



Sh Prem Kumar Rattan,  
H No-78/8, Park Road,  
Navi Mandi, Dhuri,  
Distt Sangrur.

... Appellant

Versus

**Public Information Officer,**  
O/o SMO,  
Dhuri, Distt Sangrur.

**First Appellate Authority,**  
O/o SMO,  
Dhuri, Distt Sangrur.

...Respondent

**Appeal Case No. 494 of 2021**

**PRESENT:   None for the Appellant**  
**Dr.Narain Singh O/o SMO Dhuri for the Respondent**

**ORDER:**

The appellant through the RTI application dated 09.09.2020 has sought information regarding the documents received in connection with the death of Sh.Jatinder Kumar on 14.08.2020 in Rajindra Hospital, Patiala and other information concerning the office of SMO, Dhuri, District Sangrur. The appellant was not provided with the information after which the appellant filed first appeal before the First Appellate Authority on 09.10.2020 which took no decision on the appeal. After filing the first appeal, the PIO sent a reply on 29.10.2020 to which the appellant was not satisfied and filed 2<sup>nd</sup> appeal in the Commission on 15.01.2021.

The case has come up for hearing today through video conferencing at DAC Sangrur. The appellant is absent and vide email has informed that the PIO has not supplied the information.

The respondent present pleaded that since the information is 3<sup>rd</sup> party information, it cannot be provided and is exempt u/s 8(1)(j).

I have gone through the RTI application, and even though the PIO has used a wrong section to invoke third party denial by Section 8 (1)(j) instead of Section 11, I am in agreement with the PIO that the appellant is seeking medical and post mortem details of another individual.

I do not see that why medical information of a deceased individual should be provided to any individual unless there is a public interest in its revelation, or the appellant is next of the kin. Moreover, there is nothing on record that establishes the above two points, I am of the firm view that this information falls under a fiduciary relationship between the doctors and the deceased, thus information should not be provided.

I agree with the view of the PIO and hence reject the appeal.

The case is **disposed of and closed**.

**Chandigarh**  
**Dated :12.05.2021**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**



Sh. Krishan Singh,  
VPO Shero,  
Tehsil Sunam, District Sangrur.

... Appellant

Versus

**Public Information Officer,**  
O/o XEN,  
Punjab Water Supply and Sewerage Division,  
Sangrur.

**First Appellate Authority,**  
O/o SE,  
Water Supply and Sewerage Division,  
Patiala.

...Respondent

**Appeal Case No. 2379 of 2020**

**PRESENT:     None for the Appellant**  
**Sh.Mandeep Kumar, Clerk for the respondent**

**ORDER:**

The appellant through RTI application dated 10.02.2020 has sought information regarding regularization of contractual, daily wage, work charged/outsource employees vide letter No.01 dated 02.01.2017 – a copy of the order/circular relating to age limit-educational qualifications- a copy of advertisement published while regularizing the contractual employees in 2017 –verification reports of educational qualification- name of the officer who verified the character certificates – NOC from police stations and other information as enumerated in the RTI application from the office of Xen Water Supply & Sanitation Division, Sangrur. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 20.03.2020 which took no decision on the appeal.

On the date of the first hearing on 25.02.2021, the appellant claimed that the PIO has not provided the information but had informed that they have regularized the employees, however, no circular was available. As per the respondent, the reply has been sent to the appellant vide letter dated 09.02.2021 that no circular is available in their record.

However, during the hearing, the respondent stated that the circular might exist with the higher authority and they will try to obtain and provide it to the appellant.

The Commission observed that if the department was aware that such a circular existed, it should have transferred the application to the concerned authority or replied to the appellant suitably. Instead, the department chose to reply that no such circular was available. The PIO was directed to file a detailed reply on an affidavit.

Further, there has been an enormous delay of more than one year in tending to the RTI application, the PIO was issued **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

**Hearing dated 12.05.2021:**

The case has come up for hearing today through video conferencing at DAC Sangrur. The respondent present pleaded that the information has already been provided to the appellant.

