant Sh. Rahul Gupta states that he is not satisfied with the information provided.

3. Respondent states that he has brought information pertaining to 52 pages today in the Commission. The same is handed over to the appellant.

4. The appellant has gone through the same and is satisfied. In view of the foregoing, no cause of action is left, the appeal filed by the appellant is therefore **disposed of and closed**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
Dated: 10.10.2019

(Preety Chawla)
State Information Commissioner

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Sh Manmohan Lal,(M: 9915378950)
S/o Bhagwant Kishor,
R/o Nilo Kalan, Tehsil-Samrala,
Distt- Ludhiana

.....Appellant

Vs

1.Public Information Officer,
O/o BDPO, Block –Machiwara,
Distt Ludhiana
First Appellate Authority-cum-
O/o DDPO, Ludhiana

.....Respondent

AC .No. 368 of 2018

Present: (i) Sh. Manmohan Lal, the appellant
(ii) For the respondent: Smt. Rajinder Kaur, BDPO-cum-PIO

ORDER

This order may be read with reference to the previous order dated 05.09.2019 vide which last opportunity was given to the respondent to provide complete information to the appellant.

2. Respondent states that the information, as exists, in their record has already been provided to the appellant. She has also files her reply which is as under:-

[illegible]

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AC .No. 368 of 2018

3. I have gone through the reply of the respondent and have agreed with the same. In view of the foregoing, no cause of action is left, the appeal filed by the appellant is therefore **disposed of and closed**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 10.10.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Registered post

Sh. Satwantbir Singh,
S/o Late Sh. Kartar Singh,
House No. B-7/1131, Near New Ashoka Model School
Bathinda Road, Kotkapura, Distt. Faridkot

.... Appellant

Versus

Regd. Post: **Public Information Officer,**
O/o Deputy Commissioner (Sadar Kanugo Branch)
Ferozepur

First Appellate Authority
O/o Deputy Commissioner, Ferozepur

..Respondent

Appeal Case No.3034 of 2018

Alongwith

Appeal case no. 3035 of 2018

Appeal case no.3038 of 2018

Present: (i) Sh. Satwantbir Singh the appellant
 (ii) For the respondent : Sh. Mangat Ram, Naib Sadar Kanugo-I

ORDER

This order may be read with reference to the previous order dated 05.09.2019 vide which Sh. Manjit Singh was directed to file his reply in response to the show cause notice.

2. Sh. Mangat Ram the respondent states that the PIO is on holiday for one month. He has therefore sought some time.

3. On the request of the respondent, some time is granted to the respondent. To come up on 27.11.2019 at 11.00 AM for further proceedings to be heard through video conference facility in the office of the Deputy Commissioner, Ferozepur. Copies of the order be sent to the parties **through registered post**

Sd/-

Chandigarh
Dated: 10.10.2019

(Preety Chawla)
State Information Commissioner

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Dr. Balwinder Singh Bhatti
House No. 367, Anand Nagar A,
Tirpri Town, Patiala - 147004

.... Appellant

Versus

Public Information Officer,

O/o Punjab State Scheduled Castes Commission, Punjab
Main Civil Secretariat, Fourth Floor,
Room No. 8, Sector 9, Chandigarh

First Appellate Authority

O/o Punjab State Scheduled Castes Commission, Punjab
Main Civil Secretariat, Fourth Floor,
Room No. 8, Sector 9, Chandigarh

Public Information Officer

o/o Department of Social Justice
Empowerment and Minority (Welfare Cell) Punjab Chandigarh
Punjab Civil Secretariat II, Sector 9, Chandigarh

..Respondent

Appeal Case No.899 of 2019

Present: (i) Dr. Balwinder Singh the appellant
(ii) For the respondent : Sh Bhag Singh, Supdt, Sh Gaurav Dhiman, Jr. Asstt,
Sh Surinder Singh, Jr Asstt. and Smt. Jaswinder Kaur, Clerk

ORDER

This order may be read with reference to the previous order dated 05.09.2019

2. As directed in the previous hearing, Sh Bhag Singh, Supdt. is appearing today. He states that he has brought the complete record today.

3. The Appellant has gone through the same and states that he is not satisfied with the same.

4. Today, both the parties mutually agreed that the applicant shall visit the office of respondent today, i.e., 10.10.2019, inspect the relevant records, identify the documents copies whereof are required by him; and the respondent shall provide copies thereof, according to his RTI application, in accordance with the relevant provisions of the RTI Act, 2005.

