**APPEAL CASE NO. 27 OF 2017**

Advocate H.S. Hundal,

Chamber No. 82,

District Courts Complex,

S.A.S. Nagar (Mohali). …Appellant

Versus

**Public Information Officer**,

O/o Sub Divisional Magistrate,

Moga.

**First Appellate Authority,**

O/o Sub Divisional Magistrate,

Moga. …Respondents

**PRESENT:** Adv H. S. Hundal, Appellant.

Ms. Usha Rani, Superintendent -cum- PIO.

**ORDER:**

This order may be read with reference to the previous order dated: 13.08.2018.

The appellant states that incomplete information has been provided to him by the Respondent - PIO.

Ms. Usha Rani, Superintendent -cum- PIO appears and files an affidavit mentioning therein that the reply of the RTI application has been sent to the appellant that information sought by him is NIL and the same reply may kindly be read as part and parcel of this affidavit. The affidavit is taken on record.

After examining the case file, it reveals that the Respondent has submitted the Affidavit, today in the Commission in response to the Show Cause Notice issued to her. I agree with the plea put forth by the PIO and therefore show cause notice is, hereby, dropped. The Affidavit is taken on record. The appellant is at liberty to collect original affidavit from the Commission, on any working day. Thus, no further action is required, hence this Appeal Case is **closed and disposed off.** Copies of the order are sent to the parties.

Sd/-**Chandigarh (Prof. Viney Kapoor Mehra)**

**13.09.2018 State Information Commissioner**

**Copy to: - Ms. Usha Rani,**

PIO -cum- Superintendent,

O/o Sub Divisional Magistrate,

Mini Secretariat, Moga.

**APPEAL CASE NO. 34 OF 2017**

Advocate H.S. Hundal,

Chamber No. 82,

District Courts Complex,

S.A.S. Nagar (Mohali).

…Appellant

Versus

**Public Information Officer**,

O/o Sub Divisional Magistrate,

Moga.

**First Appellate Authority,**

O/o Sub Divisional Magistrate,

Moga

…Respondents

**PRESENT:** Adv H. S. Hundal, Appellant.

Ms. Usha Rani, Superintendent -cum- PIO.

**ORDER:**

This order may be read with reference to the previous order dated: 13.08.2018.

The appellant appears and states that incomplete information has been provided to him by the Respondent - PIO.

Ms. Usha Rani, Superintendent -cum- PIO appears and files an Affidavit mentioning therein that available information has already been supplied to the appellant and no other information is left to be supplied. The affidavit is taken on record.

In view of the above, the Respondent - PIO O/o S.D.M., Moga is directed to appear personally and compliance the order dated: 17.04.2018 in response to the compensation amount of Rs. 5000/- on the next date of hearing, failing which penalty provision will be initiated against the PIO for non compliance of the orders of the Commission.

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)**

**13.09.2018 State Information Commissioner**

**Copy to Intimation and necessary Action: -**

**1) The Sub Divisional Magistrate,**

Moga.

**2) Ms. Usha Rani,**

PIO -cum- Superintendent,

O/o Sub Divisional Magistrate,

Mini Secretariat, Moga.

**APPEAL CASE NO. 106 OF 2018**

Sh. Jagmohan Singh Makkar,

Chief Editor, Current Affairs,

# 334, G.T. Road, Salim Tabri,

Ludhiana. …Appellant

Versus

**Public Information Officer**,

O/o District Manager,

Punjab Agro Foodgrains Corporation,

Ludhiana.

**First Appellate Authority,**

O/o Punjab Agro Foodgrains Corporation,

Plot No. 2-A, Sector-28-A, Chandigarh.

…Respondents

**PRESENT:** Sh. Jagmohan Singh Makkar, Appellant.

Ms. Bhupinder Kaur, APIO O/o PAFC, Chandigarh & Sh. Satnam Singh, APIO & Sh. Chander Shekhar O/o PAFC, Ludhiana.

**ORDER:**

This case may be read with reference to the previous order dated: 13.08.2018.

The appellant appears and states that no information has been provided to him by the Respondent – PIO.

Sh. Satnam Singh, APIO O/o Punjab Agro Foodgrains Corporation, Ludhiana appears on behalf of the Respondent – PIO and files an affidavit stating that the available information has already been supplied to the appellant vide letter no. PAFC/Amla/2016/20627, dated: 02.11.2016. He further states that the appellant asked the third party information through his RTI application and same is conveyed to the appellant.

