

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Helpline No. 0172-2864100



Sh. Hukam Chand Angrish,
S/o Late Sh. Ramji Dass, House no. 237,
Resident of Mohalla Shivpuri,
Khanna, Distt. Ludhiana (9814961573)

.....Appellant

..Vs

Public Information Officer,
O/o Tehsildar, Amloh
Distt. Fatehgarh Sahib.

.....Respondent

First Appellate Authority ,
O/o SDM, Amloh,
Distt. Fatehgarh Sahib
Registered post
Remanded back to
O/o SDM, Amloh,
Distt. Fatehgarh Sahib

AC No. 477 of 2020
Through CISCO Webex

Present : (i) Sh. Hukam Chand the appellant (in the Commission office)
(ii) For the respondent : Sh. Gurdarshan Singh, Kanugo (98141-00462)

ORDER

This order may be read with reference to the previous order dated 13.05.2021.

2. The appellant Sh. Hukam Chand states that incomplete information has been given to him so far.
3. The respondent states that the information, as exists in the record has been given to the appellant.
4. After hearing both the parties and examining the case file, it is observed that the appellant is not satisfied with the information provided by the respondent. It is observed that the First Appellate Authority did not respond at all to the first appeal filed by the Appellant. The instant matter is remanded to the First Appellate Authority with these directions that the FAA to treat the copy of the appeal 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.

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AC No. 477 of 2020

5. 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 to the Appellant.

5. If not satisfied with the information provided on his appeal, Appellant will be free to move a second appeal before the Commission as per Section 19(3) of the RTI Act 2005.

6. In view of the above, no further cause of action is left and the complaint is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated: 13.07.2021

(Preety Chawla)
State Information Commissioner
Punjab

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Sh. Rakesh Kumar Gupta
8/237, Jagrao Road, MandiMullanpur,
District Ludhiana- 141101

-----Appellant

Vs.

Public Information Officer,
O/o ADC (D), Ludhiana
First Appellate Authority
O/o DC, Ludhiana
(Registered Post)

2)Public Information Officer,
O/o DC, Ludhiana

-----Respondent

Appeal Case No. 3220 of 2019
Through CISCO-Webex

Present: (i) Sh. Rakesh Kumar Gupta the appellant
(ii) For the respondent : Sh. Joginder Singh, DRO, (9876402771)

ORDER

After hearing the both the parties and going through the case file, it is observed that it is complicated case and requires adjudication by the Double Bench/ Larger Bench.

2. In view of the foregoing, the case file is sent to Deputy Registrar for placing the same before the Hon'ble Chief Information Commissioner for appropriate orders.

Dated: 13.07.2021

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

D.R

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Sh. R.L.Manchanda,
Secure Guard, Security and Manpower Services
Registered Office 151, Industrial Area,
Phase II, Chandigarh (9878469336)

.....Appellant

..Vs

Public Information Officer,
O/o Commissioner, MC,
Patiala

.....Respondent

First Appellate Authority ,
O/o Commissioner, MC,
Patiala

**Registered post
Remanded back to**

First Appellate Authority-cum Joint Commissioner, MC,
Patiala

AC No.3390 of 2020
Through CISCO Webex

Present: (i) Sh. R.L.Manchanda the appellant
(ii) For the respondent : Sh. Neera Raheja, DCFA (9530580892), Sh. Anish Bansal
, Suptd, RTI Cell (9988852288)

ORDER

The Appellant had filed RTI application with the PIO O/o Commissioner, MC, Patiala, but still complete information has not been provided to him. The Appellant, therefore, filed an appeal with the First Appellate Authority (FAA). After that, the Appellant filed second appeal with the Commission on 05.11.2020 under Section 19(3) of the RTI Act 2005.

2. After hearing both the parties and examining the case file, it is observed that the appellant is not satisfied with the information provided by the respondent. The appellant may take note that the information, which exists in the record has been provided. Action taken does not come under the purview of the RTI Act. The instant matter is remanded to the First Appellate Authority with these directions 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

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AC No.3390 of 2020

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 04.03.2011 to the Appellant.

3. If not satisfied with the information provided on his appeal, Appellant –Sh. R.L.Manchanda will be free to move a second appeal before the Commission as per Section 19(3) of the RTI Act 2005.