5. To come up on **20.11.2019 at 11:00AM**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
Dated: 10.10.2019

(Preety Chawla)
State Information Commissioner

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Registered post

Sh. Ashok Kumar, S/o Shri Ram Prasad
Radha Raman Mill,
Killi Chucharchak Road, Ajitwal, Distt.Moga

.....Appellant

Vs

Public Information Officer,
o/o Director Food Civil Supplies and Consumer Affairs, Punjab
Anaj Mandi, Sector 39, Chandigarh

First Appellate Authority
o/o Director Food Civil Supplies and Consumer Affairs, Punjab
Anaj Mandi, Sector 39, Chandigarh

.....Respondent

AC No. 442 of 2019

Present: (i) Sh Manjinder Pal Singh, on behalf of the Appellant
(ii) For the Respondent: Sh Dev Rattan Singh, Inspector, Smt Joginder Kaur,
Supdt Grade-I, Ms Mamta, Inspector

ORDER

This order may be read with reference to the previous order dated 30.05.2019 vide which the above-mentioned Appeal Cases were disposed off and closed on the assurance of the Respondent to provide complete information to the Appellant after the removal of the deficiencies, as pointed out by the Appellant, but, now the Appellant has filed an application stating that the information has not been provided to him till date. Accordingly, fresh notice was issued to the parties and the above-mentioned Appeal case was fixed for hearing on 10.10.2019, i.e., today.

2. Sh Manjinder Pal Singh is appearing on behalf of the Appellant with authority letter. He states that the complete information has not been provided to him.

3. The Respondent states that they have provided the information to the Appellant.

4. After hearing both the parties and perusing the record available on file it emerges that PIO has delayed in providing the information to the complainant. In view of the above, **PIO-Sh Ajayveer Singh Sarao, Deputy Director O/o Director Food Civil Supplies and Consumer Affairs, Punjab**, to show cause in writing or through affidavit under Section 20(1) of the RTI Act, as to why penalty be not imposed upon him for

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AC No. 442 of 2019

willful delay of the information to the RTI applicant and why the compensation be not awarded to the complainant under Section 19 (8)(b) of the Act for detriment suffered.

In addition to his submission, the PIO is also hereby given an opportunity under Section 20(1) proviso, thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may note that in case he does not file his submission and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex-parte.

5. To come up on **19.11.2019 at 11:00AM**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 10.10.2019

Sd/-
(Preety Chawla)
State Information Commissioner

Through registered post

CC: *PIO-Sh Ajayveer Singh Sarao, Deputy Director O/o Director Food Civil Supplies and Consumer Affairs, Punjab*

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Registered post

Sh. Ashok Kumar, S/o Shri Ram Prasad
Radha Raman Mill,
Killi Chucharchak Road, Ajitwal, Distt.Moga

.....Appellant

Vs

Public Information Officer,
o/o District Manager, PUNSUP, Moga

First Appellate Authority
o/o District Manager, PUNSUP, Moga

.....Respondent

AC No. 443 of 2019

Present: (i) Sh Manjinder Pal Singh, on behalf of the Appellant
(ii) None for the respondent

ORDER

This order may be read with reference to the previous order dated 30.05.2019 vide which the above-mentioned Appeal Cases were disposed off and closed on the assurance of the Respondent to provide complete information to the Appellant after the removal of the deficiencies, as pointed out by the Appellant, but, now the Appellant has filed an application stating that the information has not been provided to him till date. Accordingly, fresh notice was issued to the parties and the above-mentioned Appeal case was fixed for hearing on 10.10.2019,i.e, today.

2. Sh Manjinder Pal Singh is appearing on behalf of the Appellant with authority letter. He states that the complete information has not been provided to him.

3. The respondent is absent today.

4. After hearing both the parties and perusing the record available on file it emerges that PIO has delayed in providing the information to the appellant. In view of the above, ***PIO-Sh Mohit Ahuja, Senior Auditor is directed***, to show cause in writing or through affidavit under Section 20(1) of the RTI Act, as to why penalty be not imposed upon him for willful delay of the information to the RTI applicant and why the compensation be not awarded to the complainant under Section 19 (8)(b) of the Act for detriment suffered.

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AC No. 443 of 2019

In addition to his submission, the PIO is also hereby given an opportunity under Section 20(1) proviso, thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may note that in case he does not file his submission and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex-parte.

