



Sh K.N.S Sodhi,
1634, Sector-70,
Mohali.

... Appellant

Versus

Public Information Officer,
O/o Joint Director,
Department of social Security,
Sector-34-A, Chandigarh.

First Appellate Authority,
O/o District Magistrate,
Ferozepur.

... Respondent

Appeal Case No. 4151 of 2021

Present: Sh.K.N.S.Sodhi as the Appellant
Smt.Indu Bala-APIO and Mrs.Madhu, Dy.Director Regional
Spinal Injury Centre, Mohali for the Respondent

Order:

The appellant, through an RTI application dated 01.06.2021, has sought information on 12 points relating to Medical Waste Disposal Guidelines of Pollution Control Board, Green Tribunal Guidelines and regarding outstation patients – the provision under which the mandatory facilities are not displaced on notice board – under what rule the waiting room facility is not allowed to outstation patients – medical disposal guidelines for the concrete pit with the design of such pit etc from the office of Joint Director, Department of Social Security, Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed a first appeal before the First Appellate Authority on 25.07.2021, which did not decide on the appeal.

The respondent present from the office of the department of social security pleaded that since the information relates to the Director Regional Spinal Injuries Centre, the RTI application was sent to them with the direction to provide information directly to the appellant. Dr.Madnu Dy. Director – Regional Spinal Injuries Centre is present and informed that the information has already been provided to the appellant vide letter dated 09.2021 and a copy of the same sent to the Commission.

The appellant claims that he received the information on 11.03.2022, which was incomplete and the discrepancies were pointed out to the PIO on 05.04.2022, but the same has not been resolved.

Having gone through the RTI application and hearing both the parties, the following is concluded:

- Point-A - It is in a query form and does not qualify as information as prescribed under section 2 F of the RTI Act.
- Point-B - As per the respondent, there is no rule. However, this facility is available in the hospital.- The PIO to reply in writing.
- Points-C & D - There is no medical waste pit. The pit is available for green waste, and it is being maintained by the company hired for it.
- Point-E - As per the guidelines of the pollution control board. There is no separate logbook that is being maintained.

Appeal Case No. 4151 of 2021

- Point-F,G, H &I - Replied/provided
- Point-J - It is in a query
- Point-K&L - Suitably replied/provided.

Further, the appellant's grievance on medical waste is a matter of concern and in the public interest. However, the appellant needs to approach the appropriate authority for appropriate action to rectify the alleged matter.

Information stands provided. No further interference of the Commission is required. The case is **disposed of and closed**.

Chandigarh
Dated 12.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Manjit Singh, s/o sh Gurcharan Singh,
Village Manemajra, Tehsil Chamkaur Sahib,
Distt Ropar.

... Appellant

Versus

Public Information Officer,
O/o Director,
Health & Family Welfare,
Sector-34-A, Chandigarh.

First Appellate Authority,
O/o Director,
Health & Family Welfare,
Sector-34-A, Chandigarh.

...Respondent

Appeal Case No. 4199 of 2021

PRESENT: None for the Appellant
Sh.Aman Sood-Suptd PB Branch-DHS),Sh.Vishal Watts(E-1 Branc) O/o DHS Pb
Chandigarh and other representatives of District Health Centres/Hospitals for the
Respondent

ORDER:

The appellant, through an RTI application dated 30.04.2021, has sought information regarding the list of employees recruited on compassionate grounds during last ten years in Health Department Tarn Taran – name and designation of competent officers/authorities who accorded approval - list of employees recruited on compassionate grounds during last ten years in all civil surgeon offices – grants if any received for the same and other information as enumerated in the RTI application from the office of Director Health and Family Welfare, Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed a first appeal before the First appellate authority on 15.06.2021, which did not decide on the appeal.