In view of the above, the Respondent – PIO O/o Punjab Agro Foodgrains Corporation, Chandigarh is directed to bring the original record pertaining to RTI application of the appellant, on the next date of hearing for the perusal of the Commission, failing which action would be initiated against him as per provisions of the RTI Act, 2005.

The case is adjourned for **01.11.2018 at 11:00 AM**.

Copies of the order are sent to the parties.

Sd/-**Chandigarh (Prof. Viney Kapoor Mehra)**

**13.09.2018 State Information Commissioner**

**APPEAL CASE NO. 141 OF 2018**

Sh. Deepak Khurana,

# 264/16, Nai Abadi, Chhoti Pori,

Abohar-152116 (Fazilka).

…Appellant

Versus

**Public Information Officer**,

O/o Deputy Inspector General of Police,

Ferozepur Range,

Ferozepur.

**First Appellate Authority,**

O/o Inspector General of Police,

Bathinda Range,

Bathinda.

…Respondents

**PRESENT:** Sh. Deepak Khurana, Appellant.

Sh. Harinder Singh, D.S.P. (I), Moga for the Respondent - PIO.

**ORDER:**

This case may be read with reference to the previous order dated: 13.08.2018.

The appellant appears and states that incomplete and irrelevant information has been provided to him by the Respondent – PIO.

Sh. Harinder Singh, D.S.P. (I), Moga appears on behalf of the Respondent – PIO and states that the demanded information has already been supplied to the appellant.

In view of the above, the Respondent – PIO is directed to provide the complete information to the appellant if there is no information in the office record then file an affidavit in this regard, on the next date of hearing, failing which action would be initiated as provisions of the RTI Act, 2005.

The case is adjourned for **16.10.2018 at 11:00 AM**.

Copies of the order are sent to the parties.

Sd/-**Chandigarh (Prof. Viney Kapoor Mehra)**

**13.09.2018 State Information Commissioner**

**COMPLAINT CASE NO. 457 OF 2018**

Sh. Pargat Masih S/o Sh. Balkar Masih,

C/o Sh. Ankit Kapoor,

House No. 6, Pratap Colony,

Model Gram, Ludhiana-141002.

…Complainant

Versus

**Public Information Officer**,

O/o Director,

Social Security Women and Child Development,

Punjab, Chandigarh.

…Respondent

**PRESENT:** Sh. Pargat Masih, Complainant.

Ms. Nirmal Kumari, Sr. Assistant on behalf of the PIO.

**ORDER:**

This order may be read with reference to the previous order dated: 13.08.2018.

The complainant appears and states that incomplete information has been provided to him by the respondent.

Ms. Nirmal Kumari, Sr. Assistant appears on behalf of the Respondent – PIO and states that as directed by the Commission during the last hearing, she has brought the remaining information relating to point no. 3 and 5 for the perusal of the Commission. The copy of the same is handed over to the complainant.

In the complaint cases, it is to be seen whether the intention of the respondent-PIO is clear or not. In this case the complainant has filed his RTI on 17.01.2018, the first reply was sent to the complainant vide letter dated 02.02.2018. The respondent has given the reply within the time as prescribed under the RTI Act. The conduct of the respondent is found satisfactory.

In these circumstances, it is relevant to invite the attention of the Complainant to the judgement of the Hon’ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. 10787-10788 of 2011 (arising out of SLP(C) 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.

Cont… Pg2

**COMPLAINT CASE NO. 457 OF 2018**

The Commissioners have no jurisdiction to pass an order providing for an 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.

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 about the provided information, 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.

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 observations noted above, instant complaint case is **closed and disposed off.**

Copies of the order are sent to the parties.

Sd/-**Chandigarh (Prof. Viney Kapoor Mehra)**

**13.09.2018 State Information Commissioner**

**APPEAL CASE NO. 1464 OF 2018**

Sh. Vijay Kakkar

S/o Sh. Mulkhraj Kakkar,

# 93, Azad Nagar,

Ferozepur City-152002.

…Appellant

Versus

**Public Information Officer**,

O/o District Manager,

PUNSUP, Ferozepur.

**First Appellate Authority,**

O/o Managing Director,

PUNSUP, Chandigarh.

…Respondents

**PRESENT:** Sh. Vijay Kakkar, Appellant.

None is present on behalf of the Respondents.

**ORDER:**

This case may be read with reference to the previous order dated: 13.08.2018.

