

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

Ph: 0172-2864110, Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Sh. Manjit Singh Bhatia,
524, Harinder Nagar, Patiala-147004.
M : 7986363603

Appellant

Vs

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

First Appellate Authority
O/o Vice Chairman,
Punjab School Education Board,
Mohali.

Respondents

Appeal Case No. 3567/2022
(Video Conference Proceedings)

Present:- None on behalf of the appellant.
Ms Gurmeet Kaur, Dy. Secy-cum-Public Information
Officer 9501033788 on behalf of the respondents.

ORDER

The RTI application is dated 11.6.2022 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 6.7.2022 and second appeal was filed in the Commission on 3.8.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant is absent but he has sent the written submissions to direct the respondent to supply the complete information and also requested to adjourn the case.

3. The respondent-Public Information Officer submits that the letter has already been written to the appellant to get the information after deposit of the fee at the single window.

4. It is appropriate to mention the decision of the Hon'ble Supreme Court of India in Civil Appeal No. 5665/2014 – Institute of Companies Secretaries of India Vs Paras Jain, and the relevant portion of the same is reproduced below:-

“...Rule 4, The Right to Information (Regulation of Fees and Cost) Rules,

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Appeal Case No. 3567/2022

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2005 which also entitles the candidates to seek inspection and certified copies of their answer scripts. In our opinion, the existence of these two avenues is not mutually exclusive and it is up to the candidate to choose either of the routes. Thus, if a candidate seeks information under the provisions of the Right to Information, then payment has to be sought under the Rules therein, however, if the information is sought under the Guidelines of the appellant, then the appellant is at liberty to charge the candidates as per its guidelines...."

5. It is also appropriate to mention the decision of the Hon'ble Punjab and Haryana High Court in Civil Writ Petition No. 12016 of 2016 in Shakti Singh Vs State Information Commission, Haryana and others, and the relevant portion of the same is reproduced below:-

"...12. The reply to this question is that there being no inconsistency under the RTI Act and the provisions of the other statute/law, the option and prerogative is with the citizen to select and choose to exercise his right under such Act/law or the RTI Act. In case the citizen prefers to move an application under the RTI Act, Public Information Officer, on receipt of such request, shall proceed to take a decision thereon and provide information as a norm and any denial of the same must be in accordance with Sections 8, 9 and 11 only. The right to information, thus, cannot be denied under the RTI Act merely because a statutory mechanism is evolved and prescribed under an Act, which is also applicable, obliging a public authority to share the same by following a prescribed procedure subject to fulfilment of prescribed conditions. If it is held otherwise, it would negate and lead to derecognising the fundamental right to information as granted under the RTI Act, which is unacceptable.

13. The answers to the two questions as posed in para 6 above are;

(i) In case of any inconsistency between the provisions of RTI Act and other Act/law, the RTI Act shall prevail.

(ii) In case of an application preferred under the RTI Act where alternative procedure and conditions are prescribed under any other statute/law, the said application cannot be rejected and/or information denied on this ground.

Such application shall be dealt with under the provisions of the RTI Act.

14. In the light of the above, the impugned order dated 04.04.2016 (Annexure P-6) passed by the State Information Commission, Haryana,

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cannot sustain as the Commission has rejected the claim of the petitioner under the RTI Act proceeding upon the wrong assumption that the 6 of 7 Registration of Births and Deaths Act, 1969, being a legislation and statutory in nature, is not overridden by the RTI Act. It may be added here that the information under the RTI Act can only be denied if the same is exempted from disclosure of information under the provisions of RTI Act itself such as Sections 8, 9 and 11 thereof."

6. Keeping in view the judicial pronouncements mentioned herein, the respondent-Public Information Officer has to supply the information under the RTI Act, 2005, free of cost, as the RTI application was filed by the appellant on 11.6.2022 and a letter has been written to the appellant on 26.8.2022 to get the information after deposit of the fee, which is contrary to the provisions of the RTI Act, 2005.

7. To come up on 30.9.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Patiala.

Dated:13.9.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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ShriNaresh Kumar,
S/o Shri Ramesh Kumar,
Ace Book Shop Dairy Complex,
PartapSinghwala,
Ludhiana (West)-141008
M : 7837500555 RTI Application No 10554
Vs

appellant

Public Information Officer,
O/oDC, Ludhiana.

First Appellate Authority
O/o DC, Ludhiana.

Sh. RohitSahota,
Supdt, RTI Headquarter 9872783024
-CUM-Public Information Officer
o/o Commissioner,
Municipal Corporation
Ludhiana.

