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Sh. Manjit Singh,Distt. President,

388/3, Bahera Road, Patiala Appellant

**Versus**

Public Information Officer,

O/o Commissioner,

Municipal Corporation, Patiala..

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Patiala. Respondents

**APPEAL CASE NO. 2247/2017**

Date of RTI application : 05.06.2017

Date of First Appeal : 08.07.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :09.08.2017

**Present:** Sh. Manjit Singh, Appellant, in person.

None on behalf of the Respondents.

.

**ORDER**

None is present on behalf of the Respondents.

The matter shall be reheard on **07.12.2017 at 11.30 AM.**

**Sd/-**

**14.11.2017 ( Yashvir Mahajan )**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Ajay Sharma,

House No.882, Gobind Nagar,

Near Gugu Marhi, NAC, Nayagaon

Distt. S.A.S.Nagar.

Appellant

**Versus**

Public Information Officer,

O/o Station House Officer,

Police Station, Nayagaon

Distt.S.A.S. Nagar.

.

First Appellate Authority

O/o Senior Superintendent of Police,

S.A.S.Nagar. Respondents

**APPEAL CASE NO. 2261/2017**

Date of RTI application : 30.01.2017

Date of First Appeal : 06.04.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :11.08.2017

**Present:** Sh. Ajay Sharma, Appellant, in person.

HC Jaswinder Singh, P.S. Naya Gaon, Distt. SAS Nagar.

.

**ORDER**

On 12.10.2017 the following directions were issued to the respondents:

*“Heard.*

*It transpires that the appellant had filed few complaints to the respondent concerning an altercation having taken place with his neighbour. He is seeking action on the complaints made by him against his neighbour. Having admitted that he received the information on 12.06.2017, he states that the information is deficient. No specific infirmity has been pointed out by him. He is directed to specifically identify the deficiencies in the provided information, which the respondent shall redress, under intimation to the Commission.”*

The case has come up today. The respondent submits that the orders as reproduced above have been complied with. The appellant is satisfied with the outcome of his application. No further action seems called for. The appeal is **closed.**

**Sd/-**

**14.11.2017 ( Yashvir Mahajan )**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Darshan Singh

S/o Sh. Pritam Singh,

Village & Post Office: Thuhi

Tehsil Nabha Distt. Patiala.

Appellant

**Versus**

Public Information Officer,

O/o Senior Superintendent of Police,

Mini Secretariat, Patiala.

First Appellate Authority

O/o Senior Superintendent of Police,

Mini Secretariat, Patiala. Respondents

**APPEAL CASE NO.2264/2017**

Date of RTI application : 23.03.2017

Date of First Appeal : 09.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :16.08.2017

**Present:** Sh. Darshan Singh, Appellant, in person.

Sh. Hakam Singh, H.C., office of SSP Patiala, on behalf of the respondents.

.

**ORDER**

The following interim order was passed on 12.10.2017:

*“The facts relevant to the decision of the Second Appeal filed in the Commission, are enumerated here under:-*

*Shri Darshan Singh made an application to the respondent under Section 6(1) of the RTI Act, 2005 on 23.03.2017 seeking information comprising 12 points relating to FIR No. 93, dated 16.09.2016 registered with the Police Station Sadar Nabha. Having failed to get proper response from the respondents even in first appeal, he has filed the second appeal with the Commission. The case has come up today.*

*2. The respondent has submitted in reply on 10.10.2017 that the appellant has been provided with the information constituting 22 pages.*

*3. The appellant is dis-satisfied. He submits that a detailed investigation was made by*

*Contd……p/2*

*-2-*

***APPEAL CASE NO.2264/2017***

*S.P.(D) Patiala in the case. Statements of many people were recorded. However the ones serving their cause have been withheld. The respondents are directed to provide the appellant the information if it is not attracted by an exception clause.”*

The case has come up today. Both the parties are present. The respondents say that in compliance with the aforesaid order the statements available on record comprised in 13 pages have been provided to the appellant. Vide their communication dated 10.11.2017 the respondents submitted that no other record concerning the issue in hand is available with them.