The appellant appears and states that no information has been provided to him by the Respondent – PIO.

Neither the PIO nor his representative is present for today’s hearing. The PIO has not bothered to inform the Commission about his absence, which shows that he has no regard to the orders of the Commission.

The perusal of the case reveals that respondent has delayed the information about ten months.

In view of the above, a show cause notice under Section 20(1) of the RTI Act is issued to the PIO O/o District Manager, PUNSUP, Ferozepur, as to why penalty should not be imposed upon him and also why compensation be not awarded to the appellant under Section 19 (8) (b) for willful delay/denial in supplying the information to the RTI applicant.

The Respondent PIO is directed to file an affidavit in response to the Show Cause Notice and appear personally on the next date fixed, otherwise it will be presumed that he has nothing to say and the Commission shall initiate ex-parte proceeding. A copy of this order be sent to the PIO O/o District Manager, PUNSUP, Ferozepur, **by registered post.**

Cont… Pg2

**APPEAL CASE NO. 1464 OF 2018**

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)**

**13.09.2018 State Information Commissioner**

**THROUGH REGISTERED POST**

**C.C.:**

**Public Information Officer (By Name)**

O/o District Manager,

PUNSUP, Ferozepur

**APPEAL CASE NO. 1475 OF 2018**

Sh. Chhinder Singh,

S/o Sh. Pritam Singh,

R/o Village Jhanduwal,

P.O: Ranjitgarh, Tehsil: Guruharsahai,

Distt:Ferozepur.

…Appellant

Versus

**Public Information Officer**,

O/o Secretary/President,

The Basti Jhandu Wala Multipurpose

Cooperative Agriculture Society Ltd.,

Tehsil: Guruharsahai,

Distt: Ferozepur.

**First Appellate authority**

O/o Deputy Registrar,

Cooperative Societies,

Ferozepur.

**Public Information Officer**,

O/o Assistant Registrar,

Cooperative Societies, Jalalabad

Distt: Ferozepur.

…Respondents

**PRESENT:** None for the parties.

**ORDER:**

This order may be read with reference to the previous order dated: 13.08.2018.

The appellant is absent for today’s hearing in the Commission.

Neither the PIO nor his representative is present for today’s hearing. The PIO has not bothered to inform the Commission about his absence, which shows that he has no regard to the orders of the Commission.

After examining the case file, it reveals that the appellant filed the RTI application to the Assistant Registrar, Cooperative Societies, Jalalabad, District Ferozepur vide dated: 10.10.2017. The Assistant Registrar, Cooperative Societies, Jalalabad has been transferred the RTI application of the appellant to the Secretary/President, The Basti Jhandu Wala Multipurpose Cooperative Agriculture Society Ltd., Tehsil: Guruharsahai, Distt: Ferozpeur and Sh. Rajan Gurbaksh Rai, Inspector, Cooperative Societies, Chak Khede Wala, District Ferozepur u/s 6 (3) of the RTI Act, 2005 vide dated: 14.11.2017.

Cont…Pg2

**APPEAL CASE NO. 1475 OF 2018**

In view of the above, the Respondent PIO O/o Assistant Registrar, Cooperative Societies, Jalalabad, District Ferozepur is impleaded as necessary party in this case because the appellant filed RTI application to the Assistant Registrar.

Since there is considerable delay on the part of the Assistant Registrar, Cooperative Societies, Jalalabad, District Ferozepur in transferring the application of the appellant to the concerned PIO. Therefore, the Respondent - PIO O/o Assistant Registrar, Cooperative Societies, Jalalabad, District Ferozepur is directed to retrieve the complete information from the concerned departments and provide the same to the appellant, before the next date of hearing, failing which action would be initiated against him as per provisions of the RTI Act, 2005.

The appellant is also advised to follow up the case in the Commission, failing which decision shall be taken on merit.

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)**

**13.09.2018 State Information Commissioner**

**APPEAL CASE NO. 2698 OF 2016**

Adv H.S. Hundal,

Chamber No.82, District Courts,

Mohali.

…Appellant

Versus

**Public Information Officer**

O/o Secretary,

Regional Transport Authority,

Faridkot.

**First Appellate Authority**

O/o Secretary,

Regional Transport Authority (Main Office),

S.C.O. 177-178, Sector-17-C, Chandigarh.

…Respondents

**PRESENT:** Adv H.S. Hundal, Appellant.

Ms. Usha Rani, Superintendent O/o SDM, Moga is present on behalf of the Respondent - PIO.

