

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864118, Email: - psic28@punjabmail.gov.in

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COMPLAINT CASE NO. 0762 OF 2021

Sh. Charanjit Singh, (9317517633)
S/o Sh. Palwinder Singh,
R/o H. No. 101, Spice Tower Street,
Palahi Gate, Phagwara (Kapurthala).

...Complainant

Versus

Public Information Officer,
O/o Deputy Commissioner,
Fee Regulatory Body, Kapurthala.

...Respondents

HEARD THROUGH CISCO WEBEX/TELEPHONE

PRESENT: Sh. Charanjit Singh, Complainant.
Ms. Mahinder Devi, Sr. Assistant –cum – PIO, Ms. Harvinder Kaur, Legal Advisor
(9914490863) along with Sh. Vinod Kumar, Clerk for the Respondents (9815242818).

ORDER:

The RTI application is dated 12.04.2021 whereby the Complainant has sought information as mentioned in his RTI application. He filed complaint in the Commission on 15.06.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act) and Notice of hearing was issued to the parties for 14.09.2021.

The Respondent states that available information has been supplied to the complainant vide letter no. R.T.I./2021/297702, dated Kapurthala, 02.09.2021, copy of the same received in the Commission vide diary no. 20531, dated 10.09.2021.

The Complainant states that incomplete information has been provided to him.

In these circumstances, it is relevant to invite the attention of the Complainant to the judgment 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 whereby, 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. 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.

Cont...Pg2

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- 02 -

COMPLAINT CASE NO. 0762 OF 2021

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.

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.

Accordingly, this case is hereby, remanded back to the First Appellate Authority who is directed to decide the RTI application afresh as per provisions of the RTI Act, 2005.

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, the instant Complaint Case is hereby, **Disposed Off and Closed.** Copies of the order be sent to the parties.

Chandigarh
14.09.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy to intimation and necessary action along with RTI application dated 12.04.2021.

First Appellate Authority,
O/o Director Public Instructions, Punjab,
Vidya Bhawan, PSEB Complex,
Sector-68, S.A.S Nagar (Mohali).

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APPEAL CASE NO. 1246 OF 2021

Sh. Pardeep Kumar, (9815444417)
S/o Sh. Joginder Pal,
R/o Near Lakh Data Peer, Garhshankar Road,
Nawanshahar-144514

...Appellant

Versus

Public Information Officer,
O/o Guru Nanak Dev University,
Amritsar.

First Appellate Authority

O/o Vice-Chancellor,
Guru Nanak Dev University, Amritsar.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Sh. Pardeep Kumar, Appellant
Sh. Sarabjit Singh, Superintendent on behalf of the Respondents. (9417854691)

ORDER:

The RTI application is dated 08.10.2020 vide which the Appellant has sought information as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (hereinafter FAA) on 26.11.2020 and Second Appeal was filed in the Commission on 05.03.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and Notice of hearing was issued to the parties for 06.07.2021.

During the hearing dated 06.07.2021, *the respondent stated that requisite information has already been supplied to the appellant by registered post on 22-06-2021 whereas the appellant stated that the respondent had been supplied old information. He further requested that information as per new University Calendar may kindly be supplied.*

The respondent stated the University Calendar which is in force at present has been got reprinted. He is directed to send us the same by email and sent it on WhatsApp of the appellant today itself. He is further directed to supply authenticated information to the appellant by registered post under intimation to Commission before the next date of hearing He is further directed to be present on the next date of hearing to present the case. Adjourned.

Cont...Pg2

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- 02 -

APPEAL CASE NO. 1246 OF 2021

The case is fixed for today. The Respondent states that remaining information has been supplied to the appellant whereas the appellant states that he has received the information and he gives his consent to close the case.

In the light of the above, no further cause of action is left in the matter, hence the instant appeal case is **disposed of and closed**. Copies of the order be sent to the parties.

**Chandigarh
14.09.2021**

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 1248 OF 2021

Sh. Pardeep Kumar, (9815444417)
S/o Sh. Joginder Pal,
R/o Near Lakh Data Peer, Garhshankar Road,
Nawanshahar-144514

...Appellant

Versus

Public Information Officer,
O/o D.P.I. (College), Punjab,
PSEB Complex (Vidya Bhawan),
Sector-68, S.A.S. Nagar (Mohali).

First Appellate Authority
O/o D.P.I. (College), Punjab,
PSEB Complex (Vidya Bhawan),
Sector-68, S.A.S. Nagar (Mohali).

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Sh. Pardeep Kumar, Appellant.
Ms. Simarjit Kaur Sandhu, Asstt. Director-cum-PIO. (9855934585)

ORDER:

The RTI application is dated 08.10.2020 vide which the Appellant has sought information as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (hereinafter FAA) on 26.11.2020 and Second Appeal was filed in the Commission on 05.03.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and Notice of hearing was issued to the parties for 06.07.2021.

