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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: <a href="mailto:pcic20@punjabmail.gov.in">pcic20@punjabmail.gov.in</a> Visit us:www.infocommpunjab.com

Whatsapp No. 62848-20189

Sh. Mohinder Singh s/o Sh. Ram Singh 7888365128

Quarter No. T 2 /171, RSD Staff Colony, Shahpur Kandi Town,

Tehsil & Distt. Pathankot

Vs

....Appellant

Public Information Officer o/o Dy. Secy Finance (S), Deptt. of Finance, Finance Personnel Policy 2 branch, Punjab Civil Sectt 1 Chandigarh

First Appellate Authority o/o Dy. Secy Finance (s) Deptt of Finance, Finance Personnel Policy 2 Branch, Punjab Civil Sectt 1, Chandigarh.

Public Information Officer o/o the Principal Secretary to Govt. of Punjab, Department of Water Resources, Irrigation Personnel 3 Branch, Punjab Civil Secretariat-2, Chandigarh.

Public Information Officer o/o the Chief Engineer (Headquarters) Water Resources Department, Sector 18, Madhya Marg, Chandigarh.

Public Information Officer o/o the Chief Engineer, Ranjit Sagar Dam (Constructions), Shahpur Kandi Township, Pathankot.

....Respondents

Appeal Case No. 2278 of 2020

**ORDER** 

This order may be read with reference to the previous order dated 20.5.2021 vide which the case was reserved to be pronounced.

- 2. The appellant has sought the following information as per his RTI application dated 23.1.2020 from the Public Information Officer-cum-Deputy Secretary Finance(s) Department of Finance, Finance Pension Policy & Coordination Branch), Civil Secretariat, Chandigarh:-
  - "1) ..... ਵਿੱਚ ਪ੍ਰਸੋਨਲ ਸ਼ਾਖਾ ਵਿੱਤ ਵਿਭਾਗ, ਪੰਜਾਬ ਚੰਡੀਗੜ੍ਹ ਦੇ ਦਫਤਰ ਨੂੰ ਮਾਨਯੋਗ ਪ੍ਰਮੁੱਖ ਸਕੱਤਰ, ਜਲ





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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100 Email: <a href="mailto:pcic20@punjabmail.gov.in">pcic20@punjabmail.gov.in</a> Visit us:www.infocommpunjab.com

Whatsapp No. 62848-20189



Appeal Case No. 2278 of 2020

-2-

ਸਰੋਤ ਵਿਭਾਗ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ ਵੱਲੋਂ ਫਾਈਲ ਈ ਆਫਿਸ 1985 ਭੇਜੀ ਗਈ ਸੀ। (i) ਇਸ ਸਬੰਧ ਵਿੱਚ ਪ੍ਰਸੋਨਲ ਸ਼ਾਖਾ 2 ਵਿੱਤ ਵਿਭਾਗ ਦੇ ਦਫਤਰ ਆਈ ਫਾਈਲ ਅਤੇ ਉਹਨਾਂ ਵੱਲੋਂ ਭੇਜੇ ਜਵਾਬ ਦੇ ਦਸਤਾਵੇਜ/ਸੂਚਨਾਂ ਮੁਹੱਈਆ ਕੀਤੀ ਜਾਵੇ ਅਤੇ (ii) ਇੱਕ ਸਾਲ ਤੋਂ ਵੱਧ ਖਾਲੀ ਪੋਸਟ ਨੂੰ SNE ਤੋਂ ਬਾਹਰ ਆ ਕੇ Court Case ਦੇ ਮਾਮਲੇ ਨਾਲ ਸੰਬੰਧਿਤ ਹੋਵੇ ਤਾਂ ਰੀਵਾਇਵ ਨਹੀਂ ਕਰਵਾਇਆ ਜਾ ਸਕਦਾ, instruction ਦੀ ਕਾਪੀ ਮੁਹੱਈਆ ਕੀਤੀ ਜਾਵੇ ਜੀ।

- 2) ਆਪ ਜੀ ਦੇ ਦਫ਼ਤਰ ਨੂੰ ਮਾਨਯੋਗ ਵਿਸ਼ੇਸ ਸਕੱਤਰ ਖਰਚਾ ਐ ਵਿ. ਪੱ. ਨੰ. ਡਬਸ/HRMS/
  2019/ 1403 ਮਿਤੀ 11/04/2019, Hon'ble Deputy Secretary, Finance,
  Government of Punjab, Finance Department, Finance Pension Policy
  And Coordination Branch, Chandigarh ਹੁਕਮ ਨੰ. 5/41/2009-5FPPC/982
  ਮਿਤੀ 30.08.2012, ਹੁਕਮ ਨੰ. 5/41/2009-5FPPC/1297 ਮਿਤੀ 06.06.2019,
  ਹੁਕਮ ਨੰ. 5/41/2009-5FPPC/ 1555 ਮਿਤੀ 09.08.2019 ਅਤੇ ਹੁਕਮ ਨੰ.
  5/41/2009-5FPPC/2162 ਮਿਤੀ 20.12.2019 ਦੀਆਂ ਕਾਪੀਆਂ RTI Act, 2005
  ਦੀ ਮੋਹਰ ਨਾਲ ਤਸਦੀਕ ਕਰਕੇ ਮੁਹੱਈਆ ਕੀਤੀਆਂ ਜਾਣ I
- 3) ਜਲ ਸਰੇਤ ਵਿਭਾਗ/ ਸਿੰਚਾਈ ਵਿਭਾਗ, ਪੰਜਾਬ ਦੇ ਡਾਟਾ ਇੰਟਰੀ ਉਪਰੇਟਰ ਅਤੇ ਕੰਪਿਊਟਰ ਉਪਰੇਟਰ ਕੈਟਾਗਿਰੀ ਦੀ ਸਾਲ 1996 ਅਤੇ ਸਾਲ ਜਨਵਰੀ, 2006 ਦੇ ਸਮੇਂ ਦਾ ਪੇ-ਸਕੋਲ ਜੋ ਨਿਰਧਾਰਿਤ ਕੀਤਾ ਨੇਟੀਫਿਕੇਸ਼ਨਾਂ ਦੀਆਂ ਕਾਪੀਆਂ ਮੁਹੱਈਆ ਕੀਤੀਆਂ ਜਾਣ।
- 6) ਆਪ ਜੀ ਦੇ ਅਧੀਨ ਦਫਤਰ ਵਿੱਚ ਜਲ ਸਰੇਤ ਵਿਭਾਗ/ ਸਿੰਚਾਈ ਵਿਭਾਗ, ਪੰਜਾਬ ਦੇ ਕਰਮਚਾਰੀਆਂ ਬਰਾਬਰ ਸਾਲ 1996 ਤੋਂ ਪਹਿਲਾਂ ਲੱਗੇ ਜਾਂ ਪ੍ਰਮੇਟ ਹੋਏ ਡਾਟਾ ਇੰਟਰੀ ਉਪਰੇਟਰ ਅਤੇ ਕੈੱਪਿਊਟਰ ਉਪਰੇਟਰ ਕੈਟਾਗਿਰੀ ਦੇ 5 ਕਰਮਚਾਰੀਆਂ ਦੀ ਪੇ-ਫਿਕਸ਼ੇਸ਼ਨਾਂ ਦੀਆਂ ਕਾਪੀਆਂ ਐਕਟ ਦੀ ਧਾਰਾ 4(10) ਅਧੀਨ ਕਾਪੀਆਂ ਮੁਹੱਈਆ ਕੀਤੀਆਂ ਜਾਣ।
- The Public Information Officer o/o Deputy Secretary Finance(s), Department of 3. Finance, Finance Pension, Policy & Coordination Branch given the prompt reply vide No. 7/6/2020-5FPPC/169 dated 31.1.2020 vide which the information pertaining to Point No. 2 of the RTI application has been supplied to the appellant. Also It has been clarified by the branch that the information pertaining to Point No. 1 & 4 of the RTI application relates to Finance Personnel 2 Branch and the information related to Point No. 3 relates to the Finance Personnel 1 Branch. Also the Public Information Officer o/o the Finance Department (Finance Personnel 2 Branch) informed the appellant vide letter No. 344 dated 12.3.2020 that the mater relates to more than one public authority and the Public Information Officer has to supply the information related to him and regarding rest of the information, the appellant has been advised to file the application afresh to the authorities concerned as the RTI application of the appellant was related to more than one public authority. He has also drawn the attention of the appellant towards the instructions issued by the Governance Reforms Department in this regard. Contd..p/3

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100 Email: <a href="mailto:pcic20@punjabmail.gov.in">pcic20@punjabmail.gov.in</a> Visit us:www.infocommpunjab.com

Whatsapp No. 62848-20189



Appeal Case No. 2278 of 2020

-3-

Also the First Appellant Authority has passed the detailed order dated 4.8.2020 in respect of the first appeal filed by the appellant dated 3.7.2020. It has also been stated in the said letter that the information related to the Finance Department has already been supplied by all the Public Information Officers as available in their record. Due to non satisfaction with the information/reply given by the respondent-Public Information Officer/First appellate authority, the appellant filed the 2<sup>nd</sup> appeal in the Commission and requested that he has received the information pertaining to Para 1 but he has not received the information pertaining to Point No. 14(i) mentioned in the letter No. FD-2104(CNAB/2/2019-5FP2 dated 13.12.2019 dated 11.4.2019. Also regarding Point No. 3 & 4 of the RTI application, the appellant requested that no information has been supplied by the respondent-Public Information Officer. It is also a fact that in the 1<sup>st</sup> appeal the appellant submitted that the information pertaining to Point No. 3 will be taken from the concerned department i.e. Water Resources Department. As per the 2<sup>nd</sup> appeal filed by the appellant, the date of hearing was fixed for 9.10.2020 but due to administrative reasons the case could not be heard and further adjourned for 28.10.2020.

- 4. During the hearing on 28.10.2020, the appellant showed his satisfaction with the information supplied by the respondents pertaining to Point No. 2 and 4 of the RTI application. Regarding rest of the information the following order was passed:-
  - "....4. After deliberations regarding the remaining points the appellant states that the following points must be given duly attested by the respondents:-
  - (i) Instructions dated 11.4.2019 may be supplied to him duly attested.
  - (ii) The appellant states that the respondents have supplied the 46 pages of information pertaining to the notification dated 27.5.2009 whereas the total pages of that notification are 72.

Accordingly, the respondents were directed to clarify the same before the next date of hearing.

5. After the hearing is over Sh. Munish Kumar, Sr. Assistant appeared in person and handed over the original gazette notification issued by the Government of

Contd..p/4

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100 Email: <a href="mailto:pcic20@punjabmail.gov.in">pcic20@punjabmail.gov.in</a> Visit us:www.infocommpunjab.com

Whatsapp No. 62848-20189



Appeal Case No. 2278 of 2020

Punjab, Department of Finance, Finance Personnel Branch-1, dated 27.5.2009 and 19.5.1998 duly attested. He also placed on record a copy of the letter No. 231 dated 10.2.2020 and letter No. 439 dated 11.3.2020. In addition, he also clarified that the notification dated 27.5.2009 is having 46 pages and not 72 pages as has been mentioned by the appellant. He also clarified that

"......ਜਲ ਸਰੋਤ ਵਿਭਾਗ/ਸਿੰਚਾਈ ਵਿਭਾਗ ਦੇ ਡਾਟਾ ਇੰਟਰੀ ੳਪਰੇਟਰ ਅਤੇ ਕੰਪਿੳਟਰ ੳਪਰੇਟਰ ਦੇ ਨਾਂ ਦੀ ਆਸਾਮੀ ਦੇ ਤਨਖਾਹ ਸਕੇਲ ਵਿੱਚ ਵਿਭਾਗ ਵੱਲੋਂ ਜਾਰੀ ਨੋਟੀਫਿਕੇਸ਼ਨ ਵਿੱਚ ਉਪਲਬਧ ਨਹੀਂ ਹਨ।....."

- Accordingly, the copy of original notifications dated 27.5.2009 and 19.5.1998 duly attested along with the letter dated 10.2.2020 and 11.3.2020 duly self attested by Sh. Munish Gupta, Sr. Asstt is sent with this order to the appellant. He is also advised to go through the same and point out deficiency, if any, to the respondent-Public Information Officer before the next date of hearing "i.e. 9.12.2020.
- 5. Furthermore, during the hearing on 9.12.2020, the following order was passed by the Commission:-
  - "2. The appellant states that the respondents have not supplied the certified copy of the instructions dated 11.4.2019. The appellant also requests for the information pertaining to Point No. 3 which has been transferred under Section 6(3) of the RTI Act, 2005 to the Public Information Officer o/o the Principal Secretary to Govt. of Punjab, Water Resources Department. The appellant also sent a pay fixation letter bearing No. 29.8.2019 vide which a pay scale of Rs.4020-6200 has been sanctioned and states that on the one hand a pay scale has been given to him on the directions given by the Hon'ble Punjab and Haryana High Court, Chandigarh in CWP No. 23688 of 2014, on the other hand the department is not providing the information under what instructions the same has been sanctioned. Whereas, the representative of the respondents on behalf of the Irrigation Personnel 3 branch states that the RTI application of the appellant has been further transferred under Section 6(3) of the RTI Act to the Chief Engineer, Ranjit Sagar Dam, Shahpur Kandi. But the appellant insisted that the directions may be issued to the Public Information Officers of

Contd..p/5

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100 Email: <a href="mailto:pcic20@punjabmail.gov.in">pcic20@punjabmail.gov.in</a> Visit us:www.infocommpunjab.com
Whatsapp No. 62848-20189

PSIC Normation

Appeal Case No. 2278 of 2020

-5-

Principal Secretary Water Resources & Chief Engineer (Headquarters) of the Water Resources Department, Sector 18, Chandigarh to supply the information in this regard.

- 3. The respondent-Public Information Officer o/o the Principal Secretary to Govt. of Punjab, Department of finance (Finance Budget 1 Branch) requested for the leave of absence on phone, but she has sent the copy of instructions dated 11.4.2019 as was pending duly attested, which is **sent** to the appellant with this order.
- 4. After hearing and going through the facts of the case, the Public Information Officer of the office of the Principal Secretary to Govt. of Punjab, Department of Water Resources, Punjab Civil Secretariat-2, Chandigarh and Chief Engineer (Headquarters) of the Water Resources Department, Sector 18, Chandigarh are impleaded as necessary party in this case to supply the information pertaining to Point No. 3 of the RTI application, which is **sent** with this order else file an undertaking that no notification has been issued by the Water Resources Department/Irrigation Department to the posted/promoted Data Entry Operator/Computer Operators in the year 1996 and January, 2006"
- 6. The case was adjourned to 20.1.2021 for proceedings but due to administrative reasons, the case could not be heard and further adjourned for 1.3.2021 and the order passed in this case on the said date is reproduced below:-
  - "2. The representative of the respondents states that nothing is available on record in the office of the Principal Secretary to Govt. of Punjab Department of Water Resources pertaining to the RTI application of the appellant that could be supplied. However, the submissions have been received from the appellant through email, which are taken on record. The appellant also sent the notification bearing No. 10/182/2017STE(5/1133849/1 dated 27.12.2017 and Annexure A-1 regarding continuance of various posts of office staff during the year 2020-21 in respect of Ranjit Sagar Dam Project Administration at Shahpurkandi & Chandigarh through whatsapp, which are taken on record. He also states that two annexures have been sent which are official documents of the respondents but these are not being supplied

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100 Email: pcic20@punjabmail.gov.in Visit us:www.infocommpunjab.com

Whatsapp No. 62848-20189



Appeal Case No. 2278 of 2020

-6-

duly attested and in case the Department of Finance will provide the attested copy of the same, his purpose to seek the information will be resolved. He also requested a copy of instructions dated 11.4.2019 issued by the Department of Finance duly attested.

- 3. Since the copy of instructions dated 11.4.2019 duly attested are available in the office so the same are **sent** along with this order to the appellant.
- 4. After the perusal of the documents sent by the appellant through whatsapp, it has transpired that the said notification has been issued by the Department of Science Technology Environment (STE Branch) and the said notification dated 27.12.2017 has been forwarded to all the Additional Chief Secretaries, Financial Commissioners and Administrative Secretaries. The said notification has also been forwarded by the Water Resources Department, Punjab to all the Chief Engineers vide endst. No. 1747-93/EG/18 dated 12.4.2018. Accordingly, the Public Information Officer o/o the Chief Engineer Headquarter Water Resources Department, Supdt. Establishment General Branch, (E.G. Branch), is impleaded as necessary party in this case. He is also directed to supply the certified copy of the instructions dated 27.12.2017 circulated vide endst. No. 1747-93 /EG/18 dated 23.3.2018/12.4.2018, copy of which is sent along with this order" and the case was adjourned for 19.4.2021 but due to administrative reasons the case was further adjourned for 20.5.2021 and after hearing both the parties, the order in this case was reserved for pronouncement.
- 7. The appellant sent the letter dated 7.6.2021 through email dated 6.6.2021, which is Contd..p/7

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: <a href="mailto:pcic20@punjabmail.gov.in">pcic20@punjabmail.gov.in</a> Visit us:www.infocommpunjab.com
Whatsapp No. 62848-20189



Appeal Case No. 2278 of 2020

-7-

taken on record and the relevant portion of the same is reproduced below:-

ਉਪਰੋਕਤ ਹਵਾਲਾ ਨੰਬਰ 1 ਅਰਜੀ ਰਾਹੀਂ ਮੰਗੀ ਸੂਚਨਾ ਦੇ ਸਬੰਧ ਵਿੱਚ ਹਵਾਲਾ ਨੰਬਰ 3 ਦੀ ਲਗਾਤਾਰਤਾ ਵਿੱਚ ਦੁਬਾਰਾ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਪੰਜਾਬ ਸਰਕਾਰ ਅਧੀਨ ਕੰਮ ਕਰਦੇ ਕਰਮਚਾਰੀਆਂ ਦੀਆਂ ਕੈਟਾਗਿਰੀ ਵਾਈਜ ਨੋਟੀਫਿਕੇਸ਼ਨਾਂ ਦੇ ਅਧਾਰ ਤੇ ਹੀ Same Pay Scale ਲਗਾਏ ਜਾਂਦੇ ਹਨ।

ਇੱਥੇ ਆਪ ਜੀ ਦੇ ਧਿਆਨ ਵਿੱਚ ਲਿਆਇਆ ਜਾਂਦਾ ਹੈ ਕਿ ਮਾਨਯੋਗ ਮੁੱਖ ਮੰਤਰੀ ਸਾਹਿਬ ਜੀ ਦੀ ਮੀਟਿੰਗ ਮਿਤੀ 20.12.2017 ਨੂੰ ਲਏ ਗਏ ਫੈਸਲੇ ਨੋਟੀਫਿਕੇਸ਼ਨ ਨੰਬਰ 10/182/2017 STE(5)/1133849/1 dated 27.12.2017 Sr. No. 9 Data Entry Operator Scale 10300-34800+3200, Notification No. 5/10/09-FPI/207 dt. 27.05.2009 Revised Pay Scale w.e.f. 01.01.2006 Sr. No. 10C Data Entry Operator Scale 10300-34800+3200, Vidhan Sabha ਇਸਤਿਹਾਰ ਨੰਬਰ 1/2019 ਲੜੀ ਨੰਬਰ 5 Data Entry Operator Scale 10300-34800+3200 ਅਤੇ ਆਪ ਜੀ ਦਾ ਦਫਤਰੀ ਪੱਤਰ ਨੰਬਰ 7/38/2020-3ਵਿਪ੍ 1/645 ਮਿਤੀ 26.06.2020 (ਕਾਪੀ ਨੱਥੀ ਹੈ) ਰਾਹੀਂ ਜੋ ਡਾਟਾ ਇੰਟਰੀ ਉਪਰੇਟਰ ਕੈਟਾਗਿਰੀ ਲਈ 10300-34800+4800 ਦੇ ਸਕੇਲ ਸਬੰਧੀ ਪੱਤਰ ਲਿਖਿਆ ਸੀ । ਉਸ ਦਾ ਕੋਈ ਵੀ ਉੱਤਰ ਇੱਕ ਸਾਲ ਬੀਤ ਜਾਣ ਉਪਰੰਤ ਵੀ ਨਹੀਂ ਆਇਆ । ਸਕੂਲਾਂ ਵਿੱਚ 10300-34800+5000 ਦਾ ਸਕੇਲ ਦਿੱਤਾ ਜਾ ਰਿਹਾ ਹੈ । ਡਾਟਾ ਇੰਟਰੀ ਉਪਰੇਟਰ ਕੈਟਾਗਿਰੀ ਨੂੰ ਸਕੇਲ ਦੇਣ ਵਿੱਚ ਇੰਨੀ ਜਿੱਦ ਕਿਉਂ ? ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਵੱਲੋਂ ਜਾਰੀ ਨੋਟੀਫਿਕੇਸ਼ਨ ਨਾਲ ਹੀ ਡਾਟਾ ਇੰਟਰੀ ਉਪਰੇਟਰ ਕੈਟਾਗਿਰੀ ਨੂੰ ਸਕੇਲ ਲੇ ਵਿੱਚ ਸਿਤੀ 01.01.1996 ਤੋਂ 5000-8100 ਅਤੇ ਮਿਤੀ 01.01.2006 ਤੋਂ 10300-34800+3200 ਮਿਲ ਸਕਦਾ ਹੈ ।

ਮੇਰੇ ਵੱਲੋਂ ਆਈ ਸੂਚਨਾ ਦੇ ਆਧਾਰ ਤੇ ਬੇਨਤੀ ਅਨੁਸਾਰ ਮੁੱਖ ਇੰਜ਼ੀਨੀਅਰ/ਡੈਮਜ਼, ਰਣਜੀਤ ਸਾਗਰ ਡੈਮ ਵੱਲੋਂ ਡਾਟਾ ਇੰਟਰੀ ਉਪਰੇਟਰ ਕੈਟਾਗਿਰੀ ਦੇ ਸਕੇਲਾਂ ਸਬੰਧੀ ਮਾਨਯੋਗ ਪ੍ਰਮੁੱਖ ਸਕੱਤਰ ਨੂੰ ਵੀ ਗ੍ਰੀਨ ਨੇਟ ਲਿਖਿਆ ਹੈ, ਜੋ ਆਪ ਜੀ ਕੋਲੋਂ ਹੀ ਉੱਕਤ ਸਕੇਲਾਂ ਵਿੱਚੋਂ ਕੋਈ ਵੀ ਮਿਤੀ 01.01.1986 ਅਤੇ 01.01.2006 ਤੋਂ ਮੰਨਜੂਰ ਹੈ ਕੇ ਆਉਂਣਾ ਹੈ। ਆਪ ਜੀ ਨੂੰ ਨਿਮਰਤਾ ਸਹਿਤ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਉੱਕਤ ਸਕੇਲਾਂ ਵਿੱਚੋਂ ਨੇਟੀਫਿਕੇਸ਼ਨ ਮੰਨਜੂਰ ਕੀਤੀ ਜਾਵੇ ਜੀ।

The appellant also requested to penalize the respondents under Section 19 & 20 of the RTI Act, 2005.

The appellant has also sent an email dated 16.6.2021, which is taken on record in which the appellant has not pointed out any deficiency in the information so supplied by the respondents.

8. Also the RTI application has been considered in terms of the orders issued by the Punjab State Information Commission in CC No. 2177 of 2010 (DOD 2.8.2010) in which it has been mentioned that the information to be collected, collated, tabulated and rearranged is not within the purview of the RTI Act. Subsequently, the office memorandum issued by the

Contd..p/8

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100 Email: <a href="mailto:pcic20@punjabmail.gov.in">pcic20@punjabmail.gov.in</a> Visit us:www.infocommpunjab.com

Whatsapp No. 62848-20189



Appeal Case No. 2278 of 2020

-8-

Department of Personnel and Training, Government of India vide no. 1/18/2011-IR dated 16.9.2011 in which it has been mentioned that:-

"only such information can be supplied under the Act which already exists and is held by the public authority or held by the public authority or held under the control of the public authority. The Public Information Officer is not supposed to create information or to interpret information or to solve the problems raised by the applicant or to furnish the replies to hypothetical questions".

- 9. The RTI application of appellant was also considered in terms of office memorandum issued by the Department of Personnel & Training, Government of India vide No. 11/2/2008-IR dated 10.7.2008 in which it has been stated that the Public Information Officer has to supply the 'material' in the form as held by the public authority and it is not required to do research on behalf of the citizen to deduce anything from the material and then supply it to him.
- 10. It is also appropriate to mention the decision given by the Supreme Court of India in the matter of Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors (Civil Appeal No.6454 of 2011) reported as 2011(3)RCT(Civil) and circulated by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel and Training vide No. 1/18/2011-IR dated 16.9.2011 which is as follows:-

"At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non available

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100 Email: <a href="mailto:pcic20@punjabmail.gov.in">pcic20@punjabmail.gov.in</a> Visit us:www.infocommpunjab.com

Whatsapp No. 62848-20189



Appeal Case No. 2278 of 2020

-9-

information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act."

- 11. As far as the information is concerned, the specific reply/complete information from various departments as available in their record has already been supplied to the appellant. As far as the request of the appellant dated 7.6.2021 is concerned, the same is not tenable as no further directions can be given to the respondent authority regarding pay fixation of the appellant. Also the request of the appellant is not acceptable to impose penalty and award compensation as the Public Information Officer as well as the First Appellate Authority dealt the case in a time bound manner and replied/supplied the information in time. The appellant has not pointed out any deficiency in the information so supplied by the respondent-Public Information Officer o/o Department of Finance, Finance Personnel Policy and Coordination Branch. As far as the other public authorities are concerned, the appellant is advised that in case he wants to seek the other information he may file the application afresh to the authority concerned.
- 12. Keeping in view the judicial pronouncements, government instructions and the facts of the case mentioned above, the Commission is of the considered view that no further action is required to be taken in this case. Therefore, the case is disposed of and closed.

sd
Dated: 15.6.2021 (Suresh Arora)
Chief Information Commissioner,
Punjab.