

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. 0511 OF 2021

Shri Rajesh Gupta, (9814007860)
#373-C, Street No.9,
Old Bishan Nagar,
Patiala.

...Complainant

Versus

Public Information Officer,
O/o Executive Engineer,
Nangal Mechanical Division with Headquarter at Mohali.
65-B, Industrial Area, Phase-7,
S.A.S Nagar (Mohali).

...Respondent

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: None for the parties.

ORDER:

This order may be read with reference to the previous order dated 02.09.2021.

The PIO is absent. However he has sent a letter in the Commission mentioning there in that information sought by the complainant is not related with us. Therefore cannot be supplied to him and same has been conveyed to him in writing whereas the complaint is absent.

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.

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.

Cont...Pg2

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- 02 -

COMPLAINT CASE NO. 0511 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.

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
16.11.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy to intimation and necessary action along with RTI application dated 09.03.2020.

First Appellate Authority,
O/o Superintendent Engineer,
Water Drainage –cum – Circle,
Patiala.

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COMPLAINT CASE NO. 0554 OF 2021

Shri Bittu (9872455496)
S/o Sh. Om Kumar,
Village Bholapur Jhabewal,
PO Ramgarh, District Ludhiana.}]

...Complainant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
Vigilance Bureau,
Ludhiana.

...Respondent

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Ms. Sukhwinder Kaur, Representative of the Complainant.
Shri Paramjit Singh, ASI, on behalf of the respondents

ORDER:

This order may be read with reference to the previous order dated 02.09.2021.

The Respondent states that requisite information/reply has been sent to the complainant vide letter no. 2557/R.T.I., dated 29.04.2021, copy of the same taken on record.

The Representative of the complainant confirms that she has received reply from the Respondent and also gives her consent to close the case.

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

Chandigarh
16.11.2021

Sd/-
(Hem Inder Singh)
State information Commissioner

PUNJAB STATE INFORMATION COMMISSION

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COMPLAINT CASE NO. 0604 OF 2021

Shri Bittu (9872455496)
S/o Sh. Om Kumar,
Village Bholapur Jhabewal,
PO Ramgarh, District Ludhiana.

...Complainant

Versus

Public Information Officer,
O/o Director (Vigilance),
Vigilance Bureau Punjab,
Sector 68, SAS Nagar (Mohali).

...Respondent

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Ms. Sukhwinder Kaur, Representative of the Complainant.
Inspector (Ms.) Amandeep Kaur on behalf of the respondents.

ORDER:

This order may be read with reference to the previous order dated 02.09.2021.

The Respondent states that requisite information/reply has been sent to the complainant vide letter dated 12.08.2021.

The Representative of the complainant confirms that she has received reply from the Respondent and also gives her consent to close the case.

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

Chandigarh
16.11.2021

Sd/-
(Hem Inder Singh)
State information Commissioner

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COMPLAINT CASE NO. 0779 OF 2021

Shri Bittu (9872455496)
S/o Sh. Om Kumar,
Village Bholapur Jhabewal,
PO Ramgarh, District Ludhiana.

...Complainant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
Vigilance Bureau,
Ludhiana.

...Respondent

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Ms. Sukhwinder Kaur, Representative of the Complainant.
Shri Paramjit Singh, ASI, on behalf of the respondents

ORDER:

This order may be read with reference to the previous order dated 02.09.2021.

The Respondent states that requisite information/reply has been sent to the complainant vide letter no. 2287/R.T.I., dated 20.04.2021, copy of the same taken on record.

The Representative of the complainant confirms that she has received reply from the Respondent and also gives her consent to close the case.

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

Chandigarh
16.11.2021

Sd/-
(Hem Inder Singh)
State information Commissioner

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COMPLAINT CASE NO. 0996 OF 2021

Sh. Jasbir Singh, (9888296107)
R/o Guru Nanak Nagar,
Village Bholapur Jhabewal,
Post Office Ramgarh, District Ludhiana-141123

...Complainant

Versus

Public Information Officer,
O/o Sub Divisional Magistrate,
Kapurthala.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Sh. Jasbir Singh, Complainant.
None on behalf of the Respondent.

ORDER:

The RTI application is dated 17.06.2021 whereby the Complainant has sought information as mentioned in his RTI application. He filed complaint in the Commission on 02.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act) and Notice of hearing was issued to the parties for 16.11.2021.

The Complainant states that no information has been provided to him by the PIO whereas the PIO is absent for today's hearing.

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.

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. Cont...Pg2

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- 02 -

COMPLAINT CASE NO. 0996 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.