During the hearing dated 06.07.2021, the appellant stated that no information has been received from the respondents whereas the respondent requested that some more time given to her for supplying the information. The respondent was directed to supply authenticated information to the appellant by registered post under intimation to Commission before the next date of hearing. Adjourned.

The case is fixed for today, the Respondent states that requisite information/reply has already been supplied to the appellant as under:

Cont...Pg2

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- 02 -

APPEAL CASE NO. 1248 OF 2021

1. Provide the certified copy, mentioning that who is senior among the Assistant Professors, Associated Professors in the among 95% grant in aid Colleges of Punjab.
2. Provide the certified copy mentioning that seniority among Assistant Professors will be from the date of becoming Associate Professor or joining in service as Assistant professor in the 95% grant in aid Colleges of Punjab.

ਉਪਰੋਕਤ ਅਨੁਸਾਰ ਆਪ ਵੱਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾਂ ਦੇ ਸਬੰਧ ਵਿੱਚ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਰਾਜ ਦੇ ਪ੍ਰਾਇਵੇਟ ਏਡਿਡ ਕਾਲਜਾਂ ਵਿੱਚ ਕੰਮ ਕਰਦੇ ਅਸਿਸਟੈਂਟ ਪ੍ਰੋਫੈਸਰ/ਐਸੋਸੀਏਟ ਪ੍ਰੋਫੈਸਰ ਦੀ ਸੀਨੀਅਰਤਾ ਸੂਚੀ ਸੰਯੁਕਤ ਤੌਰ ਤੇ ਨਹੀਂ ਬਣਾਈ ਜਾਂਦੀ।

The Appellant confirmed the receipt of above said reply.

The sufficient reply/information has been provided to the appellant by the Respondent. Therefore, no further cause of action is left in the matter, hence the instant appeal case is **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
14.09.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 3167 OF 2020

Ex-Subedar Ramesh Kumar (9855833536)
#U-1652, Sardar Nagar,
Opp: Old Central Jail,
Ajnala Road, Amritsar.

...Appellant

Versus

Public Information Officer,
O/o The DPI (SE) Punjab,
PSEB Building, Phase 8,
SAS Nagar (Mohali).

First Appellate Authority
O/o The DPI (SE) Punjab,
PSEB Building, Phase 8,
SAS Nagar (Mohali).

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Sh. Ramesh Kumar, Appellant.
Dr. Kulwinder Kaur, Assistant Director – cum – PIO along with
Sh. Gursewak Singh, Sr. Assistant (9814614456)

ORDER:

This order may be read with reference to the previous order dated 31.08.2021.

The Respondent states that available information has already been supplied to the appellant. She further states that an Affidavit to this effect has also been submitted in the Commission vide diary no. 18901, dated 24.08.2019.

The Appellant again states that he has not received the Affidavit yet.

After examining the case file, it is revealed that original Affidavit has been sent to the appellant along with the order dated 31.08.2021 by registered post.

In the light of the above, the original Affidavit stands supplied to the appellant through registered post and copy of the same has been retained in office file. Therefore, no further cause of action is left in the matter, hence the instant appeal case is **disposed of and closed**.
Copies of the order be sent to the parties.

Chandigarh
14.09.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 3353 OF 2020

Shri Kuljit Singh S/o Sh. Harbans Singh, (9878436884)
H. No. 588, S.G. Enclave-I,
Majitha Road, Amritsar-143001

...Appellant

Versus

Public Information Officer,
O/o The DPI (SE) Punjab,
PSEB Building, Phase 8, SAS Nagar (Mohali).

First Appellate Authority
O/o The Secretary,
Education Department, Punjab,
Civil Secretariat-II, Sector-9, Chandigarh.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Sh. Kuljit Singh, Appellant.
None for the Respondents.

ORDER:

This order may be read with reference to the previous order dated 31.08.2021.

The Appellant confirms that he has received the remaining information from the O/o SCERT, Punjab. But, PIO O/o DPI (Secondary), Punjab has not given complete information to him whereas the PIO is absent.

After examining the case file, it is revealed that information sought by the appellant relates to the different PIOs. Even then, the PIO has provided sufficient information to the appellant.

In the light of the above, the Bench does not feel any further intervention in the matter, hence the instant appeal case is **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
14.09.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy to intimation and necessary action:-

- 1) Sh. Jagtar Singh,**
Director –cum – PIO,
O/o SCERT, Punjab, PSEB Building, 6th Floor, Phase-8, SAS Nagar (Mohali).
- 2) Sh. Prabhcharan Singh, PIO**
O/o Punjab Mid Day Meal Society,
PSEB Building, E-Block, 5th Floor, Phase-8, SAS Nagar (Mohali).