

PUNJAB STATE INFORMATION COMMISSION

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

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Whatsapp No. 62848-20189



Sh. Nirmal Singh Dhiman, Supdt. Grade-I (Retd.),

S/o Late Sh. Gurbax Singh,

M : 9988163411

H.No. 895 Phase 11 Mohali. 160062

-----Appellant

Vs

Public Information Officer,

o/o Financial Commissioner(Revenue Department)

Punjab, Chandigarh

First Appellate Authority,

o/o Financial Commissioner(Revenue Department)

Punjab, Chandigarh

-----Respondents

Appeal Case No. 3996 of 2020

ORDER

This order was 'RESERVED' on 6.5.2021 for pronouncement.

2. The brief of the case is that the appellant retired as Superintendent Grade-1 (Retd.) o/o Financial Commissioner's Secretariat, Punjab and he has sought the information from his own department i.e. Financial Commissioners' Secretariat, Punjab regarding the action taken on his representation(s) concerning pay fixation by filing the request dated 29.5.2020.

3. Due to non satisfaction with the reply of the respondent-Public Information Officer, the appellant filed the first appeal before the First Appellate Authority on 20.10.2020.

4. Feeling aggrieved, the appellant preferred the second appeal before the Commission on 7.12.2020 and the case was fixed for hearing on 10.2.2021.

5. During the hearing on 10.2.2021 the appellant stated that incomplete information has been supplied by the respondent-Public Information Officer. Thus, the directions were issued to the respondent-Public Information Officer to supply the complete information before the next date of hearing. Also the appellant was advised to point out the deficiencies, if any, after receipt of the remaining information from the respondent-Public Information Officer and the case was adjourned for 22.3.2021 but due to administrative reasons the case could not be heard and was further adjourned for 6.5.2021.

6. During the hearing on 6.5.2021, the appellant filed the rejoinder/deficiencies in the information so supplied by the respondents and stated that the same may be treated as final reply in this case. Also the respondent-Public Information Officer already filed their

Contd..p/2

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-2-

submissions which are already available in the case file. As far as the information is concerned, the respondent-Public Information Officer also submitted that the sought information as available on record has already been supplied to the appellant. The respondents have also categorically mentioned that 22 appeals of the appellant have already been filed by the Punjab State Information Commission. In addition, the respondents have also mentioned that the applications of the appellant, concerning the pay fixation have already been filed by the department.

7. After going through the rejoinder/submissions made by the appellant, it has transpired that he has received the complete information pertaining to his RTI application as no deficiency has been pointed out in the information so supplied by the respondents except the procedural lapses, which are beyond the scope of the RTI Act, 2005.

8. It is appropriate to mention the instructions issued by the Government of India, Ministry of Personnel, Public Grievances & pensions, Department of Personnel & Training vide No. 1/7/2009-IR dated 20th May, 2011 and the relevant portion of the same is reproduced below:-

"The definition of information cannot include within its fold answers to the question 'why' which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."

9. After going through the submissions of the parties, record available in the case file and the instructions issued by the Government of India mentioned herein, the Commission observes that no further action is required to be taken in this case as the complete information has already been supplied to the appellant by the respondents and no deficiency has been pointed out by the appellant except the allegations that the respondents have made the procedural lapses while dealing with his representation(s) to fix the pay. Hence, the case is disposed of and closed.

Sd/

(Suresh Arora)

Chief Information Commissioner, Punjab.

Dated: 17.5.2021