**ORDER:**

This order may be read with reference to the previous order dated: 13.08.2018.

The appellant appears and states that incomplete information has been provided to him by the Respondent – PIO.

Ms. Usha Rani, Superintendent O/o SDM, Moga appears on behalf of the Respondent - PIO and requests for an adjournment due to election duty.

One more opportunity is given to Sh. Gurvinder Singh Johal, S.D.M. Dharamkot (Moga) to appear personally alongwith original record, for the perusal of the Commission and file an affidavit explaining the reasons for delay, on the next date of hearing, failing which action would be initiated against him as per provisions of the Right to Information Act, 2005.

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)**

**13.09.2018 State Information Commissioner**

**Copy to:**

**Sh. Gurvinder Singh Johal,**

Sub-Divisional Magistrate,

Dharamkot (Moga).

**APPEAL CASE NO. 2760 OF 2016**

Sh. Ravinder Singh,

H.No. 986, Near Dev Hotel,

Main Bazar, Moga (Pb). …Appellant

Versus

**Public Information Officer**,

O/o Tehsildar,

Moga.

**First Appellate Authority**,

O/o Additional District Commissioner,

Moga. …Respondents

**PRESENT:** None for the Parties.

**ORDER:**

This order may be read with reference to the previous order dated: 13.08.2018.

The appellant is absent from today’s hearing in the Commission.

The Respondent (Sh. Pawan Kumar, Tehsildar, Dharamkot) has sent an email in the Commission mentioning therein that he has been designated as Tehsildar-cum-Returning Officer Panchayat Samiti polls by Punjab State Election Commission. That’s why he is unable to attend today’s hearing and requests for adjournment.

Sh. Pawan Kumar, Tehsildar, Dharamkot is directed to compliance the orders dated: 03.04.2018 in response to regarding the imposition of penalty and send the compliance report in the Commission, before the next date of hearing, failing which disciplinary proceedings will be initiated for non-compliance the orders of the Commission.

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)**

**13.09.2018 State Information Commissioner**

**Copy to intimation and necessary action:**

**1) The Deputy Commissioner,**

Moga.

**2) Sh. Pawan Kumar Gulati,**

Tehsildar,

Dharamkot, District Moga.

**APPEAL CASE NO. 2841 OF 2016**

Adv H.S.Hundal,

Chamber No.82, District Courts,

Mohali.

…Appellant

Versus

**Public Information Officer**

O/o Secretary,

Regional Transport Authority,

Faridkot.

**First Appellate Authority**

O/o Secretary,

Regional Transport Authority (Main Office),

S.C.O. 177-178, Sector-17-C, Chandigarh.

…Respondents

**PRESENT:** Adv H.S. Hundal, Appellant.

Ms. Usha Rani, Superintendent O/o SDM, Moga is present on behalf of the Respondent - PIO.

**ORDER:**

This order may be read with reference to the previous order dated: 13.08.2018.

The appellant appears and states that incomplete information has been provided to him by the Respondent – PIO.

Ms. Usha Rani, Superintendent O/o SDM, Moga appears on behalf of the Respondent - PIO and requests for an adjournment due to election duty.

One more opportunity is given to Sh. Gurvinder Singh Johal, S.D.M. Dharamkot (Moga) to appear personally alongwith original record, for the perusal of the Commission and file an affidavit explaining the reasons for delay, on the next date of hearing, failing which action would be initiated against him as per provisions of the Right to Information Act, 2005.

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)**

**13.09.2018 State Information Commissioner**

**Copy to:**

**Sh. Gurvinder Singh Johal,**

Sub-Divisional Magistrate,

Dharamkot (Moga).

**APPEAL CASE NO. 3620 OF 2015**

Adv H.S. Hundal,

Chamber No. 82, District Court Complex,

S.A.S. Nagar (Mohali).

…Appellant

Versus

**Public Information Officer**

O/o Tehsildar,

Mini Secretariat, Moga.

**First Appellate Authority,**

O/o Deputy Commissioner,

Moga.

…Respondents

**PRESENT:** Adv H. S. Hundal, Appellant.

None is present on behalf of the Respondent - PIO.

**ORDER:**

This order may be read with reference to the previous order dated: 13.08.2018.

The appellant appears and states that incomplete information has been provided to him by the Respondent - PIO.