The Commission has received a reply of the PIO dated 05.05.2021 through email which has been taken on the file of the Commission. In the reply, the PIO has stated that since the information was to be collected from various other departments and due to shortage of staff and huge workload due to ongoing projects as well as Covid-19 situation, the information was delayed. Moreover, the information has been provided and the appellant has acknowledged having received the information and is satisfied.

The appellant is absent, nor has sent any written reply to the commission.

However, since the information stands provided, and the appellant, as per the respondent, has expressed satisfaction over getting the information I accept the plea of the PIO and drop the show cause.

The case is **disposed of and closed.**

**Chandigarh**  
**Dated :12.05.2021**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**



Sh. Kesar Singh Sekhon,  
Flat No-104/B-5, Pb Premium Apartment,  
Sector-88, Mohali.

...Appellant

Versus

**Public Information Officer,**  
O/o GMADA,  
Mohali.

**First Appellate Authority,**  
O/o GMADA,  
Mohali

.....Respondent

**Appeal Case No.3671 of 2019**

**PRESENT:   None for the Appellant**  
**None for the Respondent**

**ORDER:**

The case was first heard on 28.01.2020. The respondent present pleaded that the information has been provided to the appellant. The appellant was not satisfied and stated that the PIO has not provided the information as per the RTI application.

Having gone through the RTI application and the information that has been provided, the Commission observed that the appellant had asked whether the amenities which were mentioned in the brochure of 2011 were actually being provided and operational. The PIO had, however, not applied his mind while supplying the information and correct information was not supplied. The PIO was directed to relook at the RTI application and provide the information as per the RTI application within ten days.

The case was last heard on **03.03.2020**. As per the appellant, the information was not provided. The respondent was absent. Due to delay in providing the information, the PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit**. The PIO was again directed to provide information within 15 days of the receipt of the order.

On the date of last hearing on **16.09.2020**, the respondent present pleaded that the information has been provided to the appellant. The appellant claimed that the PIO has not provided the information that was sought in the RTI application.

Hearing both the parties, the Commission observed that the appellant had basically asked for amenities to be provided as per brochure. The PIO was directed to relook at the RTI application and provide complete information. The PIO however, did not file any reply to the show cause notice issued on 03.03.2020. The PIO was given one last opportunity to file a reply to the show-cause notice.

On the date of the last hearing on 24.11.2020, Sh. Gulshan Kumar, the then PIO was present and informed that he has sent a reply to the show-cause notice on an affidavit.

The Commission had received an affidavit regarding reply to the show cause notice which was taken on the file of the Commission. In the said affidavit, the PIO stated that the delay was on the part of the concerned Superintendent-cum-APIO Smt.Kanwaljit Kaur and DE(PH-2) Sh.Varun Garg of Engineering Wing.

The appellant was absent. The PIO was directed to give a detailed reply to the show-cause notice issued for a delay in providing the information. The PIO was also directed to ensure that the information has been provided to the appellant as per the last order of the Commission.

On the date of the last hearing on **01.02.2021**, Sh. Gulshan Kumar, the then PIO-GMADA informed that the delay was on the part of Superintendent-cum-APIO as he had transferred the RTI application to the APIO u/s 5(4) of the RTI Act on 13.05.2019. The respondent further informed that the information has already been provided to the appellant.

The appellant was absent on 2<sup>nd</sup> consecutive hearing. The case was adjourned.

**Hearing dated 12.05.2021:**

The case has come up for hearing today through video conferencing at DAC Mohali. The respondent is absent.

At the last hearing .Sh.Gulshan Kumar, the then PIO appeared and informed that the delay was on the part of Superintendent-cum-APIO as he had transferred the RTI application to the APIO u/s 5(4) of the RTI Act and that the information has already been provided to the appellant. The Commission has already received the reply from the PIO on an affidavit.

The appellant is absent on 3<sup>rd</sup> consecutive hearing nor has communicated whether he has received the information or not. It is presumed that the appellant has received the information and is satisfied.

As for the show cause, I have gone through the reply of the PIO and I see no intentional malafide on the part of the PIO to deny the information. The show cause is dropped.

The case is **disposed of and closed**.

**Chandigarh**  
**Dated :12.05.2021**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commissioner**