



**Sukhwinder Kaur (Legal Advisor),**  
d/o Budh Singh,  
H.No.2149, Sector 21-C,  
Chandigarh.

Versus

**Public Information Officer,**  
O/o Punjab School Education Board,  
Mohali.

**First Appellate Authority,**  
o/o Punjab School Education Board (PSEB),  
Mohali.

**Appeal Case No.2816 of 2019.**

**PRESENT:**

Sukhwinder Kaur (Appellant).  
Mangat Singh, Assistant Secretary(for the Respondent)98779-98380.

**ORDER**

1. The RTI application is dated 11.1.19 vide which the appellant has sought information as enumerated in her RTI application. A significant portion of the information requested pertains to communications between the PSEB and its advocate. The first appeal was filed with the First Appellate Authority (FAA) on 18.2.19, and second appeal was filed in the Commission on 2.8.19 under section 19 of the Right to Information Act, 2005 (RTI Act.).
2. The respondent PIO has submitted a written reply wherein it is contended that the requested information cannot be disclosed because a case pertaining to the said information is pending in the Punjab & Haryana High Court.
3. The appellant insists that the information requested has no connection with the court case being referred to.
4. However, on perusing the appellant's RTI application of 11.1.19, this Commission finds that, among other things, the appellant, in points 1 – 3 of her request, is seeking copies of the correspondence/communication between the PSEB and its Lawyer (retainer advocate) Maninder Singh. Such information, between a lawyer (Maninder Singh, retainer advocate) and his client (PSEB), is clearly exempt from disclosure as per Section 8 (1)(e) of the RTI Act, 2005, and is therefore DENIED to the appellant.
5. This Commission directs the Respondent PIO to carefully examine the remainder (points 4 & 5) of the appellant's RTI application, and file a reply at the next hearing of this appeal case. In case the respondent PIO intends to deny the information at points 4 & 5, he/she must cite provisions of the RTI Act, 2005, or judicial orders thereafter, in support of such a decision.
6. The appellant, who is a lawyer herself, is also free to cite specific provisions of the RTI Act, 2005 and subsequent case law, in support of her request at points 4 & 5 of her RTI application.
7. **Next hearing on 16.10.19.**

**Sd/-**  
**(ASIT JOLLY)**  
State Information Commissioner

Chandigarh:  
Dated:12.9.19.



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**Sector 16, Chandigarh.**  
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**Rajesh Kumar,**  
s/o Chaman Lal,  
H.No.502, Navi Abadi,  
Tehsil & District Hoshiarpur.

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Versus

**Public Information Officer,**  
o/o. Deputy Commissioner Hoshiarpur.

**Complaint Case No. 685 of 2019.**

**PRESENT:**

Rajesh Kumar. (Complainant)94174-77331  
Respondent is ABSENT

**ORDER**

1. The RTI application is dated 22.3.18 vide which the complainant had sought information as pertaining to plots being carved out on government land at Village Naloian. A Complaint was filed in the Commission on 6.8.19 under section 18 of the Right to Information Act, 2005 (RTI Act.).
2. The original RTI application filed by the complainant ON 22.3.18 is in the form of four queries, three pertaining to the Hoshiarpur district administration and one to the Forest Department. None of these queries/questions falls within the definition of 'information' as per RTI Act 2005.
3. This Commission is of the view that the complainant Rajesh Kumar, is sincerely attempting to unearth possible wrongdoings at Village Naloian. The appellant is earnestly advised to file a fresh RTI application wherein his request for information is pointed and as per the definition of information laid out in the RTI Act, 2005.
4. There is no further cause for action in this complaint case, which is herewith **CLOSED**.

**Sd/-**  
**(ASIT JOLLY)**  
State Information Commissioner

Chandigarh:  
Dated:12.9.19.



Dr. Sohan Lal Jain  
# 136-G, Gobind Nagar,  
Model Town,  
Patiala.

Versus

**Public Information Officer,**  
o/o Director Health & Family Welfare,  
Department, Punjab, Chandigarh.

First Appellate Authority,  
O/o Director Health & Family Welfare,  
Department, Punjab, Chandigarh.

**Appeal Case No.2811 of 2019.**

PRESENT:

Sohan Lal Jain (Appellant) 94179-39487  
Respondent is ABSENT

ORDER

1. The RTI application is dated 22.2.19 vide which the appellant has sought information on 7 points, pertaining to instructions from the Director H&FW regarding sanction of earned leave for senior officers; copy of state government policy regarding upgradation of the rural hospital at Bareta; copy of procedure of complaints received on the 104 Helpline; Copy of the appellant's personal ACR for 2016-17 and 2017-18; copy of instructions of the competent authority on working days and working time of the SMO Civil Hospital Bareta; copy of appellant's personal file from 1.1.17 to date; and copy of a complaint from one Kishan Chand against SMO Bareta on the 104 Helpline in 1.1.17. First appeal was filed with the First Appellate Authority (FAA) on 24.4.19, and the second appeal was filed in the Commission on 2.8.19 under section 19 of the Right to Information Act, 2005 (RTI Act.).