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

During the last hearing dated: 13.08.2018, the respondent stated that the PIO is busy and he will be appeared personally, on the next date of hearing i.e. 13.09.2018. Today, he is again absent without any intimation to the Commission, which shows that he has no regard to the orders of the Commission.

Hence, bailable warrant be issued to him through Senior Superintendent of Police, Moga so that he should appear before the Commission to represent his case personally and provide the complete information and file a reply in response to the Show Cause Notice issued to him vide order dated: 17.04.2018, failing which penalty provision will be initiated against him as per provisions of the RTI Act, 2005.

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)**

**13.09.2018 State Information Commissioner**

**Copy to:**

**Sh. Lakhwinder Singh,**

PIO –cum- Tehsildar,

Moga.

**BAILABLE WARRANT OF PRODUCTION**

**BEFORE**

**PROF. VINEY KAPOOR MEHRA,**

**STATE INFORMATION COMMISSIONER, PUNJAB**

**AT CHANDIGARH**

In case: Adv H. S. Hundal Vs. Public Information Officer O/o Tehsildar, Mini Secretariat, Moga.

APPEAL CASE NO. 3620 of 2015

**UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005**

Next Date of Hearing: 31.10.2018

To

**The Senior Superintendent of Police,**

Moga.

Whereas Public Information Officer O/o Tehsildar, Mini Secretariat, Moga has failed to appear before the State Information Commissioner despite the issuance of notice/summon in the above mentioned complaint case. Therefore, you are hereby directed to serve this bailable warrant to Sh. Lakhwinder Singh, PIO –cum- Tehsildar, Moga to appear before undersigned at RED CROSS BUILDING, NEAR ROSE GARDEN, SECTOR – 16, CHANDIGARH on 31.10.2018 at 11:00 AM.

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

**13.09.2018 State Information Commissioner**

**APPEAL CASE NO. 4155 OF 2016**

Advocate H.S. Hundal,

Chamber No. 82,

District Courts Complex,

S.A.S. Nagar (Mohali).

…Appellant

Versus

**Public Information Officer**,

O/o Sub Divisional Magistrate,

Mini Secretariat, Moga.

**First Appellate Authority,**

O/o Sub Divisional Magistrate,

Mini Secretariat, Moga.

…Respondents

**PRESENT:** Adv H. S. Hundal, Appellant.

Ms. Usha Rani, Superintendent -cum- PIO.

**ORDER:**

This order may be read with reference to the previous order dated: 13.08.2018.

The appellant appears and states that incomplete information has been provided to him by the Respondent - PIO.

Ms. Usha Rani, Superintendent -cum- PIO appears and files an Affidavit mentioning therein that: -

*I, Usha Rani, Public Information Officer O/o Sub Divisional Magistrate, Moga do hereby solemnly and affirm as under: -*

*1. …*

*2. …*

*3. That information sought by the appellant is absurd and without disclosing any specific detail and the information sought by the appellant is evasive one. It is pertinent to mention here that this Hon’ble Commission passed an order dated: 28.02.2018 in which the appellant had directed to come present before the office of deponent from 05.03.2018 to 16.03.2018 and the appellant had visited the office of deponent on 05.03.2018 and the record had been shown to him and deponent had requested the appellant to collect the specify information but he had refused to do so, then immediately on 06.03.2018 had been sent the information by way of registered post to the appellant. Moreover no requisite fee had been paid by the appellant and appellant had alleged in his application he had given the amount in cash…..*

The original affidavit is taken on record.

Cont…Pg2

**APPEAL CASE No. 4155 of 2016**

In view of the above and after perusal of the record as available in the file, it is ascertained that the Respondent has supplied the available information to the appellant and has also submitted an affidavit in response to the Show Cause Notice, explaining therein the reasons in detail for the delay in supplying the information.

I agree with the plea put forth by the PIO and therefore show cause notice is, hereby, dropped. The Original Affidavit is taken on record. The appellant is at liberty to collect original affidavit from the Commission, on any working day. Thus, no further action is required, hence this Appeal Case is **closed and disposed off.**

Copies of the order are sent to the parties.

Sd/-**Chandigarh (Prof. Viney Kapoor Mehra)**

**13.09.2018 State Information Commissioner**

**Copy to Intimation and necessary Action: -**

**1) The Sub Divisional Magistrate,**

Moga.

**2) Ms. Usha Rani,**

PIO -cum- Superintendent,

O/o Sub Divisional Magistrate,

Mini Secretariat, Moga.