

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

**Ph: 0172-2864118, Email: - psic28@punjabmail.gov.in**

**Visit us: - www.infocommpunjab.com**



## **COMPLAINT CASE NO. 0121 OF 2020**

Sh. Ashwani Chawla, (9914405765)  
Bureau Chief, Sach Kahoon,  
# 2872-B, Sector-42-C,  
Chandigarh.

...Complainant

Versus

**Public Information Officer,**  
O/o Advocate General of Punjab,  
Government of Punjab,  
Chandigarh.

...Respondent

## **HEARD THROUGH CISCO WEBEX VC**

**PRESENT:** Sh. Ashwani Chawla, Complainant.  
Ms. Diya Sodhi, Assistant Advocate General Punjab for the Respondent.

### **ORDER:**

The RTI application is dated 10.12.2019 vide which the Complainant has sought information from the PIO O/o Advocate General of Punjab, Government of Punjab, Chandigarh in his RTI application as under: -

"नीचे लिखे कालमों की जानकारी सूचना अधिकार एक्ट के तहत देने की कृपालता की जाये। सूचना देने के लिए 10 रुपये का पोस्टल आर्डर न 49एफ 054720 इस पत्र के साथ है।

- 1) एसवाईएल नहर का सुप्रीम कोर्ट में चल रहे मामलों में हायर किये गये प्राइवेट और सरकारी वकीलों की लिस्ट दी जाये।
- 2) इन सभी वकीलों को अब तक कुल कितनी-कितनी अदायगी की गयी है और इन्होंने अब तक कितनी बार केस को अटेंड किया है, यह प्रति वकील जानकारी दी जाये।
- 3) इन सभी सरकारी और प्राइवेट वकीलों के साथ हुए एग्रीमेंट की कॉपी दी जाये।
- 4) एसवाईएल नहर का सुप्रीम कोर्ट में चल रहे केस में किन किन वकीलों द्वारा सुप्रीम कोर्ट में पैरवी की गयी है और उन पर कितना खर्च आया है, इन सरकारी वकीलों के नाम और किस तारीख से इन्होंने केस की पैरवी सुप्रीम कोर्ट में शुरू की थी उसके बारे में भी जानकारी दी जाये।"

Cont...Pg2

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

**Ph: 0172-2864118, Email: - [psic28@punjabmail.gov.in](mailto:psic28@punjabmail.gov.in)**

**Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)**



- 2 -

## **COMPLAINT CASE NO. 0121 OF 2020**

The matter is taken up today. The Complainant attends the hearing through Webex and states that Respondent is Public Entity but they never provide the information till date whereas the Respondent reiterates her earlier version that RTI application of the Complaint is not covered under the RTI Act, 2005 nor office of Advocate General Punjab is a Public Authority.

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.

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.

Cont...Pg3

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

**Ph: 0172-2864118, Email: - [psic28@punjabmail.gov.in](mailto:psic28@punjabmail.gov.in)**

**Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)**



**- 3 -**

## **COMPLAINT CASE NO. 0121 OF 2020**

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  
11.11.2020**

**Sd/-  
(Hem Inder Singh)  
State Information Commissioner**

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

**Ph: 0172-2864118, Email: - [psic28@punjabmail.gov.in](mailto:psic28@punjabmail.gov.in)**

**Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)**



## **APPEAL CASE NO. 0156 OF 2020**

Sh. Jasbir Singh, (9888296107)  
Village Bholapur Jhabewal,  
Post Office Ramgarh, Chandigarh Road,  
Ludhiana.

...Appellant

Versus

**Public Information Officer,**  
O/o Principal Secretary,  
Local Government, Punjab,  
Municipal Bhawan,  
Sector-35, Chandigarh.

**First Appellate Authority**  
O/o Principal Secretary,  
Local Government, Punjab,  
Municipal Bhawan,  
Sector-35, Chandigarh.

...Respondents

## **HEARD THROUGH CISCO WEBEX – VC**

**PRESENT:** None on behalf of the Appellant.  
Sh. Vijay Kumar, Assistant Town Planner –cum- PIO.

## **ORDER:**

This order may be read with reference to the previous order dated 17.09.2020.

The Respondent-PIO attends the hearing through Webex and states that requisite information has already been sent to the Appellant vide letter no. 2687, dated 23.09.2020 and he has acknowledged the same. He further requested to drop the Show Cause Notice issued to him vide order dated 17.09.2020.

The Appellant is absent from today's hearing, however he has sent a letter in the Commission vide diary no. 14077, dated 15.10.2020 stating therein that he has received the information and wants to close the case.

Cont...Pg2

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

**Ph: 0172-2864118, Email: - [psic28@punjabmail.gov.in](mailto:psic28@punjabmail.gov.in)**

**Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)**



- 2 -

## **APPEAL CASE NO. 0156 OF 2020**

After perusal of the case file it is observed that the Respondent – PIO has filed the reply of show cause notice issued to him. Keeping in view all the facts mentioned in the reply the show cause notice is hereby is dropped. No further action is required in this Case, hence the Appeal Case is **disposed off and closed**. Copies of the order be sent to the parties.

