

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in

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Smt Archana Sudha, (9815393333)

D/o Shri Kashmir Singh,
C/o Alka Chatrath, # 2055,
Sector 15 C, Chandigarh.

Appellant/Complainant

Versus

Public Information Officer

O/o DPI (SE), PB, Mohali

Sh. Daljeet Singh Jolly (PIO)

O/o C-DAC, Mohali

First Appellate Authority

O/o DPI (SE), PB, Mohali

Respondent

Appeal Case No.: 373 of 2020

Heard through CISCO WEBEX

Present: Advocate, Alka Chatrath on behalf of the appellant.

For the respondent:

Sh. Varinder (SA, O/o DPI) (9463155122)

Sh. Daljeet Singh Jolly (PIO, O/o C-DAC) (7696089707)

ORDER

1. This order may be read with reference to the previous order dated 15.09.2020 vide which respondent PIO, O/o DPI (SE), Punjab, Mohali was directed to send the duly attested copy of the reply/information to the appellant as per queries raised in RTI application. Matter was adjourned for further hearing on 10.11.2020 i.e. today.

2. In today's hearing, representative of the appellant, Advocate, Alka Chatrath states that again typed copy has been supplied to the appellant. She added that supplied copy is attested.

3. On this, respondent, Sh. Varinder states that whatever information was available in the official record has already been supplied to the appellant twice in the available format. Nothing is left to be supplied.

4. After hearing both the parties and examining the case file, it is observed that attested copy of the requisite information has already been supplied by the respondent PIO. I am of the considered view that supplied reply is sufficient and no further cause of action is required. Hence, **matter is disposed of & closed accordingly at Commission's end.**

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

Chandigarh

Dated: 10.11.2020

(Dr. Pawan Kumar Singla)
State Information Commissioner

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Sh. Sushil Kumar

House No 1410, Phase-I,
Urban Estate, Durgi Road,
Ludhiana-141013

Appellant/Complainant

Versus

Public Information Officer
O/o DGP, PB, Chandigarh.

Public Information Officer
O/o Commissioner of Police,
Ludhiana

Respondent

Complaint Case No.:290 of 2020
Heard through CISCO WEBEX

Present: Sh. Sushil Kumar, the complainant in person.
For the respondent: ASI, Ramesh Kumar (9915603000)

ORDER

1. This order may be read with reference to the previous order dated 15.09.2020 vide which respondent PIO was absent. Another opportunity was given to the respondent PIO to represent this case in person on the next date of hearing, failing to which case will be decided on merit basis. Matter was adjourned for further hearing on 10.11.2020 i.e. today.

2. In today's hearing ASI, Ramesh Kumar states that requisite information could not be supplied to the complainant in the absence of darkhast number. He requested the complainant to supply the darkhast number.

3. On this, complainant, Sh. Sushil Kumar denied to supply the darkhast number.

4. After hearing both the parties and examining the case file, respondent is agree to supply the demanded information but complainant not agreeing to share the darkhast number with the respondent.

5. However, 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 , 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:- PUNJAB STATE INFORMATION COMMISSION

(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.

6. 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.

7. 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.

8. In view of the observations noted above, the instant case is **disposed of & closed**. Copies of this decision be sent to the parties.

Chandigarh
Dated: 10.11.2020

(Dr. Pawan Kumar Singla)
State Information Commissioner

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Sh. Vaneet Jaidka Advocate (9815481611)

S/o Shri Megh Raj Jaidka,

R/o Kanungo Street,

Near Railway Crossings, Main Bazaar,

Moga

Appellant/Complainant

Versus

Public Information Officer

O/o DGP, PB, Chandigarh.

First Appellate Authority

O/o IGP (Crime), PB, Chandigarh.

Respondent

Appeal Case No.: 1345 of 2020

Heard through CISCO WEBEX

Present: Sh. Vaneet Jaidka, appellant.

For the respondent: Assistant Sub-Inspector, Jitender (7973699711) in the PSIC Office

ORDER

1. This order may be read with reference to the previous order dated 15.09.2020 vide which appellant, Sh. Vaneet Jaidka stated that requisite information is still pending from the respondent PIO. Respondent, Assistant Sub-Inspector, Jitender stated that he is presenting only appeal case no. 1344 of 2020 and do not have any information regarding this present case.

It was observed that notice of hearing which was issued to the respondent PIO, O/o DGP, PB, Chandigarh has not returned to the Commission and respondent, Assistant Sub-Inspector, Jitender concerned with the same department as he also presented another appeal case no. 1344 of 2020. A copy of RTI application of this present case is handed over to the respondent, Sh. Jitender during the hearing.

