

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Visit us: - www.infocommpunjab.com



Sh . Pawan Kumar Sharma, Advocate
Kothi No. 585, Phase-2, Mohali

.....Appellant

..Vs

Public Information Officer,
O/o General Manager, District Industrial Centre
Indl. Area Phase VII, SAS Nagar, Mohali – 160055

First Appellate Authority
O/o General Manager, District Industrial Centre
Indl. Area Phase VII, SAS Nagar, Mohali – 160055

Public Information Officer
O/o Director of Industries, Udyog Bhawan,
Sector 17, Chandigarh

.....Respondent

AC No. 924 of 2020
Through Video conference

Present : None for the parties.

ORDER

This order may be read with reference to the previous order dated 18.08.2020

2. Today neither the Appellant nor the Respondent is present. However, a letter has been received from the Appellant vide Commission diary no. 11042 dated 02/09/2020 as under:-

“ That the required information from O/o of Directorate Industries and Commerce, Punjab, RTI Cell has since been received on 20.08.2020.

The case may kindly be closed as satisfied.”

Copy of the same is taken on record.

3. Since the information has been provided to the Appellant therefore, no further cause of action is left. Hence, the Appeal case filed by the Appellant is **disposed of and closed**.

Copy of the orders be sent to the parties.

Sd/-

Dated: 12.10 .2020

(Preety Chawla)
State Information Commissioner
Punjab

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Smt Parvinder Kaur ,
House No.10/52, P.A .U Campus,
Punjab Agricultural University, Ludhiana

.....Appellant

..Vs

Public Information Officer,
O/o Addl. Secretary,
Nanakana Sahib college of Engineering, kot Gangu Rai,
Ludhiana

.....Respondent

CC No. 530 of 2020
Through Video conference

Present : None for the parties.

ORDER

1. The RTI application is dated 26.11.2018 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 14.08.2020 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 12.10.2020 i.e. today.

3. Today, neither the Appellant nor the Respondent is present. However, a letter has been received from the Appellant vide Commission diary no. 13328 dated 05/10/2020 mentioning therein that “ *All the required information is provided to me by the concerned authority. No information asked in the application by me is pending now.*”

Copy of the same is taken on record.

4. Since the information has been provided to the Complainant therefore, no further cause of action is left. Hence, the Complaint case filed by the Complainant is **disposed of and closed**. Copy of the orders be sent to the parties.

Sd/-

Dated: 12.10.2020

(Preety Chawla)
State Information Commissioner
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Sh Dhanawant Singh (Nambardar), (9815517865)
S/o Sh. Yati Singh, Khanpur Fakira,
Tehsil tirbam Distt. Sangrur (148026)

.....Complainant

..Vs

Public Information Officer,
O/o SDO, Mining and Geology, Sangrur

Registered post : Sh. Harjot Singh,
Distt. Mining Officer-cum-PIO, Ludhiana

.....Respondent

CC No. 302 of 2020
Through Video-Conferencing

Present: (i) None for the complainant
(ii) For the respondent: Sh. Harjot Singh Walia, District Mining officer
(9780092500)

ORDER

This order may be read with reference to the previous order dated 24.08.2020 passed by the Commission vide which the complainant was directed to visit the office of Sh. Harjot Singh alongwith respondent no. 1.

2. Today, Sh. Dhanwant Singh-the Complainant is not present. However, an e-mail has been received from him stating that he shall not be able to attend the hearing today. Copy of the same is taken on record.

3. The Respondent states that, as directed in the previous hearing, the Complainant had not visited their office for inspection of record. He further states that the Complainant can visit the office of the Respondent on any working day with prior intimation, inspect the record and obtain the information. He has also filed their reply regarding the same which is taken on record.

4. On the assurance of the respondent, the above said complaint case is **disposed of and closed**. Copy of the orders be sent to the parties.