Sh.Aman Sood-Suptd(PB Branch) and Sh.Vishal Watts, Sr.Assistant (E-1 Branch) from the office of DHS Pb Chandigarh and representatives of different District Health Centers/ Hospitals (around 13 persons) are present. **The** representative from the office of DHS pleaded that since the information related to different District Health Centers/Hospitals, the RTI application was transferred to all the concerned Civil surgeons under section 6(3) of the RTI Act with the direction to supply information concerning them directly to the appellant with a copy to the DHS office Chandigarh.

Regarding points-1& 2 (the issue relates to group C & D employees), the information related to District TarnTarn was supplied on 24.03.2022.

As per the respondent, since the information regarding point-3 relates to the Civil surgeons of all 23 districts, the RTI application was transferred to them under section 6(3) of the RTI Act on 17.06.2021.

As per the letter received in the Commission on 07.04.2022 from the office of Dy Director-cum-PIO (PB Branch) –DHS Pb Chandigarh, the information/reply by the office of Civil Surgeon, Sangrur, SBS Nagar, Tarn Taran, Roopnager, Mansa, Patiala, Kapurthala, Faridkot, Bathinda, Gurdaspur and Barnala has been sent to the appellant directly, and a copy of the same has been sent to the Commission. The information by other concerned Districts is being sent.

Appeal Case No. 4199 of 2021

Regarding point-4, as per the respondent, there is no grant received, and the expenses are met per the department's prevailing provisions.

The appellant is absent nor is represented to point out the discrepancies.

I have gone through the entire case and observed that the information is voluminous, and DHS has already provided all the information, barring a few districts concerning point 3. The department is directed to assure that the remaining information of the districts is provided as soon as possible to the appellant.

From the further perusal of the entire case and hearing of the respondents who have come from all over Punjab, the Commission observes that the appellant has asked for the information from all district-level hospitals/health centres, which being voluminous information will unnecessarily divert the resources of the public authority as well as waste the vital time of the medical staff. Hence I see no reasons to keep this case pending further.

Given the above facts of the case, the case is **disposed of and closed**.

Chandigarh
Dated 12.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Smt Kulwinder Kaur,
Village Kailo, P.O Landran,
Tehsil Mohali, Distt Mohali.

... Appellant

Versus

Public Information Officer,
O/o Child Development Project officer,
Block Kharar-2, Distt Mohali.

First Appellate Authority,
O/o Programmer Officer,
Child Development Project Officer,
Mohali.

... Respondent

Appeal Case No. 4312 of 2021

Present: Smt.Kulwinder Kaur as the Appellant
None for the Respondent

Order:

The appellant, through an RTI application dated 17.06.2021, has sought information relating to details of employees with name and designation in the office of CDPO - details of free ration received and distributed as per Govt schemes to pregnant women and children from 2018 to 2019 – instruction regarding minimum qualification required – addition of pregnant women, children names in 2018 & 2019, etc. as enumerated in the RTI application from the office of Child Development Project Officer, Kharar-2. The appellant was asked to vide letter dated 09.07.2021 to deposit the requisite fee of Rs.1182/- by the PIO. The appellant did not deposit and the information was not supplied, after which the appellant filed a first before the First Appellate Authority on 15.07.2021, which did not decide on the appeal.

The appellant is present at Chandigarh and informed that since she belongs to a poor family and has been covered under the BPL scheme of the State Govt. and that she has been issued a smart ration card, the information be provided free of cost.

The respondent is absent nor is represented.

I have gone through the documents, and observed that there are two categories mentioned in the copy of smart card submitted by the appellant i.e. AAY/PHH and the appellant has been covered under PHH category. However, the fee prescribed as per sub-section 1 of section 6 and sub-section 1 and 5 of section 7 of the RTI Act shall not be charged from the persons who are of below property line as may be determined by the appropriate government. Hence the PIO to see if the appellant is covered under the category of below poverty line, and if yes, the information be provided free of cost. A copy of smart card submitted by the appellant is being attached with the order for reference of the PIO. If not, the appellant be suitably informed accordingly for steps to procure the information.

With the above observation and order, the case is **disposed of and closed**.