4. In view of the above, no further cause of action is left and the complaint is **disposed of and closed**. Copy of the order be sent to the parties.

Dated: 13.07.2021

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab



(Registered Post)

Sh. Jaswant Singh, S/o Lt Sh. Sardara Singh (9888865056)
House No. 2525/B, Sector 47 C, Chandigarh

.....Complainant

..Vs

Public Information Officer,
O/o Director of Industries & Commerce (Incentive Section)
Punjab, Bays Building, Sector 17, Chandigarh

.....Respondent

CC No. 281 of 2020
Through CISCO Webex

Present : (i) Sh . Jaswant Singh , the Complainant
(ii) For the respondent: Smt Harshpal Kaur, Dy Director (98147-17077)

ORDER

This order may be read with reference to the previous order dated 13.05.2021

2. The Complainant states that the complete information has not been provided to the him till date.
3. As directed in the previous hearing, the Respondent files her affidavit vide Commission diary no 15105 dated 12.07.2021 as under:-

"1. That the above said appeal is pending before the Hon'ble Commission and is fixed for hearing on 13.07.2021.
2. That it is submitted that Appellant in his application requested to supply updated seniority list of Industries set up in the State of Punjab inclusive of the details of subsidy released upto seniority list numbers, till date.
3. That it is submitted that seniority list of the Pending Sanctioned subsidy cases is available on the official website of the department, i.e, pbindustries.gov.in and the appellant was also informed accordingly and supplied the copy of seniority list vide letter no. 6037-A dated 21.08.2020. Subsequently, the applicant also inspected the office record on 17.03.2021, after which point-wise information in status report has also been supplied to the applicant vide note. 1771-A dated 26.03.21.
4. That it is also submitted that the information could not be supplied as relevant record is not available in the incentive branch and it is not intentional."

4. I have gone through the Affidavit filed by the Respondent and have agreed with it. However, the Appellant requests the Court that the original copy of the Affidavit be provided to him. Hence, the original affidavit, as filed by the Respondent, is sent to the Appellant herewith.

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CC No. 281 of 2020

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.

Dated :13.07.2021

**Sd/-
(Preety Chawla)
State Information Commissioner
Punjab**

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(Registered Post)

Sh. Jaswant Singh, S/o Lt Sh. Sardara Singh (9888865056)
House No. 2525/B, Sector 47 C, Chandigarh

.....Complainant

..Vs

Public Information Officer,
O/o Director of Industries & Commerce (Incentive Section)
Punjab, Bays Building, Sector 17, Chandigarh

.....Respondent

CC No. 280 of 2020
Through CISCO Webex

Present : (i) Sh . Jaswant Singh , the Complainant
(ii) For the respondent: Smt Harshpal Kaur, Dy Director (98147-17077)

ORDER

This order may be read with reference to the previous order dated 13.05.2021.

2. The Complainant states that the complete information has not been provided to the him till date.
3. As directed in the previous hearing, the Respondent files her affidavit vide Commission diary no 15105 dated 12.07.2021 as under:-

- "1. That the above said appeal is pending before the Hon'ble Commission and is fixed for hearing on 13.07.2021.
2. That it is submitted that Appellant in his application requested to supply the copy of minutes/proceedings of the meeting of the competent committee held on 05.11.1997 in which a sum of Rs. 10,21,400/- was sanctioned in favour of the company. The said record pertains to more than 20 years old and the incentive branch searched all the available office record as well as record room but unable to find the said proceedings of the meeting. However, copy of the sanctioned letter no. Incentive-1/Mohali/Investment/R- 126/20898-9-A dated 19.12.14997 vide which capital subsidy of Rs 10,21,400/- was sanctioned, has already been provided to the appellant. Subsequently, the applicant also inspected the office record on 17.03.2021, after which point wise information in status report has also been supplied to the applicant vide note.1771-A dated 26.03.21.
4. That it is also submitted that the information could not be supplied as relevant record is not available with the Department."

4. I have gone through the Affidavit filed by the Respondent and have agreed with it. However, the Appellant requests the Court that the original copy of the Affidavit be

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CC No. 280 of 2020

provided to him. Hence, the original affidavit, as filed by the Respondent, is sent to the Appellant herewith.

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.