Sd/-

Dated :12.10.2020

(Preety Chawla)
State Information Commissioner
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Smt. Kamlesh Rani, W/o Late Shri Jaidrath
R/o Village Banwala, Hanwanta,
Tehsil and Distt. Fazilka

.....Appellant

..Vs

Public Information Officer,
O/o SMO, PHC, Jandwala
Bhim Shah, Tehsil and Distt. Fazilka

First Appellate Authority
o/o Civil Surgeon, Fazilka

.....Respondent

AC No. 41 of 2020
Through Video-Conferencing

Present: (i) None for the Appellant
(ii) For the Respondent: Dr Babita, SMO (97800-72100) and Sh Sonu Kumar, Clerk (97815-70086)

ORDER

This order may be read with reference to the previous order dated 18.08.2020 vide which PIO-Dr Babita, SMO was issued a show-cause notice.

2. The Appellant is not present today.

3. The Respondent states that the information is lying ready with them. The Appellant may deposit the requisite documentation fee and obtain the same. Further, the Respondent has also filed her affidavit in response to the show-cause notice issued. I have gone through the affidavit of the Respondent and agree with the reply of the Respondent resultantly, the proceedings under Section 20 of the RTI are dropped.

4 After perusing the case file , it is ascertained that the information is lying ready with the Respondent-PIO. The Respondent-PIO assures that the information will be provided to the Appellant after receiving the requisite documentation fee. Hence, the Appellant is directed to deposit the requisite documentation fee and obtain the information.

5. In view of the foregoing no further cause of action is left. Hence, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties

Sd/-

Dated: 12.10.2020

(Preety Chawla)
State Information Commissioner
Punjab

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Sh Kashmir Singh, S/o Sh Babu Singh, (M:94786-79802)
Mohalla Khosla, Near Gurudwara Nanak Niwas,
VPO Rahon, Distt SBS Nagar

.....Complainant

..Vs

Public Information Officer,
O/o DC, SBS Nagar
Remanded back to

Registered post

First Appellate Authority
o/o Deputy Commissioner, SBS Nagar

.....Respondent

CC No. 436 of 2020
Through Video conference

Present: (i) None for the Complainant
(ii) For the respondent: Sh. Bahadur Singh, Supdt.-cum- APIO, o/o DC, SBS Nagar
(9814919681), Sh. Sarvjeet Singh, D.M. o/o Seva Kendra (9888889220)

ORDER

This order may be read with reference to the previous order dated 24.08.2020.

2. The Complainant is not present today. However, an e-mail has been received from the Complainant stating that he shall not be able to attend the hearing today. Copy of the same is taken on record.
3. The Respondent states that the information, as available, in their official record has been provided to the Complainant.
4. After going through the file, it is observed that 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:-

(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).

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CC No. 436 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.

5. 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.

6. 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 foregoing, the instant complaint Case is **disposed of and closed**. Copy of the orders be sent to the parties.

Dated :12.10.2020

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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Sh.Tejinder Singh (Advocate),
R/o Village Bholapur, Post Office Ramgarh,
Chandigarh Road, Ludhiana-141123

Vs

.....Appellant

Public Information Officer,
Food safety Officer,
O/o Civil Surgeon,
Mohali

First Appellate Authority,
Food safety Officer,
O/o Civil Surgeon,
Mohali

.....Respondent

AC.No. 2276 of 2019
Through Video conference

Present : None for the parties.

ORDER

This order may be read with reference to the previous orders dated 16.03.2020, 12.02.2020, 14.11.2019, 23.11.2019 passed by the Commission vide which neither the appellant nor the respondent was present.

2. Again, at today's hearing, none is present. It appears that appellant is not interested in pursuing this matter. The appeal case is, therefore **dismissed for non-perusal**. Copies of the order be sent to the parties.