Chandigarh
Dated 12.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Deepak S/o sh Kashmir Singh,
219, Mustafabad, Tungpai,
Batala Road, Amritsar.

... Appellant

Versus

Public Information Officer,
O/o DCP,
Amritsar.

First Appellate authority,
O/o Commissioner of Police,
Amritsar.

...Respondent

Appeal Case No. 3898 of 2021

Present: None for the Appellant
Sh.Surinder Singh, ASI for the Respondent

Order:

The appellant, through an RTI application dated 15.04.2021, has sought information relating to Sh.Deepak, son of Sh. Kashmir Singh – complaint dated 26.02.2021 UID No.1981238 sent by Police Commissioner to DCP – a copy of complaint alongwith attached documents – the name of the enquiry officer alongwith statement of both the parties – a copy of enquiry report and action taken thereon from the office of DCP Amritsar. The appellant was not satisfied with the reply of the PIO dated 27.04.2021(since the enquiry is pending, information cannot be provided). The appellant filed a first appeal before the First Appellate Authority 21.05.2021, which did not decide on the appeal.

The case has now come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that they received the RTI application on 16.04.2021 and since the enquiry was pending, the reply was sent to the appellant vide letter dated 27.04.2021. After that, as per the report of the PC branch, on completion of the enquiry, the information has been supplied to the appellant vide letter dated 15.06.2021. As per the respondent, the appellant has received the information and is satisfied and seeks no further information in this case.

The appellant is absent nor is represented.

Since the information has been provided, no further course of action is required. The case is **disposed of and closed**.

Chandigarh
Dated 12.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Gagneshwar Walia, S/o Sh R S Ahluwalia,
H No-359, AOT Complex, Sector-48-A,
Chandigarh.

... Appellant

Versus

Public Information Officer,
O/o Commissioner,
MC, Mohali.

First Appellate Authority,
O/o Commissioner, MC,
Mohali.

... Respondent

Appeal Case No. 1003 of 2021

Present: None for the Appellant
None for the Respondent

Order:

The appellant, through an RTI application dated 01.07.2020, has sought information relating to Sh. Vikaram Bawa son of Sh. Vijay Kumar, Electrician who was regularized as an electrician in MC, Amritsar during 2012 – supply of the copy of instructions/rules governing appointment to the post of electrician and streetlight patroller in MC – a copy of ITI/diploma certificate -verification report of his testimonials etc, as enumerated in the RTI application from the office of Commissioner-MC SAS Nagar(Mohali). The appellant was not satisfied with the reply of the PIO dated 06.08.2020, after which the appellant filed a first appeal before the First Appellate Authority on 01.10.2020, which did not decide on the appeal.

The case was earlier heard by Ms Preety Chawla, State Information Commissioner, on 07.06.2021. Both the parties were absent. The case was adjourned. The case was again heard on 16.08.2021 when Sh. Bhim Sain, PIO, appeared and informed that the information had been supplied to the appellant. As per the appellant, the information was incomplete.

Hearing both the parties, the appellant was directed to inspect the record on 18.08.2021 and get the relevant information.

The case has now come up for hearing today before this Bench. Both the parties are absent.

The Commission has received a letter dated 19.08.2021 from the PIO stating that as per the order of the Commission, the appellant was to inspect the record on 18.08.2021, but the appellant did not turn up. In the letter, it is further stated that the first page of the service book of Sh. Vikram Bawa Junior Engineer has been sent to the appellant vide letter dated 19.08.2021.

The appellant is absent nor is represented. It is presumed that the appellant has received the information and is satisfied.

No further course of action is required. The case is **disposed of and closed.**

Chandigarh
Dated 12.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Bachittar Singh, S/o Sh Mukhtiar Singh,
Khemkaran Road, Bhikhiwind,
Tehsil Patti, Distt Tarn Tararn.

... Complainant

Versus

Public Information Officer,
O/o Director,
Health & Family Welfare,
Sector-34-A, Chandigarh.