The Commission feels that the available information has been furnished. No further intervention of the Commission seems called for.

The appeal is **closed.**

**Sd/-**

**14.11.2017 ( Yashvir Mahajan )**

**State Information Commissioner**

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Sh. Deepak Khurana

264/16, New Abadi,Chhoti Paurhi,

Abohar Distt. Fazilka Appellant

Versus

Public Information Officer,

O/o Director, Vigilance Bureau, Punjab,

SCO No.60-61, Sector-17-D,

Chandigarh

First Appellate Authority

O/o Chief Director, Vigilance Bureau, Punjab,

SCO No.60-61, Sector-17-D,

Chandigarh Respondents

**APPEAL CASE NO. 2075/2017**

**Date of RTI Application : 17.02.2017**  **Date of First Appeal : 04.05.2017**

**Date of letter of FAA : Reply: 20.03.2017**

**Date of Second Appeal : 24.07.2017**

**Present:** None on behalf of the Appellant.

1. Shri Krishan Lal, Superintendent-cum-APIO;

2. Shri Anil Rattan, Constable, Vigilance Bureau, – for Respondents.

**ORDER**

The following directions were passed vide order dated 12.10.2017:

*“Heard.*

*It transpires that the appellant, who has a family dispute over property was allegedly harassed by the Police. On the complaints made by the appellant, a Vigilance Inquiry was conducted. The appellant has sought copies of statements of some witnesses along with Inquiry Report of the Vigilance Department on 17.02.2017. The respondents responded by sending him copy of Inquiry Report on 20.03.2017. However, by taking a plea under Section 8(1)(g) of the RTI Act, 2005, they refused to part with copies of statements thus recorded during the conduct of the Inquiry. The plea of the appellant was rejected by the First Appellate Authority. The Commission having considered the contentions of the parties observe that provisions of Section 8(1)(g) of the RTI Act, 2005 are not attracted in the instant case as statements made are either of the complainant or of the police officials. It shall be prudent to reproduce Section 8(1)(g) below:*

*Contd…….p/2*

*-2-*

***APPEAL CASE NO.2075/2017***

*“Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistant given in confidence for law enforcement or security purposes “*

*As the dispute is in a family it has to be handled transparently. The information thus divulged can be considered to jeopardize the security of an individual. The plea thus taken by the respondents is rejected. They are advised to furnish certified copies of the statements thus recorded, within 15 days from today positively.*

*2. As the information has been delayed, the appellant insists for imposition of penalty. He cites an order of the Hon’ble High Court of Punjab and Haryana passed on 19.05.2016 in Civil Writ Petition No. 17858 of 2014. We are afraid, the judgment thus quoted is not relevant in the instant case. The Commission finds that timely responses have been sent to the appellant. The plea of exemption claimed by them has not sustained but it cannot be attributed to malafide withholding of the information.”*

The case has come up today. The respondents have submitted in writing that as directed a copy of the statements of the persons recorded in the enquiry has been forwarded to the appellant. Nothing has been heard from the appellant. We presume that he is satisfied. The Commission thinks that the sufficient information has been given.

The appeal is **disposed.**

**Sd/-**

**14.11.2017 ( Yashvir Mahajan )**

**State Information Commissioner**

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Sh. Sanjeev Goel,

S/o Dr. Harbans Goel,

R/o House No.91, Block –G, Shivalik Vihar, Naya Gaon,-160103

Distt.S.A.S. Nagar. Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

S.A.S.Nagar.

First Appellate Authority

O/o Senior Superintendent of Police,

S.A.S.Nagar Respondents

**APPEAL CASE NO. 2621/2017**

**Date of RTI Application : 20.05.2017**  **Date of First Appeal : 22.07.2017**

**Date of letter of FAA : Nil**

**Date of Second Appeal : 22.09.2017**

**Present:** Dr. Harbans Goel, on behalf of the Appellant.

ASI Ravinder Singh, RTI Branch, O/o SSP, SAS Nagar – for Respondents.