Respondents

Appeal Case No. 3256/2022
(Video Conference Proceedings)

Present:- ShriNaresh Kumar, appellant.
None on behalf of the respondents

ORDER

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

2. None is present on behalf of the respondents. 3. Video Conference Facility was introduced for the convenience of general public and for government officials. Viewing the attitude in dealing with the RTI application by the respondent casually, Sh. Sh. RohitSahota, Supdt, RTI Headquarter 9872783024 -cum- Public Information Officer, is, thus, issued a show cause notice to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay/denial of the information to the RTI applicant and to show cause why a compensation under section 19(8) of the RTI Act,2005, may not be paid to the appellant for causing willful delay/denial of the information for detriment suffered by him.

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Appeal Case No. 3256/2022

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In addition to the written reply, the Public Information Officer is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take a note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the next date, it will be presumed that he has nothing to say and the Commission will proceed ex-parte.

3. He is further directed to file the reply/supply the information before the next date of hearing.

4. To come up on 28.9.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana

Dated:13.9.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC

Commissioner, (By name)

Municipal Corporation
Ludhiana.

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ShriSurjit Singh
S/o Sh. Chaggar Singh,
Mai Godri Sahib Colony,
R O Street,
Faridkot - 151203(Punjab)

....Appellant

V/s

Public Information Officer,
O/o District Education Officer (Elem.),
D.C. Office Complex,
Mini Secretariat,
Faridkot (Punjab)

First Appellate Authority,
O/o District Education Officer (Elem.),
D.C. Office Complex,
Mini Secretariat,
Faridkot (Punjab)

...Respondents

Appeal Case No. 4372 of 2021.

(Video Conference/Telephone Proceedings)

Present:- None on behalf of the appellant.

Sh. Sukhjinder Singh, Superintendent 9501922611 on behalf of the respondents

ORDER

This order may be read with reference to the previous order dated 11.7.2022 vide which the case was adjourned to 14.11.2022. The case was earlier heard by the bench of Sh. SanjivGarg, SIC but due to administrative reasons the case was reallocated to this bench and fixed for hearing today.

2. The respondent-Public Information Officer submits that the information as available on record has already been supplied to the appellant. He further submits that no deficiency has been pointed out by him.

3. Since, the appellant is absent without intimation. One opportunity is granted to him to file the deficiency, if any, before the next date of hearing to the respondent-Public Information Officer with a copy to the Commission. Also, the respondent-Public Information Officer is directed to remove the same in case any deficiency is pointed out by the appellant.

4. To come up on 30.9.2022 at 12.30 PM to be heard through Video Conference facility available in the office of the Deputy Commissioner, Faridkot.

Dated:13.9.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Bharat Bhushan Mattu,
House No 322, Maskeen Nagar,
PO Central Post Office,
Ludhiana-141008.
M : 9779928472

Appellant

Vs

Public Information Officer,
O/o Punjab Vidhan Sabha,
Chandigarh.

First Appellate Authority
O/o Punjab Vidhan Sabha,
Chandigarh.

Respondents

Appeal Case No. 3565/2022

Present:- None on behalf of the appellant.
Ms Ritu, Public Information Officer 950123497–cum-Under
Secretary and Sh. Vishal Goel 6280542350 on behalf of the
respondents

ORDER

The RTI application is dated 11.5.2022 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 14.6.2022 and second appeal was filed in the Commission on 3.8.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant informed telephonically that he is unable to attend the hearing. However, the representative of the respondents submits that the reply has already been sent to the appellant with a copy to the Commission.

3. After examining the reply filed by the respondent, she is directed to reconsider the response regarding Point No. 2 of the RTI application and file the reply afresh before the next date of hearing.

4. To come up on 30.9.2022 at 12.30 PM at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

Dated:13.9.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Suresh Sharma,
R/o New Sharma Furniture House,
Pratap Bazaar, Cheratta,
Amritsar-143105.
M ; 9855890233

Appellant

Vs

Public Information Officer,
O/o Excise Department,
Amritsar.

First Appellate Authority
O/o Excise Department,
Amritsar.

Public Information Officer
o/o Excise Officer,
Amritsar-1
Amritsar

Public Information Officer
o/o Excise Officer,
Amritsar-2, Amritsar

Respondents

Appeal Case No. 3564/2022 (Video Conference Proceedings)

Present:- Sh. Suresh Sharma, appellant.
Ms Rajwinder Kaur, 9646423875, Excise Inspector on behalf of the respondents.

ORDER

The RTI application is dated 31.3.2022 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 20.8.2022 and second appeal was filed in the Commission on 3.8.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant submits that the directions may be issued to the respondent-Public Information Officer to supply the complete information. However, a reply has already been received from the Assistant Commissioner (Excise), Amritsar Accordingly, Public Information Officer, o/o Excise Officer, Amritsar-1 & Public Information Officer o/o Excise Officer, Amritsar-2 are impleaded as necessary party in this case to file the reply/supply the information before the next date of hearing. A copy of the RTI application is also **being sent** to them along with this order.

3. To come up on 28.10.2022 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Amritsar.

Dated: 13.9.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.