5. To come up on **19.11.2019 at 11:00AM**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 10.10.2019

Sd/-
(Preety Chawla)
State Information Commissioner

Note : Sh Karanvir Singh , Supdt.-cum-APIO appeared before the Commission after the hearing was over. He was read out the above order. The case stands adjourned on 19.11.2019 (at 11.00 AM) for further proceedings

Chandigarh
Dated: 10.10.2019

Sd/-
(Preety Chawla)
State Information Commissioner

Through registered post

CC: **PIO-Sh Mohit Ahuja, Senior Auditor, o/o District Manager, PUNSUP, Moga**

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Sh. Ashok Kumar, S/o Shri Ram Prasad

Radha Raman Mill,
Killi Chucharchak Road, Ajitwal, Distt.Moga

.....Appellant

Vs

Public Information Officer,

o/o District Controller, Food Civil Supplies and Consumer Affairs, Punjab
District Moga

First Appellate Authority

o/o District Controller, Food Civil Supplies and Consumer Affairs, Punjab
District Moga

.....Respondent

AC No. 445 of 2019

Alongwith

AC No. 444 of 2019

Present: (i) Sh Manjinder Pal Singh, on behalf of the Appellant
(ii) For the Respondent: Sh Gurlal Singh, AFSO

ORDER

This order may be read with reference to the previous order dated 30.05.2019 vide which the above-mentioned Appeal Cases were disposed off and closed on the assurance of the Respondent to provide complete information to the Appellant after the removal of the deficiencies, as pointed out by the Appellant, but, now the Appellant has filed an application stating that the information has not been provided to him till date. Accordingly, fresh notice was issued to the parties and the above-mentioned Appeal case was fixed for hearing on 10.10.2019, i.e., today.

2. Sh Manjinder Pal Singh is appearing on behalf of the Appellant with authority letter. He states that the complete information has not been provided to him.

3. The Respondent states that they have provided the information to the Appellant.

4. After hearing both the parties and perusing the record available on file it emerges that PIO has delayed in providing the information to the complainant. In view of the above, **PIO- O/o District Controller, Food Civil Supplies and Consumer Affairs, Punjab, District Moga**, to show cause in writing or through affidavit under Section 20(1) of the RTI Act, as to why penalty be not imposed upon him for willful delay of the

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AC No. 445 of 2019
Alongwith
AC No. 444 of 2019

information to the RTI applicant and why the compensation be not awarded to the complainant under Section 19 (8)(b) of the Act for detriment suffered.

In addition to his submission, the PIO is also hereby given an opportunity under Section 20(1) proviso, thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may note that in case he does not file his submission and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex-parte.

5. To come up on **19.11.2019 at 11:00AM**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 10.10.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Sh Lachhman Singh, (M-9876626137)
S/o Sh Sulekham Singh,
R/o Dasodhia, Tehsil-Sardulgarh,
Distt-Mansa

.....Appellant

Vs

Public Information Officer,
O/o SMO, SDH,
Sardulgarh, Distt Mansa

First Appellate Authority,
O/o Punjab Health System Corporation Mohali, Pb
State Institute of health & family welfare Complex,
Near Civil Hospital, Phase VI, Mohali,
SAS Nagar PIN-160056

.....Respondent

AC.No. 1502 of 2019

Present : (i) None for the Appellant
(ii) For the Respondent: Sh Jagbir Singh, Pharmacy officer and Sh Sunil Kumar, CO

ORDER

This order may be read with reference to the previous order dated 04.09.2019.

2. The Appellant is not present today.
3. The Respondent states that the information has been provided to the Appellant. He also shows the copy of the receiving given by the Appellant in lieu of receiving the information. Copy of the same is taken on record.
4. In view of the same, no further cause of action is left. Hence, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 10.10.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Sh. Jatinderpal Singh,
S/o S. Harbhajan Singh
Village Fatehpur Jatta, PO
Dera Bassim , Distt. Mohali

.....Appellant

Vs

Public Information Officer,
O/o SDM-cum-election Officer
Dera Bassi
First Appellate Authority
O/o SDM, Dera Bassi

.....Respondent

AC.No. 2194 of 2019

Present: (i) Sh Jatinderpal Singh, Appellant.
(ii) None for the respondent

ORDER

This order may be read with reference to the previous order dated 20.11.2019.

2. No one has appeared on behalf of the Respondent today.
3. The Appellant states that no information has been provided to him so far.
4. The perusal of the file shows that no one has appeared on behalf of the Respondent today. They were not present on the previous date of hearing also. They have not even bothered to inform the Commission about their absence. This is indeed a serious matter.

In view of the above, **PIO- O/o SDM-cum-election Officer, Dera Bassi** to show cause in writing or through affidavit under Section 20(1) of the RTI Act, as to why penalty be not imposed upon him for willful delay/ denial of the information to the RTI applicant and why the compensation be not awarded to the complainant under Section 19 (8)(b) of the Act for detriment suffered.

In addition to his submission, the PIO is also hereby given an opportunity under Section 20(1) proviso, thereto, for a personal hearing before the imposition of such

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AC.No. 2194 of 2019

penalty on the next date of hearing. He may note that in case he does not file his submission and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex-parte.

5. To come up on **20.11.2019 at 11:00AM**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 10.10.2019

Sd/-
(Preety Chawla)
State Information Commissioner