.

**ORDER**

The respondent says that the information has been sent to the appellant vide letter dated 24.10.2017 under registered cover. He has attached a receipt of the documents stated to have been dispatched. However, the appellant denies having received the information. Though it is deemed to have been delivered on him yet the respondents are directed to liaise with and arrange to deliver on him another copy of the information thus sought by him.

The appeal is **disposed.**

**Sd/-**

**14.11.2017 ( Yashvir Mahajan )**

**State Information Commissioner**

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Lt. Col Tej Bhan (Retd)

H.No.338, Sector-8, Panchkula (Haryana) Appellant

Versus

Public Information Officer,

O/o Station House Officer (Economic Offences Wing) Counselling,

SCF No1, Industrial Area, Phase 1,

S.A.S. Nagar.

First Appellate Authority

O/o Station House Officer (Economic Offences Wing) Counselling,

SCF No.1, Industrial Area, Phase 1,

S.A.S. Nagar Respondents

**APPEAL CASE NO.2630/2017**

**Date of RTI Application : 13.06.2017**  **Date of First Appeal : 08.08.2017**

**Date of letter of FAA : Nil**

**Date of Second Appeal : 20.09.2017**

**Present:** Lt. Col. Tej Bhan (Retd.), Appellant in person.

HC Raj Kumar O/o Economic Offences Wing, Industrial Area, Phase – 1, Mohali – for Respondents.

**ORDER**

The appellant had sought an information from the SHO, Economic Offences Wing, Industrial Area, Phase – 1, Mohali, relating to a complaint filed by one Sh. Vikas Kansal.

HC Raj Kumar who is present on behalf of the respondents says that the application should have been filed before the Senior Superintendent of Police, Mohali who happens to be the PIO. The S.H.O., Economic Offences Wing in the scenario should have forwarded the application to the Senior Superintendent of Police, Mohali, immediately. He should do it now.

The Senior Superintendent of Police, Mohali is directed to deal the case and arrange to provide the admissible information to the appellant under intimation to the Commission before the next date of hearing positively.

To come up on **12.12.2017 at 11.30 AM.**

**Sd/-**

**14.11.2017 ( Yashvir Mahajan )**

**State Information Commissioner**

**CC: The Senior Superintendent of Police, SAS Nagar (Mohali) along with a copy of the RTI application for information and n/a.**

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Sh. Nirvinder Singh

Village Kansal, P.O. Nada

Tehsil Kharar Distt. S.A.S. Nagar. Appellant

Versus

Public Information Officer,

O/o Civil Judge (Sr. Div.),

Fatehgarh Sahib.

Public Information Officer,

O/o Civil Judge (Sr. Div.),

Patiala

First Appellate Authority

O/o Civil Judge (Sr. Div),

Fatehgarh Sahib.

First Appellate Authority,

O/o Civil Judge (Sr Div.),

Patiala. Respondents

**APPEAL CASE NOs. 2634 and 2633 of 2017**

**Date of RTI Application : 16.01.2017/18.01.2017**  **Date of First Appeal : 10.03.2017, 03/2017**

**Date of letter of FAA : Nil/06.07.2017**

**Date of Second Appeal : 25.09.2017**

**Present:** Sh. Nirvinder Singh, Appellant in person.

Sh. Janander Joshi, C.O.C., O/o Civil Judge, Fatehgarh Sahib,

None on behalf of the PIO, O/o Civil Judge (Sr. Div.), Patiala – for Respondents.

.

**ORDER**

The appellant and the respondents are same, and the information asked for is identical, as such this single order shall dispose of both the appeals.