...Respondent

Complaint Case No. 1093 of 2021

PRESENT: Sh. Bachittar Singh as the Complainant
Sh. Vishal Watts, Sr. Assistant for the Respondent

ORDER:

The complainant, through an RTI application dated 24.02.2021, has sought information regarding the name and designation of the enquiry officer who has conducted an enquiry on the charge sheet to Hardavindeer Singh, a copy of statements of witnesses during the enquiry, report submitted by the enquiry officer, noting sheets while enquiring the matter etc. as enumerated in the RTI application from the office of Director Health and Family Welfare, Pb Chandigarh. The complainant was not satisfied with the reply of the PIO dated 05.04.2021, after which the complainant filed a complaint in the Commission on 26.08.2021.

The case has come up for hearing today through video conferencing at DAC Tarn Taran. As per the complainant, the PIO has not supplied the information.

The respondent present pleaded that the information being 3rd party could not be provided, and the reply has already been sent to the complainant vide letter dated 05.04.2021.

The Commission has also received a reply from the PIO, which has been taken on record.

Having gone through the record, the Commission observes that since this is a complainant case and the complainant has come to the Commission under the provision of Section 18 of the RTI Act, 2005 in which no directions for providing further information can be given by the Commission.

The Hon'ble Supreme Court of India, in its Order dated 12.12.2011 in Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP No.32768-32769/2010) has 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.

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.

If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he/she will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act.,2005.

Complaint Case No. 1093 of 2021

Given the observations noted above, the instant case is remanded back to the concerned First Appellate Authority of the DHS Punjab, Chandigarh, with a copy of the RTI application for their ready reference and is also directed to call the complainant within 15 days of the receipt of the order, provide the information/reply pertaining to this RTI application. A compliance report of the same be sent to the Commission.

The case is **disposed of and closed** with the above observation and order.

Chandigarh
Dated: 12.04.2022

Sd/-
(Khushwant Singh)
State Information Commission

Cc : First Appellate Authority
O/o Director Health & Family Welfare, Punjab
Sector 34- A, Chandigarh

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh Vishal Joshi,
1697/12, Street Chajju Mishar,
Chowk Faridk. Amritsar.

... Complainant

Versus

Public Information Officer,
O/o DCP,
Amritsar.

...Respondent

Complaint Case No. 1136 of 2021

PRESENT: None for the Complainant
Sh. Surinder Singh, ASI, for the Respondent

ORDER:

The complainant, through an RTI application dated 20.05.2021, has sought a copy of the details of FIRs registered against all serving police officers in the district of Amritsar including their case nature and current status of the case with the current posting of the officers against whom FIRs are registered etc. as enumerated in his RTI application from the office of the Deputy Commissioner of Police Amritsar. The complainant was not provided with the information, after which the complainant filed a complaint in the Commission on 08.09.2021.

The case has come up for hearing today through video conferencing at DAC Amritsar.

The respondent present pleaded that vide their letter dated 26.05.2021, the complainant was suitably informed that since the sought information is not specific, hence cannot be provided. A letter from the respondent received in the Commission on 15.03.2022 is taken on record and kept in the case file.

The complainant is absent, nor is represented.

Having gone through the record, the Commission observes that since this is a complainant case and the complainant has come to the Commission under the provision of Section 18 of the RTI Act, 2005 in which no directions for providing further information can be given by the Commission.

The Hon'ble Supreme Court of India, in its Order dated 12.12.2011 in Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP No.32768-32769/2010) has 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.

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.

If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he/she will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act.,2005.

Complaint Case No. 1136 of 2021

Given the observations noted above, the instant case is remanded back to the concerned First Appellate Authority with a copy of the RTI application for their ready reference and is also directed to call the complainant within 15 days of the receipt of the order, provide the information/reply pertaining to this RTI application. A compliance report of the same be sent to the Commission.

The case is **disposed of and closed** with the above observation and order.

Chandigarh
Dated: 12.04.2022

Sd/-
(Khushwant Singh)
State Information Commission

CC to First Appellate Authority-cum-
Commissioner of Police, Amritsar