**Chandigarh  
11.11.2020**

**Sd/-  
(Hem Inder Singh)  
State Information Commissioner**

**Copy forwarded for information: -**

**Shri Vijay Kumar,  
Assistant Town Planner–cum–PIO,  
O/o the Principal Secretary,  
Department of Local Govt. Punjab,  
Municipal Bhawan, Sector 35-A, Chandigarh.**

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

**Ph: 0172-2864118, Email: - [psic28@punjabmail.gov.in](mailto:psic28@punjabmail.gov.in)**

**Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)**



## **COMPLAINT CASE NO. 0219 OF 2020**

Sh. Kartar Singh, (9463443042)  
S/o Sh. Gurbachan Singh,  
V.P.O. Mehtabpur,  
Tehsil Mukerian, District Hoshiarpur.

...Complainant

Versus

**Public Information Officer,**  
O/o Assistant Director,  
Animal Husbandry,  
Jalandhar.

**Public Information Officer,**  
O/o Deputy Director,  
Animal Husbandry,  
Amritsar.

...Respondents

## **HEARD THROUGH CISCO WEBEX – VC**

**PRESENT:** Sh. Kartar Singh, Complainant.  
Dr. Kamaljit Singh, Assistant Director –cum- PIO.

### **ORDER:**

This order may be read with reference to the previous order dated 22.09.2020.

The Respondent states that complete information has been supplied to the Complainant vide letter no. 210, dated 21.10.2020.

The Complaint states that incomplete information has been provided to him.

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.

Cont...Pg3

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

**Ph: 0172-2864118, Email: - [psic28@punjabmail.gov.in](mailto:psic28@punjabmail.gov.in)**

**Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)**



**- 3 -**

## **COMPLAINT CASE NO. 0121 OF 2020**

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.

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  
11.11.2020**

**Sd/-  
(Hem Inder Singh)  
State Information Commissioner**

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

**Ph: 0172-2864118, Email: - [psic28@punjabmail.gov.in](mailto:psic28@punjabmail.gov.in)**

**Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)**



## **APPEAL CASE NO. 350 OF 2020**

Sh. Harwinder Singh, (9876146905)

House No. 98, Street No. 2,

Aman Nagar, Near Shiv Mandir,

Jalandhar By-pass, Ludhiana.

...Appellant

Versus

**Public Information Officer,**

O/o XEN,

Water Supply and Sanitation Division No. 3,

Ludhiana.

**First Appellate Authority**

O/o Superintending Engineer,

Water Supply & Sanitation Division,

Ludhiana.

...Respondents

## **HEARD THROUGH CISCO WEBEX – VC**

**PRESENT:** None for the Parties.

### **ORDER:**

This order may be read with the previous order dated 17.09.2020.

The Appellant is absent from Webex and he is contacted on mobile phone subsequently and he states that he has received the complete information and wants to close the case whereas the Respondent is absent from today's hearing.

After hearing the Appellant, it is observed that the Respondent – PIO supplied the requisite information to the him and he has satisfied with the same.

No further action is required in this Case, hence the Appeal Case is **disposed off and closed**. Copies of the order be sent to the parties.

Chandigarh  
11.11.2020

Sd/-  
(Hem Inder Singh)  
State Information Commissioner



# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

**Ph: 0172-2864118, Email: - [psic28@punjabmail.gov.in](mailto:psic28@punjabmail.gov.in)**

**Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)**



## **APPEAL CASE NO. 1254 OF 2020**

Shri Sunil Kumar, (8699977797)  
NR, GS & Co.  
Guruharsahai,  
District Ferozepur-152022

...Appellant

Versus

**Public Information Officer,**  
O/o District Education Officer,  
Secondary Education,  
FAZILKA.

**First Appellate Authority**  
O/o District Education Officer,  
Secondary Education,  
FAZILKA.

...Respondents

## **HEARD THROUGH CISCO WEBEX – VC**

**PRESENT:** None for the parties.

### **ORDER:**

This order may be read with reference to previous order dated 17.09.2020.

The Respondent – PIO is absent from today's hearing through Webex. However, he has sent requisite information in the Commission vide diary no. 13903, dated 14.10.2020. The same is taken on record.

The Appellant is absent from hearing through Webex, but due to poor connectivity he is contacted over mobile but his mobile phone is switched off/out of network coverage area. He has also absent on the last hearings dated 08.07.2020; 30.07.2020 and 17.09.2020.

After perusal of the case file, it is observed that the Appellant has not attended the hearing consecutively four times, it is presumed that he is satisfied with the provided information entailing that he does not want to pursue this case further.

Cont...Pg2

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

Ph: 0172-2864118, Email: - [psic28@punjabmail.gov.in](mailto:psic28@punjabmail.gov.in)

Visit us: - [www.infocommpunjab.com](http://www.infocommpunjab.com)



- 2 -

## **APPEAL CASE NO. 1254 OF 2020**

In view of the above, no further action is required in this Case, hence the Appeal Case is **disposed off and closed**. However, the Appellant is at liberty to collect the requisite information from the office of the undersigned on any working day. Copies of the order be sent to the parties.

Chandigarh  
11.11.2020

Sd/-  
(Hem Inder Singh)  
State Information Commissioner