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
16.11.2021**

**Sd/-
(Hem Inder Singh)
State Information Commissioner**

Copy to intimation and necessary action along with RTI application dated 17.06.2021.

**First Appellate Authority,
O/o Deputy Commissioner,
Kapurthala.**

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APPEAL CASE NO. 2052 OF 2021

Dr. Sandeep Kumar Gupta (992931181)
1722, Sector 14,
HISSAR.

...Appellant

Versus

Public Information Officer,
O/o The Joint Director (Admn)
Vigilance Bureau Punjab,
Sector 68, SAS Nagar (Mohali).

First Appellate Authority
O/o The Joint Director (Admn)
Vigilance Bureau Punjab,
Sector 68, SAS Nagar (Mohali).

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: None on behalf of the Appellant.
Inspector Amandeep Kaur on behalf of the Respondents (8054940526)

ORDER:

This order may be read with reference to the previous order dated: 02.09.2021.

The Appellant is absent and he was also absent on the last date of hearing.

The Respondent states that available information has already been supplied to the appellant vide letter no. 42362/VB/S-14, dated 29.12.2020 and again on 09.02.2021. He further states that rest of the information covered under section 8 (1) (h) of the RTI Act, 2005, therefore cannot be provided to him.

In view of the above, the available information has already been supplied to the appellant and rest of information has covered under section 8 (1) (h) of the RTI Act, 2005. The appellant is again absent, it is presumed that he has satisfied with the response provided by the PIO. No further action is required in this case, hence Appeal Case is **Disposed of closed**. Copies of the order be sent to the parties.

Chandigarh
16.11.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 2066 OF 2020

Sh. Ravinder Kaushik, (9316812000)
S/o Sh. Surinder kaushik,
312, IBRS Nagar,
LUDHIANA.

...Appellant

Versus

Public Information Officer,
O/o The Principal,
Govt. Sr. Secondary School,
Gujjarwal, Distt. Ludhiana.

First Appellate Authority
O/o The Principal,
Govt. Sr. Secondary School,
Gujjarwal, Distt. Ludhiana.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: None on behalf of the Appellant.
Sh. Harminder Singh Manocha, Principal-cum-PIO.

ORDER:

This order may be read with reference to the previous order dated 02.09.2021.

The PIO states that as per orders of the Commission remaining information (139 pages approx.) duly attested has already been supplied to the appellant vide letter dated 04.09.2021 through registered post. He further request for withdraw the show cause notice issued to him and reply in this regard has already been submitted in the Hon'ble Commission.

The Appellant is absent and observation has been received from him.

In view of the above and perusal of the case file revealed that sufficient information has been supplied to the appellant. Respondent has filed the reply of show cause notice issued to him. Keeping in view all the facts mentioned in the reply the show cause notice is hereby is dropped. No further action is required in this case, hence Appeal Case is **Disposed of closed**. Copies of the order be sent to the parties.

Chandigarh
16.11.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 2130 OF 2021

Sub-Maj. Balbir Singh (8219273213)
S/o Sh. Ram Kishan,
Village Jamalpur (Umarpur),
PO Umarpur, Teh. Mukerian,
Distt. Hoshiarpur.

...Appellant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
Hoshiarpur.

First Appellate Authority
O/o Senior Superintendent of Police,
Hoshiarpur.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: None for the Appellant.
HC Rajesh Kumar on behalf of the Respondents (7009747728)

ORDER:

This order may be read with reference to the previous order dated 02.09.2021.

The Respondent states that requisite information has already been supplied to the appellant again on 29.09.2021 by registered post.

The Appellant is absent and he was also absent on the last date of hearing.

After perusal of the case file, it is revealed that requisite information has already been supplied to the appellant. The appellant has not attended the hearing consecutively twice entailing that he does not want to pursue this case further. It is presumed that he has satisfied with the response provided by the PIO. No further action is required in this case, hence Appeal Case is

Disposed of closed. Copies of the order be sent to the parties.

Chandigarh
16.11.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 2202 OF 2021

Sh. Tejinder Singh, Advocate (9041004313)
Civil Courts, Tehsil Complex,
Backside Sanjh Kender,
Phillaur-144410

...Appellant

Versus

Public Information Officer,
O/o Sub Divisional Magistrate,

Sultanpur Lodhi.

First Appellate Authority

O/o The SDM,
Sultanpur Lodhi.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Advocate Tejinder Singh, Appellant.
The Representative on behalf of the Respondents.

ORDER:

This order may be read with reference to the previous order dated: 02.09.2021.

The Respondent states that requisite information has already been supplied to the appellant.

The Appellant states that he has received information sought from the Respondent to his satisfaction and also 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 Appeal Case is **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
16.11.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner