**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

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Sh. Rakesh Kumar Gupta,

Advocate, 8/237, Jagraon,

Road, Mandi Mullanpur,

Distt: Ludhiana. …Appellant

Versus

**Public Information Officer**,

O/o DFSC (East),

Zone-D, Municipal Corporation,

Ludhiana.

**First Appellate Authority**,

o/o DFSC,

Punjab, Sector:39/C,

Chandigarh.

 ...Respondent

 **Appeal Case No. 1694 of 2017**

**PRESENT:** (i) Sh. Rakesh Kumar Gupta, the appellant.

(ii) Sh. Sunny Chauhan, Jr. Auditor and Sh. Gurvinder Singh, Inspector on behalf of the respondent.

**ORDER**

 This order may be read with reference to the previous order dated 02.08.2018.

2. The appellant states that he visited the o/o respondent on 07.05.018 but no inspection has been allowed to him by the department.

3. The respondent states that as per the directions of the Commission, the date of inspection was fixed for 17.04.2018 but, the appellant has not visited their office on the fixed date. He further states that he has brought the original record today in the Commission, if the appellant wants to peruse, he can.

4. After going through the record, the appellant states that this record is incomplete.

5. The PIO is directed to appear personally on the next date of hearing alongwith the original record, relating to the RTI application, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. The matter to come up for further hearing now on **30.10.2018 at 11.00AM.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**12.09.2018 State Information Commissioner**

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Sh. Kuldeep Singh,

R/o Village Bhateri, Tehsil Bassi Pathana,

Distt:Fatehgarh Sahib.

 Complainant

Versus

**Public Information Officer,**

O/o Zila Parishad,

Fatehgarh Sahib.

Respondent

**Complaint** **Case No. 111 of 2018**

**Alongwith**

**Complaint** **Case No. 113 of 2018**

**PRESENT:** (i) None is present on behalf of the complainant.

 (ii) Sh. Dilpreet Singh, Clerk on behalf of the respondent.

**ORDER**

 The Complainant filed two complaints with the Commission seeking information from Chief Executive Officr, Zila Parishad, Fatehgarh Sahib, as in two complaints, the Complainant and the PIO is the same so these has been clubbed together.

2. This order may be read with reference to the previous order dated 02.08.2018.

3. The complainant is absent for today’s hearing.

4. The respondent states that the complainant has also filed the same RTI applications in the Commission, which was heard by the Hon’ble Bench of Sh. Avtar Singh Kaler, SIC as Complaint No. 297/2018 and Complaint No.308/2018 and the same were disposed off on 23.05.2018.

5. During the hearing dated 08.05.2018, a show cause notice was issued to the PIO for not supplying the information to the complainant. The respondent filed reply to the show cause notice dated 10.07.2018 mentioning therein that complete information has been supplied to the complainant in the Court of Hon’ble SIC Sh. Avtar Singh Kaler. Copy of the same is taken on record.

6. Keeping in view all the facts mentioned in the reply are found satisfactory. The show cause notice is hereby, dropped.

Contd….p-2

**Complaint** **Case No. 111 of 2018**

**Alongwith**

**Complaint** **Case No. 113 of 2018**

7. In view of the above, no further cause of action is left in the instant Complaint Cases which are hereby, **disposed of and closed**. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**12.09.2018 State Information Commissioner**

 *After the hearing was over, Sh. Kuldeep Singh, the complainant appeared and stated that he has received the information and is satisfied. He has acknowledged the same. Copy of the acknowledgement is taken on record. The matter is hereby,* ***disposed of.***

 ***Sd/-***

**Chandigarh (Prof. Viney Kapoor Mehra)**

**12.09.2018 State Information Commissioner**

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Sh. Bhupinder Singh,

S/o Sh. Gurjail Singh,

Secretary District Congress Committee,

VPO:Bahmna, Tehsil:Samana

…Complainant

Versus

**Public Information Officer**,

O/o Joint Registrar,

Cooperative Societies,

Patiala.

…Respondent

***Remand Back to the***

***First Appellate Authority***

***o/o*** Joint Registrar,

Cooperative Societies,

Patiala.

**COMPLAINT CASE NO. 611 OF 2018**

**PRESENT:** (i) Sh. Bhupinder Singh, the complainant.

(ii) Sh. Simrath Pal Singh, ARCS alongwith Sh. Vishal Sharma, Advocate on behalf of the respondent.

**ORDER**

 This order may be read with reference to the previous order dated 01.08.2018.

 2. The complainant states that till today, satisfactory information has not been supplied to him by the respondent.

3. Sh. Simratpal Singh, A.R, Cooperative Societies, Samana files an affidavit and has also submitted the affidavit of Sh. Baljinder Singh, Deputy Registrar, Patiala also today in the Commission. He further states that first reply in this case was sent to the complainant on 20.11.2017 and complete information was sent to him vide letter dated 25.04.2018. He further adds that the concerned House Building Society in whose possession the information was is a Cooperative Societies registered under Cooperative Societies Act and was not a public authority within meaning of Section 2(h) of RTI Act and Hon’ble High Court of Punjab in CWP No. 20904 of 2015, the Punjab State Cooperative Bank Ltd, versus SIC and others has granted a stay.

4. The Complainant had filed a RTI application with the PIO on 13.11.2017 for certain information. He received a reply dated 21.11.2018 from the PIO, which he found unsatisfactory. The Complainant therefore filed a Complaint with the Commission on 31.05.2018 under Section 18 of the RTI Act.

Contd…p-2

**COMPLAINT CASE NO. 611 OF 2018**

5. It must be noted that there is an alternate and efficacious remedy of First Appeal available under Section 19(1) of the RTI Act. It appears that the Complainant has failed to avail the same in the instant case. Consequently, the First Appellate Authority (FAA) has not had the chance to review the PIO’s decision as envisaged under the RTI Act.

6.In view of the aforesaid, the instant matter is remanded to the FAA. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard.

7. The FAA is directed to peruse all the relevant documents during the hearing and examine whether the information provided by the PIO is complete, relevant and correct. Where the FAA is satisfied that the information provided by the PIO is as per the records, the First Appeal shall be disposed of. In the event, there are any deficiencies in the information provided by the PIO, the FAA shall direct the PIO to provide the complete information in reply to the RTI application dated 13.11.2017 to the Complainant.

8. Announced in the Open Court. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**12.09.2018 State Information Commissioner**

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Sh. Jasbir Singh,

Village:Bolapur, Jhabewal,

P.O: Ramgarh, Distt:Ludhiana.

…Appellant

Versus

**Public Information Officer**,

O/o SDM (Licensing & Registration Authority),

Guruharsahai, Distt: Ferozepur.

**First Appellate Authority**

**o/o** Deputy Commissioner,

Ferozepur.

…Respondents

**APPEAL CASE NO. 1640 OF 2018**

**Alongwith**

**APPEAL CASE NO. 1641 OF 2018**

**PRESENT:** (i) Sh. Jasbir Singh, the appellant.

 (ii) Sh. Jugraj Singh, Suptd., is present on behalf of the respondent.

 **ORDER**

 The Appellant filed two appeals with the Commission seeking information from SDM, Licensing & Registration Authority, Guruharsahai, Distt: Ferozepur as in two appeals, the Appellant and the Respondent is the same, so these has been clubbed together.

2. This order may be read with reference to the previous order dated 02.08.2018.

3. The appellant states that he has received the information and is satisfied. He has acknowledged for same. Copy of the acknowledgment is taken on record.

4. The respondent files an affidavit in response to the show cause notice today in the Commission.

5. After examining the case file, it reveals that the RTI application is dated 27.11.2017 and information has been supplied to the appellant on 03.07.2018. Therefore, a show cause notice was issued to the PIO for the delay in supplying the information, during the last hearing. At today’s hearing, a written reply has been submitted by the respondent in response to the show cause notice, which is taken on record.

Contd…p-2

**APPEAL CASE NO. 1640 OF 2018**

**Alongwith**

**APPEAL CASE NO. 1641 OF 2018**

6. Keeping in view of the all the facts mentioned in the reply are found satisfactory and the show cause notice is hereby, dropped but the PIO is warned to be careful in future while dealing with the RTI applications. The respondent is also directed to mention the name of the Appellate Authority while giving any reply under the RTI Act, to the appellant/complainant.

7. In view of the above, no further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

 Sd/-

 **Chandigarh (Prof. Viney Kapoor Mehra)**

 **12.09.2018 State Information Commissioner**

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Sh. Satish Kapoor,

# 1337/7, Dhawan Colony,

Ferozepur City.

…Complainant

Versus

**Public Information Officer**,

O/o Executive Officer,

Municipal Committee,

Ferozepur.

**First Appellate Authority,**

O/o Executive Officer,

Municipal Committee,

Ferozepur.

…Respondent

**Appeal CASE NO. 1617 OF 2018**

**PRESENT :** None is present on behalf of the appellant.

 Sh. Vijay Kumar, Inspector on behalf of the respondent.

**ORDER:**

 This order may be read with reference to the previous order dated 10.07.2018.

 2. The complainant has sent an email in the Commission stating that being a senior citizen, he is unable to attend today’s hearing and has requested to decide the case in his absences on merits of the information asked by him.

 3. The respondent files an affidavit today in the Commission stating that the information cannot be supplied to the appellant as the record is being very old, which cannot be traced out. Copy of the affidavit is taken on record.

4.Original copy of the affidavit be sent to the appellant alongwith the orders of the Commission.

5. In view of the above, no further cause of action is left in the instant Appeal case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

 *Sd/-*

**Chandigarh (Prof. Viney Kapoor Mehra)**

**12.09.2018 State Information Commissioner**

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Sh. Rajnish Kumar,

# B-18/261, Samania Gate,

Near Old Police Lines School,

Patiala.

…Appellant

Versus

**Public Information Officer**,

O/o Member Secretary,

Punjab State Faculty Ayurvedic/Unani System,

Of Medicine, Medical Education, Sector: 69,

Mohali.

**First Appellate Authority**

o/o Member Secretary,

Punjab State Faculty Ayurvedic/Unani System,

Of Medicine, Medical Education, Sector: 69,

Mohali.

…Respondent

 **Appeal Case No. 2035 of 2018**

**PRESENT:** (i) None is present on behalf of the appellant.

(ii) Ms. Shilakha, APIO and Ms. Gupreet Kaur, Clerk on behalf of the respondent.

**ORDER**

 This order may be read with reference to the previous order dated 02.08.2018.

2. The appellant is absent for today’s hearing and was also not present on the last hearing.

3. The respondent states that the information has already been supplied to the appellant vide letter dated 11.09.2018. Copy of the same is taken on record.

4. The appellant is advised to go through the information and point out the deficiency, if any, in the information provided to the respondent in writing within one week with a copy to the Commission, failing which decision shall be taken on merit.

5. The respondent is directed to remove the same, before the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. The matter to come up for further hearing now on 30**.10.2018 at 11.00AM.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**12.09.2018 State Information Commissioner**

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Sh. Jasbir Singh,

S/o Sh. Jit Singh,

R/o VPO”: Madaur,

Tehsil: Nabha, Distt:Patiala.

…Appellant

Versus

**Public Information Officer**,

O/o District Registrar,

Birth & Death (Civil Surgeon),

Patiala.

**First Appellate Authority**

o/o Director,

Health Services, Punjab,

Plot No.5, Sector:34/A, Chandigarh.

…Respondent

**Appeal** **Case No. 2055 of 2018**

**PRESENT:** (i) None is present on behalf of the appellant.

(ii) Sh. Karamjit Singh, Assistant is present and Sh. Rajinder Kumar, Sr. Assistant o/o FAA on behalf of the respondent.

**ORDER**

 This order may be read with reference to the previous order dated 02.08.2018.

2. The appellant is absent for today’s hearing and was also not present, on the last hearing.

3. The respondent states that the information has already been supplied to the appellant vide letter dated 07.09.2018 by registered post. Copy of the same is taken on record.

4. The appellant is advised to go through the information and point out the deficiency, if any, in the information provided to the respondent in writing within one week with a copy to the Commission, and should personally appear, on the next date of hearing, failing which decision shall be taken on merit.

5. The respondent is directed to remove the same, before the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. The matter to come up for further hearing now on 31**.10.2018 at 11.00AM.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**12.09.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Krishan Gopal Singla,

S/o Sh. Brij Lal, Ward No.16,

B /190, Sangrur Road, Dhuri,

Distt: Sangrur. Appellant.

Versus

**Public Information Officer,**

O/o Deputy Registrar,

Cooperative Societies,

Sangrur.

**First Appellate Authority,**

O/o Deputy Registrar,

Cooperative Societies,

Sangrur.

 Respondent

 **Appeal** **Case No. 627 of 2018**

**PRESENT:** (i) Sh. Prem Kumar Rattan, on behalf of the appellant.

 (ii) Sh. Dharmavesh, D.R, the respondent.