Dated :12.10.2020

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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Sh Jagshir Singh,
S/o Late ShGian Singh,
9/20 ,MandiMullanpur,
District : Ludhiana

Vs

Public Information Officer,
O/o Station House Officer,
Police Station, Dakha, Distt: Ludhiana

First Appellate Authority,
O/o Dy Inspector General of Police,
Ludhiana

.....Appellant

.....Respondent

AC.No.2751 of 2019
Through Video-Conferencing

Present : (i) Sh. Jaghsir Singh the appellant
(ii) For the respondent : Smt. Kirandeep Kaur, S.I. (6239674128)

ORDER

This order may be read with reference to the previous order dated 16.03.2020 passed by the Commission.

2. Today the appellant Sh. Jaghsir Singh states that he has received the information except information of CCTV footage.

3. Respondent has sent his reply regarding CCTV footage that ਇਹ ਕੈਮਰੇ ਮਾਨਯੋਗ ਪੰਜਾਬ ਐਂਡ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ ਚੰਡੀਗੜ੍ਹ ਜੀ ਦੇ ਹੁਕਮ ਅਨੁਸਾਰ ਲੱਗੇ ਜਿਨ੍ਹਾਂ ਦਾ ਬੈਕ ਅੱਪ ਦੇਣਾ ਸੰਭਵ ਨਹੀਂ ਹੈ CCTV ਦੀ ਰਿਕਾਰਡਿੰਗ ਦਾ 60 ਤੋਂ 72 ਦਿਨਾਂ ਦਾ ਬੈਕ ਅੱਪ ਹੈ। ਜਿਸ ਤੋਂ ਬਾਅਦ ਰਿਕਾਰਡਿੰਗ ਆਪਣੇ ਆਪ ਡਲੀਟ ਹੋ ਜਾਂਦੀ ਹੈ।

4. In view of the above the reply filed by the respondent appears to be convincing, hence, no cause of action is left. The appeal case filed by the appellant is therefore disposed of and closed. Copy of the order be sent to the parties.

Sd/-

Dated: 12.10.2020

(Preety Chawla)
State Information Commissioner
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ErArunGarg S/o Sh Sham Lal,
H.No 40-41, Central Town, Village Dad,
PO laltonKalan, Distt-Ludhiana-142022

Vs

.....Appellant

Public Information Officer,
O/o Chief Director Vigilance Bureau, Punjab
(Budget and Establishment Branch)
Mini Sectt. C-Block, Sector-9, Chandigarh

First Appellate Authority,
O/o Chief Director Vigilance Bureau, Punjab
(Budget and Establishment Branch)
Mini Sectt. C-Block, Sector-9, Chandigarh

REMANDED BACK TO FAA
O/o Chief Director Vigilance Bureau, Punjab
(Budget and Establishment Branch)
Mini Sectt. C-Block, Sector-9, Chandigarh

.....Respondent

AC.No. 803 of 2020
Through Video-Conferencing

Present : (i) Er. Arun Garg the appellant through VC
(ii) For the respondent : Sh. Rajesh Kumar , SI (on telephone)

ORDER

This order may be read with reference to the previous order dated 16.03.2020 vide which the respondent stated that the appellant has neither submitted his ID proof nor deposited the documentation fee. He had also filed his reply.

2. I have carefully perused the documents on record. Before proceeding/parting with the order, I would wish to place on record that the First Appellate Authority did not take any action on the appeal of the Applicant. He neither summoned the parties nor did he pass any order, which shows that the FAA has not acted as per the mandate of the RTI Act, 2005. This inaction on the part of the FAA needs to be depreciated and it is hoped that the authorities entrusted with judiciary duties under the Act show more sense of responsibility and respect for the rights of the citizens.

3. In view of the aforesaid, the instant matter is remanded to the FAA. The Commission hereby directs the FAA to decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard.

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AC.No. 803 of 2020

4. 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.

5. In view of the above, the case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Sd/-

Dated: 12.10.2020

(Preety Chawla)
State Information Commissioner
Punjab