Heard. The respondents have filed a written reply to the notice issued by the Commission. What transpires is that the appellant is seeking documents relating to the cases decided by the Civil Judge way back in the year 1966 and 1969. The respondents submit that the office of the Sub Divisional Magistrate (Judicial), Bassi Pathana was a part of the Patiala Sessions Contd..page..2

-2-

**APPEAL CASE NOs. 2634 and 2633 of 2017**

Division. On the creation of a new Sessions Division, Fatehgarh Sahib, the record pertaining to Bassi Pathana was shifted from Patiala to Fatehgarh Sahib. However, the files under consideration have not been found in the relevant bastas. They do not find a mention of the concerned files in the challan list also from where it can be ascertained as to whether the files were deposited or transferred in the record room or not. The PIO in the office of the Civil Judge, Patiala has also denied the availability of record in their office. The appellant according to respondents have also failed to apprise the respondents as to

(i) whether the Civil Appeal before the District Judge, Patiala or Regular Second Appeal before the Hon’ble High Court of Punjab & Haryana, Chandigarh, have been filed by the parties or not;

(ii) Whether the same if filed have been decided/pending ?

(iii) If the Civil Appeal or RSA have been filed, the record of trial court i.e. of these cases must have been sent to District Judge/High Court and in that case the situation arises whether the same have been returned back or not.

(iv) If the files have been sent to the Hon’ble High Court and have not been returned how the copies can be supplied.

It has been submitted that when there is no proof regarding the dispatch and receipt of relevant file in the Judicial Record Room, Fatehgarh Sahib, the concerned clerk cannot be blamed for the loss of file. The information which is not available with them can’t be supplied obviously. The appellant is advised to file a rejoinder to the submissions made by the respondents in case he desires so.

The matter shall be reheard on **12.12.2017 at 11.30 AM.**

**Sd/-**

**14.11.2017 ( Yashvir Mahajan )**

**State Information Commissioner**

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Sh. Manjeet Singh

H.No.388/3, Bahera Road, Patiala

Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

Patiala

First Appellate Authority

O/o Senior Superintendent of Police,

Patiala Respondents

**APPEAL CASE NO.2655/2017**

**Date of RTI Application : 18.07.2017**  **Date of First Appeal : 21.08.2017**

**Date of letter of FAA : Nil**

**Date of Second Appeal : 26.09.2017**

**Present:** Sh. Manjeet Singh, Appellant in person.

HC Hakam Singh, O/o SSP, Patiala – for Respondents.

**ORDER**

The respondents have filed a written reply in which it has been submitted that the information comprised in 29 pages has been sent to the appellant. The appellant submits that the information thus stated to have been sent does not relate to his original application.

The respondents seek an adjournment to look into the matter. They are directed to do the needful before the next date of hearing.

To come up on **07.12.2017 at 11.30 AM.**

**Sd/-**

**14.11.2017 ( Yashvir Mahajan )**

**State Information Commissioner**

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Public Information Officer,

O/o Executive Officer,

Nagar Council, Nabha,

Distt. Patiala.

Appellant

Versus

First Appellate Authority (Respondent No. 1)

O/o Regional Deputy Director,

Urban Local Bodies, Patiala

Sh. Rajesh Kumar (Respondent No. 2)

S/o Sh. Om Parkash

R/o Near Thana Sadar Railway Road,

Nabha Distt. Patiala. Respondents

**APPEAL CASE NO. 2697/2017**

**Date of RTI Application : 22.07.2017**  **Date of First Appeal : -**

**Date of letter of FAA : 27.07.2017**

**Date of Second Appeal : 11.09.2017**

**Present:** Sh. Iftkhar Ahmed, Superintendent, Nagar Council, Nabha and

Sh. Amandeep Singh, Clerk, NC, Nabha on behalf of the Appellant.

None is present on behalf of the Respondent No.1.

Sh. Rajesh Kumar, Respondent No. 2 is present.

**ORDER**

The Executive Officer, N.C., Nabha has challenged the order of the First Appellate Authority vide which he has directed him to provide an information free of cost to Sh. Rajesh Kumar the original applicant who has been impleaded as Respondent No. 2 in this case.