 **ORDER**

 This order may be read with reference to the previous order dated 25.07.2018.

2. Sh. Prem Kumar Rattan to appear on behalf of the appellant for today’s hearing. The representative of the appellant states that till today, no reply has been given to the appellant by the o/o D.R, Cooperative Societies, Sangrur.

3. The PIO states that he has brought the information to deliver it personally to the appellant. Copy of the same is handed over to the representative of the appellant.

4. The representative of appellant states that he wants some time to go through the information.

5. The appellant is advised to go through the information and point out the deficiency, if any, in the information provided to the respondent in writing within one week with a copy to the Commission, failing which decision shall be taken on merit.

6. The respondent is directed to remove the same, before the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

Contd…P-2

**Appeal** **Case No. 627 of 2018**

7. The matter to come up for further hearing now on 09**.10.2018 at 11.00AM.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**12.09.2018 State Information Commissioner**

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Sh. Manjit Singh,

S/o Sh. Juginder Singh,

Village: Gurreh, Tehsil:Jagraon,

Distt:Ludhiana.

…Appellant

Versus

**Public Information Officer**,

O/o District Controller,

Food Civil Supplies and Consumer Affairs,

Ludhiana.

**First Appellate Authority**

o/o Director,

Food and Civil Supplies, Punjab,

Chandigarh.

 …Respondents

**APPEAL CASE NO. 579 OF 2018**

**PRESENT :** Sh. Manjit Singh, the appellant.

 None is present on behalf of the respondent.

**ORDER:**

 This case may be read with reference to the previous order dated 02.08.2018.

2. The appellant states that information on point nos. 1, 2, 5, 6, 7, 8 & 10 has still not been supplied to him by the respondent. He further states that compensation amount has also not been paid to him.

3. Neither the PIO nor his representative is present for today’s hearing.

4. During the last hearing, a compensation amount of Rs. 3000/- was awarded to the appellant for the harassment suffered by him in getting the information ***but inadvertently***, ***it was mentioned that this amount shall be payable from the funds of Sh. Rakesh Bhaskar, DFSC, Ludhiana by way of crossed Cheque/Demand Draft in the name of Sh. Manjit Singh within one month*** but it is not payable from the personal account of any employee, it shall be payable from the public authority i.e D.F.S.C, Ludhiana. I, therefore, order that compensation of Rs. 3,000/- (Rs. Three thousand only) be paid to the Appellant by D.F.S.C, Ludhiana (public authority). It is clarified that the amount of compensation is to be paid by the public authority i.e D.F.S.C, Ludhiana and not by the PIO.

Contd….p-2

**APPEAL CASE NO. 579 OF 2018**

5. The respondent is also directed to appear personally on the next date hearing and provide the complete information to the appellant as pointed out by him today in the Commission. Copy of the same be sent to the respondent alongwith the orders of the Commission. The respondent has sent an affidavit in response to the show cause notice, which is taken on record.

6. The case is adjourned for 31**.10.2018 at 11:00 AM**. Copies of the order are sent to the parties.

 Sd/-

 **Chandigarh (Prof. Viney Kapoor Mehra)**

 **12.09.2018 State Information Commissioner**

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Sh. Pritam Singh,

S/o Sh. Sucha Singh,

Sirki Bazar, Ward No.24,

Ferozepur City.

 …Complainant

Versus

**Public Information Officer,**

O/o Senior Superintendent of Police,

Ferozepur.

 ...Respondent

**Complaint Case No. 666 of 2017**

**PRESENT:** None for the parties.

**ORDER**

 This order may be read with reference to the previous order dated 02.08.2018.

2. The complainant is absent for today’s hearing.

3. A letter has been received from the respondent in the Commission vide diary no. 17084 dated 21.08.2018 mentioning therein that as per the directions of the Commission that either to provide the information to the complainant or to file an affidavit, if the information is not available. The copy of the affidavit is handed over to the complainant on 18.08.2018 by hand and has sent the copy of the receiving to the Commission, which is taken on record.

4. After examining the case file, It reveals that the respondent has provided the copy of the affidavit to the complainant on 18.08.2018 with which the complainant is satisfied and has given in writing that he has received the copy of the self declaration and wants to close the case. The orders of the Commission has been complied with by the respondent.

5. In view of the above, no further cause of action is left in the instant complainant case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

 Sd/-

 **Chandigarh (Prof. Viney Kapoor Mehra)**

 **12.09.2018 State Information Commissioner**