Appellant was advised to visit the respondent's office on any working day after coordinating with respondent, Sh. Jitender (7973699711) to inspect the official record as per queries raised in RTI application and respondent PIO is directed to make sure that appellant inspected the concerned official record and supply the identified pages as per RTI Act, 2005.

Contact number of the respondent, Sh. Jitender was shared with the appellant during the hearing and respondent informed he has contact number of the appellant. Matter was adjourned for further hearing on 10.11.2020 i.e. today.

2. In today's hearing, appellant, Sh. Vaneet Jaidka intimated the undersigned bench through telephonic message that requisite information has been received in this present case and requested to close this case.

3. As the information stands supplied as per following RTI application of the appellant:

Sub : Application for inspection of file relating to FIR. Date sent: 2019-12-17
49F 016333
2009, P.S; City Moga which has been decided by the orders of Director BOI Punjab, Chandigarh and letter no.1012/Crime/Investigation-II, Dt.14-2-2019 has been written to IG, Ferozepur Range, Ferozepur.

Sir,

The applicant submits as under:-

- 1- That the applicant is complainant, on whose initiative above mentioned enquiry has been conducted and order has been passed by Director BOI, PP, Chandigarh and letter Dt.14-02-2019 to this effected has been written to IG, Ferozepur.
- 2- That the applicant wants to inspect the above mentioned file in order to know the proceedings undertaken by the police department, as the same are required in connection with a court case pending in relation to above mentioned FIR no.86 Dt.28-05-2009.
- 3- Therefore, your good-self is requested to allow the applicant to inspect the above mentioned file.

Therefore, no further cause of action is required. Hence, the instant appeal case is **disposed of & closed.**

4. Announced in the Court. Copy of the order to be sent to the parties.

Chandigarh
Dated: 10.11.2020

(Dr. Pawan Kumar Singla)
State Information Commissioner

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Sh. Sukhjeet Singh, 9872878544

19-B, Yuvraj Residency,
Near Mata Mansa Devi Mandir,
Nijjar Chajju Majra Road,
Opposite Rama Enclave ,
Tehsil Kharar, Distt Mohali

Appellant/Complainant

Versus

Public Information Officer

O/o XEN, MC, Kharar, Distt Mohali.

First Appellate Authority

O/o XEN, MC, Kharar, Distt Mohali.

Respondent

Appeal Case No.: 1369 of 2020

Heard through CISCO WEBEX

Present: Nobody on behalf of the appellant.

For the respondent: Sh. Gurpreet Singh (Building Inspector) (9814926881)

ORDER

1. This order may be read with reference to the previous order dated 15.09.2020 vide which appellant, Sh. Sukhjeet Singh intimated the Commission that requisite information is still pending but respondent PIO was absent. Another opportunity was given to the respondent PIO to supply the requisite information as per queries raised by the appellant in RTI application before the next date of hearing along with directions to represent this case on the next date of hearing, failing to which stern action will be initiated against him. Matter was adjourned for further hearing on 10.11.2020 i.e. today.
2. In today's hearing, respondent, Sh. Gurpreet Singh states that name of Yuvraj Residency colony was not applied so it was not approved and due to this, record is not available in the official record.. RTI application of the appellant is as follows:

5	Particulars of Information required:	
a.	Subject of Information	Provide copy of layout plan of the site constructed by the owner (s) adjacent to the society named Yuvraj Residency, Near Mata Mansa Devi Mandir, Opposite Main Gate of Raman Enclave, Nijjar Chajju Majra Road, Sector-117, Tehsil Kharar, District Mohali-140307 approved by Competent Authority.
b.	Period for which Information is sought	From 2018 to 19.
c.	Specific details of Information required.	<ol style="list-style-type: none">1. Provide the copy of approved layout plan (map) of the site constructed by the owner (s) adjacent to the society named Yuvraj Residency, Near Mata Mansa Devi Mandir, Opposite Main Gate of Raman Enclave, Nijjar Chajju Majra Road, Sector-117, Tehsil Kharar, District Mohali-140307 with date of approval and duly attested by the authority.2. Name of the person (s) to whom the layout plan (map) of the site has been approved by the competent authority.

He further added that reply has already been supplied to the appellant on 22.10.2020

3. Neither the appellant is present for today's hearing nor did he file reply in this regard.
4. After hearing the respondent and examining the case file, it is observed that respondent PIO supplied reply is satisfactory. Therefore, no further cause of action is required. Hence, the instant appeal case is **disposed of & closed**.
5. Announced in the Court. Copy of the order to be sent to the parties.

Chandigarh
Dated: 10.11.2020

(Dr. Pawan Kumar Singla)
State Information Commissioner