None is present on behalf of the Respondent No.1. The appellant in his detailed submission has taken a legal stance about the tenability of the order thus passed. The appellant may forward a copy of the same to the Respondents who would file a rejoinder in case they deem it appropriate.

To come up on **19.12.2017 at 11.30 AM** for consideration.

**Sd/-**

**14.11.2017 ( Yashvir Mahajan )**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh.Jai Parkash Chhabra,

H.No.92, Street No.21, Tripuri,

Patiala Complainant

Versus

Public Information Officer,

O/o Sub Registrar-cum- Tehsildar,

Mini Sectt. Patiala.

Respondent

**COMPLAINT CASE NO. 1007/2017**

**Date of RTI Application : 24.07.2017**  **Date of First Appeal : Nil**

**Date of letter of FAA : Nil**

**Date of Second Appeal : 18.09.2017**

**Present:** Sh. Jai Parkash Chhabra, Complainant in person.

None on behalf of the Respondent.

.

**ORDER**

The complainant is present. He had sought an action taken report on a complaint made by him alleging the registration of a sale deed on the basis of forged documents. The respondent is absent. Nothing has been heard from him also. The Commission takes a serious note of the indifference shown by the respondent. It directs him to file a suitable reply to the Commission besides providing the information to the complainant urgently.

To come up on **12.12.2017 at 11.30 AM.**

**Sd/-**

**14.11.2017 ( Yashvir Mahajan )**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh.Jai Parkash Chhabra,

H.No.92, Street No.21, Tripuri,

Patiala Complainant

Versus

Public Information Officer,

O/o Sub Registrar-cum- Tehsildar,

Mini Sectt. Patiala

Respondent

**COMPLAINT CASE NO.1008/2017**

**Date of RTI Application : 12.07.2017**  **Date of First Appeal : Nil**

**Date of letter of FAA : Nil**

**Date of Second Appeal : 18.09.2017**

**Present:** Sh. Jai Parkash Chhabra, Complainant in person.

None on behalf of the Respondent.

.

**ORDER**

None is present on behalf of the respondent. The Commission takes a strong exception to the apathy shown by the respondent.

The respondent is directed to suitably inform the complainant under intimation to the Commission.

To come up on **12.12.2017 at 11.30 AM.**

**Sd/-**

**14.11.2017 ( Yashvir Mahajan )**

**State Information Commissioner**

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Sh. Sandeep Tomar

S/o Sh. Mangal Singh

C/o A-136 (MIG), Near Andha Kua Barra-8,

Kanpur -208027 Complainant

Versus

Public Information Officer,

O/o Assistant Chemical Examiner,

Chemical Laboratory, Kharar

Distt. S.A.S. Nagar. Respondent

**COMPLAINT CASE NO. 1010/2017**

**Date of RTI Application : 08.05.2017**  **Date of First Appeal : Nil**

**Date of letter of FAA : Nil**

**Date of Second Appeal : 11.09.2017**

**Present:** None on behalf of the Complainant.

Sh. Lov Kumar, Medical Lab. Technician Grade, Kharar Chemical Lab. – for Respondent.

**ORDER**

The complainant seeks an exemption from appearance as he is indisposed.

The complainant had sought a report from the respondent about the analysis report of viscera examination of the deceased Smt. Shweta Singh wife of Sh. Sandeep Tomar and allied information.

The respondent submits in a written reply that the information was sent to the Superintendent, Central Jail, Ferozepur on 18.04.2017. The perusal of the record suggests that it does not satisfy the requisition made in the application of the complainant.

The Commission directs the respondent to dispatch the admissible information to the complainant under intimation to the Commission before the next date of hearing positively.

To come up on **19.12.2017 at 11.30 AM.**

**Sd/-**

**14.11.2017 ( Yashvir Mahajan )**

**State Information Commissioner**