2. This Commission takes a very serious view of the fact that the respondent PIO is ABSENT without prior intimation. It takes an equally stern view of the respondent PIO and the FAA's abject failure to respond to the appellant's request for information for more than six months. The respondent PIO has not even bothered to ACKNOWLEDGE of DENY information request by the appellant. And neither has the FAA deemed it prudent to grant the appellant a hearing or respond to the first appeal filed by the appellant on 24.4.19.

3. The aforesaid is despite the fact that most of the information requested by the appellant pertains to his own/personal service, which cannot be denied to him under any conceivable circumstances.

4. This Commission directs the respondent PIO to furnish the information on points 1 through 7 of the appellant Sohan Lal Jain's RTI application of 22.1.19. The information is to be made available in sequence and with each and every page duly attested by an officer competent to do so. This must be done within 15 days from the receipt of this Order, failing which, the respondents could invite severe penalties as per the RTI Act upon themselves. The Commission notes here that the respondents have already surrendered one opportunity to be heard by failing to appear at today's hearing of this appeal case.

5. Next hearing on 16.10.19.

**Sd/-**  
**(ASIT JOLLY)**  
State Information Commissioner

Chandigarh:  
Dated: 12.9.19



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**Jasbir Singh,**  
Village Bolapur, Jhabewal,  
PO Ramgarh,  
District Ludhiana.

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Versus

**Public Information Officer,**  
SDM-cum-Registering & Licensing Authority,  
Kapurthala..  
**First Appellate Authority,**  
SDM-cum-Registering & Licensing Authority,  
Kapurthala

**Appeal Case No. 2851 of 2019.**

**PRESENT:**

Jasbir Singh (Appellant) is ABSENT  
Sukhjinder Pal, junior assistant (for the Respondent) 90415-66096.

**ORDER:**

1. The RTI application is dated 9.4.19 vide which the appellant has sought information regarding issue of driving licenses; driving tests; and details of fees collected for these tests. First appeal was filed with the First Appellate Authority (FAA) on 3.6.19, and the second appeal was filed in the Commission on 7.8.19 under section 19 of the Right to Information Act, 2005 ( hereinafter RTI Act.).
2. The appellant in his appeal has contended that he was given "incomplete information" with that sought from point 1 – 3 missing from the respondent PIO's reply to him.
3. The respondent, represented by Sukhjinder Pal, has brought the missing information on a CD, but the appellant is not present to receive the same at this hearing.
4. The respondent is requested to send the CD containing the remaining information to the appellant by registered post along with a covering letter to the appellant's home address, alongside a copy to this Commission.
5. There is no further cause for action and this appeal case is herewith **CLOSED**.

**Sd/-**  
**(ASIT JOLLY)**  
State Information Commissioner

Chandigarh:  
Dated: 12.9.19.



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Girdhari Lal Goyal  
# 19, Aman Colony,  
Near Phatak No.22,  
Patiala-147001

Versus

Public Information Officer  
o/o Deputy Secretary,  
O/o Food Civil Supplies and Consumer Affairs,  
Punjab, Chandigarh.

**Complaint Case No.682 of 2019.**

**PRESENT:**

Girdhari Lal Goyal (Complainant) .  
Rupinder Kaur, senior assistant (for the Respondent) 94782-77225.

**ORDER**

1. The RTI application is dated 9.3.19 vide which the appellant has sought information regarding seniority lists issued by the Secretary F&S, Punjab. A Complaint was filed in the Commission on 6.8.19 under section 19 of the Right to Information Act, 2005 ( hereinafter RTI Act.).
2. The respondent PIO represented by Rupinder Kaur, is unable to give any satisfactory reason for this inordinate delay of 6 months in adequately addressing the complainant's RTI request of 9.3.19.
3. Typically, the respondent's representative, has taken the plea that she has been posted on the RTI seat just two days back. This Commission takes a very dim view of such submissions and will not hesitate, if necessary, to act against delinquent officers who held the charge earlier.
4. The respondent PIO is directed to bring the requested record to the Commission at next hearing, with a written explanation about why the requested information was not supplied to the complainant within the stipulated 30 days.
5. The incumbent PIO is also directed to furnish a list of officers who held his/her post since 9.3.19, along with mobile numbers and addresses.
6. Next hearing on 16.10.19

**Sd/-**  
**(ASIT JOLLY)**  
State Information Commissioner

Chandigarh:  
Dated:12.9.19.



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**Surinder Saini,**  
78/2, Sarabha Nagar, Pathankot Road,  
Ward No.5, Jalandhar.