Dated :13.07.2021

**Sd/-
(Preety Chawla)
State Information Commissioner
Punjab**

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Sh. Kulwant Singh, (Retd Inspector) M-98149-15553
Mohalla Guru Harkrishan Nagar,
Disposal Road, Near F.C.I Godown,
Khanna, Distt Ludhiana-141401

.....Complainant

..Vs

Public Information Officer,
O/o Addl. Chief Secretary,
Ministry of Home Affairs and Justice Department,
Home-3 Branch, Pb, Chandigarh

Registered post
Remanded Back To
First Appellate Authority,
O/o Addl. Chief Secretary,
Ministry of Home Affairs and Justice Department,
Home-3 Branch, Pb, Chandigarh

.....Respondent

CC No.838 of 2020
(through CISCO WEBEX)

Present : None for the Complainant

ORDER

This order may be read with reference to the previous order dated 21.06.2021.

2. Today, neither the Complainant nor the Respondent is present. However, the Complainant had informed over phone that he shall not be able to attend the hearing today on CISCO-Webex (Video- Conferencing application). He has also informed that he is not satisfied with the information provided.

3. 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



CC No.838 of 2020

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).

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.

4. 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.

5. 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 above, the instant Complaint case filed by the Complainant is **disposed of and closed**. Copy of the orders be sent to the parties.

Sd/-

Dated :13.07.2021

(Preety Chawla)
State Information Commissioner
Punjab

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Sh Mohammad Hanif, S/o Mohammad Sadiq,
Baldev Colony, Nabha, Distt Patiala

.....Appellant

..Vs

Public Information Officer,
O/o Punjab Waqf Board, SCO 1062-1063, Himalaya Marg,
Sector 22B, Chandigarh-160022

First Appellate Authority,
O/o Punjab Waqf Board, SCO 1062-1063, Himalaya Marg,
Sector 22B, Chandigarh-160022

.....Respondent

AC No. 466 of 2021
Through CISCO WEBEX

Present: None for the parties.

ORDER

This order may be read with reference to the previous order dated 13.05.2021.

2. Today neither the Appellant nor the Respondent is present. However, the Appellant has informed over phone that he has received the information and is satisfied with it.

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 off and closed**. Copy of the orders be sent to the parties.

Sd/-

Dated :13.07.2021

(Preety Chawla)

State Information Commissioner
Punjab

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Smt. Surinder Kaur, w/o Sh. Shamsheer Singh,
R/o House No. 1657/9, Todarmal Nagar, Ward No. 56,
Sirhind, Distt. Fatehgarh Sahib (97802515051)

.....Appellant

..Vs

Public Information Officer,
O/o SSP, Fatehgarh Sahib

.....Respondent

First Appellate Authority ,
O/o IGP, Ropar

AC No. 486 of 2021
Through CISCO Webex

Present : (i) None for the appellant.
(ii) For the respondent : Sh. Ranjit Singh, ASI (83608-34611.) (in the Commission office)

ORDER

This order may be read with reference to the previous order dated 13.05.2021.

2. Today, the Appellant is not present.
3. The Respondent Sh. Ranjit Singh, ASI states that the information has been provided to the Appellant and she is satisfied with it. He also filed a copy of the receiving given by the Appellant in lieu of receiving the information.
4. 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 off and closed**. Copy of the orders be sent to the parties.

Sd/-

Dated :13.07.2021

(Preety Chawla)
State Information Commissioner
Punjab

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Sh. Gaganpreet Singh (Advocate)
Chamber No.8039, 8th Floor, New Court Complex,
Part II, Ludhiana

.....Appellant

..Vs

Public Information Officer,
O/o ADGP (security)
Punjab Police Headquarter, Sector 9,
Chandigarh

First Appellate Authority ,
O/o ADGP (security)
Punjab Police Headquarter, Sector 9,
Chandigarh

.....Respondent

AC No. 401 of 2020
Through CISCO Webex

Present : (i) Sh Gaganpreet Singh, appellant
(ii) For the respondent : Sh. Sarabjit Singh, DSP, (95013-00140)

ORDER

After hearing the both the parties and going through the case file, it is observed that it is complicated case and requires adjudication by the Double Bench/ Larger Bench.

2. In view of the foregoing, the case file is sent to Deputy Registrar for placing the same before the Hon'ble Chief Information Commissioner for appropriate orders.

Dated: 13.07.2021

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

D.R

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