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Versus

**Public Information Officer,**  
o/o MTP, Municipal Corporation,  
Jalandhar.

**First Appellate Authority-**  
-cum-Joint Commissioner,  
Municipal Corporation,  
Jalandhar.

**Appeal Case No. 2846 of 2019.**

**PRESENT:**

Surinder Saini (Appellant) 98776-47687.  
Neeraj Sharma, inspector. (for the Respondent) 98144-74555.

**ORDER**

1. The RTI application is dated 4.12.18 vide which the appellant has sought information in the form of a number of questions regarding 'unauthorised' colonies etc. First appeal was filed with the First Appellate Authority (FAA) on 24.4.19, and the second appeal was filed in the Commission on 6.8.19 under section 19 of the Right to Information Act, 2005 (RTI Act.).
2. Despite the fact that the request for information is in the form of queries/questions, which do NOT fall into the realm of information as defined in the RTI Act, 2005, the respondent PIO has taken upon himself to supply the information requested by the appellant. It is also noted that the information requested at point 2 of the appellant's RTI application, is already available in the public domain (newspaper reportage and official websites), and did not warrant any specific disclosure by the public authority in this instance.
3. This Commission advises this and other public authorities that in future, information available in the public domain i.e. on government websites, noticeboards etc. need NOT be supplied and information seekers need only to be informed about where such information can be accessed.
4. Nonetheless, the respondent, despite some delay, has furnished the requested information to the appellant at this hearing and the appellant has stated that he is satisfied.
5. This Commission sees no further cause for action in this appeal case which is herewith **CLOSED**.

**Sd/-**  
**(ASIT JOLLY)**  
State Information Commissioner

Chandigarh:  
Dated: 12.9.19.

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**Jyoti Sharma,**  
S/oLaxmi Narain,  
Ward No.5,H.No.252,Bhogpur,  
DistRICT Jalandhar.

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Versus

**Public Information Officer,**  
o/oMunicipal Council,Bhogpur,  
District Jalandhar.  
**First Appellate Authority,**  
o/oMunicipal Council,Bhogpur,  
District Jalandhar.

**Appeal Case No. 2834 of 2019.**

**PRESENT:**

Jyoti Sharma (Appellant).  
Jaswinder Singh (for the Respondent) 98766-64142.

**ORDER**

1. The RTI application is dated 21.2.19 vide which the appellant has sought information regarding kiosks, shops and works carried out by the MC Bhogpur. The first appeal was filed with the First Appellate Authority (FAA) on 29.5.19, and the second appeal was filed in the Commission on 6.8.19 under section 19 of the Right to Information Act, 2005 (RTI Act.).
- 2.The appellant contends that information supplied is incomplete, but the respondent PIO has submitted that it pertains to a third party, i.e. rent agreements between the respondent public authority and its tenants. This Commission is of the view that rent income earned by public authorities cannot be exempt from disclosure on the plea that this pertains to a third party (tenants), even if the purported third party(s) have objected to such disclosure.
3. This Commission directs the respondent PIO to furnish the remaining information to the appellant within ten working days of the receipt of this Order. Failing this, penal action could be initiated against the respondent.
4. There is no cause for action and this appeal case is herewith **CLOSED**.

**Sd/-**  
**(ASIT JOLLY)**  
State Information Commissioner

Chandigarh:  
Dated:12.9.19.



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**Sandeep Singh,**  
Secretary, MahniKhera  
Multipurpose Cooperative Agriculture Service Society Ltd.,  
Tehsil Malout, District Sri Muktsar Sahib.

Versus

**Public Information Officer,**  
Deputy Registrar Cooperative Society,  
Sri Muktsar Sahib.

**Complaint Case No.681 of 2019.**

**PRESENT:**

Harbans Sharma, advocate (for the Respondent) 98154-47864.

**ORDER**

1. The RTI application is dated 7.5.19 vide which the appellant has sought information as enumerated in his RTI application. A complaint was filed in the Commission on 6.8.19 under Section 18 of the Right to Information Act, 2005 (RTI Act.).
2. The Advocate Harbans Sharma, appearing on behalf of the respondent PIO, submitted that the information requested pertains to proceedings of a case before Deputy Registrar, Co-operative Society in which the complainant was an accused and subsequently found guilty of embezzlement.
3. The respondent contends that the information i.e. proceedings of the case are already in the possession of the complainant.
4. This Commission is satisfied with the respondent's contention that the complainant is in-fact possession of information requested and that his RTI application does not serve any public interest.
5. Under the circumstances and the facts revealed at this hearing, this Commission sees no further cause for action and this complaint case is herewith **CLOSED**.

**Sd/-**  
**(ASIT JOLLY)**  
State Information Commissioner

Chandigarh:  
Dated: 12.9.19.