



Sh Tejinder Singh,
Civil Court, Tehsil Complex,
Backside Sanjh Kender,
Phillaur.

... Appellant

Versus

Public Information Officer,
O/o District Ayurvedic Officer,
Patiala.

First Appellate Authority,
O/o Directorate of Ayurveda Deptt,
Sector-11, Chandigarh.

...Respondent

Appeal Case No. 4132 of 2021

PRESENT: Sh.Tejinder Singh as the Appellant
Dr.Yogesh Bhatia AMO for the Respondent

ORDER:

The appellant through RTI application dated 12.05.2021 has sought information regarding the total number of ayurvedic dispensaries in District Patiala – the name of doctors and pharmacists posted in each dispensary with detail of medicines and other items –ayurvedic products approved and other information as enumerated in the RTI application concerning the office of District Ayurvedic Department, Patiala. The appellant was not satisfied with the reply of the PIO dated 26.05.2021 after which the appellant filed the first appeal before the First Appellate Authority on 16.06.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Patiala. As per the respondent, the reply/information has been sent to the appellant vide letter dated 29.03.2022.

The appellant has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed of and closed.**

Chandigarh
Dated: 17.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Tejinder Singh,
Civil Court, Tehsil Complex,
Backside Sanjh Kender,
Phillaur.

... Appellant

Versus

Public Information Officer,
O/o Food Safety Officer,
Patiala.
First Appellate Authority,
O/o Director Health officer (Food),
Patiala.

... Respondent

Appeal Case No. 4005 of 2021

**PRESENT: Sh. Tejinder Singh as the Appellant
Smt. Gagandeep Kaur, FSO for the Respondent**

ORDER:

The appellant through RTI application dated 15.04.2021 has sought information on 07 points regarding the number of contracts registered in District Patiala – diesel allotment to designated Food Safety Officer for the vehicle provided for taking samples or conducting inspections – payments made while collecting samples from the year 2018 – rules allowing for the collection of samples in a month – log book of vehicle used by Health department and other information as enumerated in the RTI application concerning the office of Food Safety Officer, Patiala. The appellant was not satisfied with the reply of the PIO dated 18.05.2021 after which the appellant filed the first appeal before the First Appellate Authority on 31.05.2021, which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Patiala. As per the respondent, the reply/information has been sent to the appellant vide letter dated 18.05.2021 and discrepancies as pointed out by the appellant on 26.07.2021 have also been sorted out on 27.08.2021.

The appellant is not satisfied with the provided information.

Having gone through the RTI application and hearing both the parties, the following is concluded:

- Point-1 - As per the respondent, the information is on the website of the department. As per the appellant, information is not being shown on the website. The PIO is directed to provide a hard copy of the information.
- Point-2 - As per the respondent, the information relates to the accounts department
The PIO is directed to procure from the concerned department and provide it to the appellant.
- Point-3 & 4 - Provided
- Point-5 - PIO to provide the logbook of the vehicle
- Point-6 - On the website
- Point-7 - Provided

The information be provided within 15 days of the receipt of the order.

With the above directions and order, the case is **disposed of and closed.**

Sd/-

Chandigarh
Dated: 17.05.2022

(Khushwant Singh)
State Information Commissioner



Sh Swaran Singh, S/o sh Joginder Singh,
R/o Village Uksi Sainia,
Tehsil Rajpura, Distt Patiala.

... Complainant

Versus

Public Information Officer,
O/o Civil Surgeon,
Patiala.

...Respondent

Complaint Case No. 1192 of 2021

PRESENT: Sh.Swaran Singh as the Appellant
Dr.Rakesh Kumar PHC Kalomajra for the Respondent

ORDER:

The complainant through an RTI application dated 29.06.2021 has sought information regarding copies of attendance record alongwith complete particulars of job and responsibilities of all staff members/doctors, nurses from 01.04.2021 – complete record fo medicines, injections and other medical equipment, furniture supplied to health wellness centre UKSI Sainian, Tehsil Rajpura – the record of patients got treatment with detail of medicines as enumerated in the RTI application concerning the office of Civil Surgeon, Patiala. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 01.10.2021.

The case has come up for hearing today through video conferencing at DAC Patiala. As per the appellant, the PIO has not supplied the information.

The respondent present pleaded that the complainant was asked to vide letter dated 30.07.2021 to deposit the requisite fee of Rs.200/- which the complainant has not deposited and the information has not been provided.

The complainant alleges that the letter which the respondent claims to have sent on 30.07.2021 was actually posted on 04.09.2021. The complainant has also submitted a copy of the postal receipt which has been taken on record.

Decision

The RTI application was filed on 29.06.2021, which was amidst the peak third wave of COVID-19. It is also in everyone's knowledge that the medical staff was at the forefront of dealing with this pandemic and fully involved in dealing with the situation at hand. Given the pandemic situation when this RTI was filed, there appears no malafide on the part of the PIO in attending to the RTI application and hence the PIO is given the benefit of doubt for the delayed posting of the letter.

Further, the Commission observes that since this is a complainant case and the complainant has come to the Commission under the provision of Section 18 of the RTI Act, 2005 in which no directions for providing further information can be given by the Commission.

The Hon'ble Supreme Court of India in its Order dated 12.12.2011 in Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP No.32768-32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information.

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.

If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he/she 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 case is remanded back to the concerned First Appellate Authority-Civil Surgeon Patiala with a copy of RTI application for their ready reference and is also directed to call the complainant within 15 days of the receipt of the order, provide the information/reply pertaining to this RTI application. A compliance report of the same be sent to the Commission.

With the above observation and order, the case is **disposed of and closed**

Chandigarh
Dated: 17.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Smt Mandeep Kaur, W/o Sh Lakhpreet Singh,
Vilalge Meerpur, P.O Kheri Noodh Singh,
Tehsil Khamanoo, Distt Fatehgarh Sahib.

... Appellant

Versus

Public Information Officer,
O/o Director Education,
SGPC, Bahadurgarh, Patiala.

First Appellate authority,
O/o Director Education,
SGPC, Bahadurgarh, Patiala.

...Respondent

Appeal Case No. 4368 of 2021

PRESENT: Sh.Lovpreet Singh for the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 15.04.2021 has sought information regarding advertisement No.306/2020 dated 04.09.2020 relating to the recruitment of Assistant Professors (History) in Mata Gujri College Fatehgarh Sahib - a copy of MA degree if the subject of candidates selected is history or Prachin Bharti Itihas Sabhiachar as enumerated in the RTI application concerning the office of Director Education, SGPC Bahadurgarh, Patiala. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 28.06.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Patiala. As per the appellant, the PIO has not supplied the information.

The respondent is absent nor is represented. The PIO vide a copy of a letter received in the Commission on 02.05.2022 has informed that since the information is 3rd party and the 3rd party has not given its consent to disclose the information, the reply has been sent to the appellant.

Having gone through the RTI application, the Commission observes that all the information sought by the appellant is in the query form and does not qualify under the definition of information under section 2(f) of the RTI Act. The appeal is rejected.

The case is **closed**.

Chandigarh
Dated: 17.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Jasbir Singh,
Guru Nanak Nagar, Village Bolapur,
Jhabewal, P.O Ramgarh, Distt Ludhiana.

... Complainant

Versus

Public Information Officer,
O/o Civil Surgeon,
Gurdaspur.

...Respondent

Complaint Case No. 1038 of 2021

**PRESENT: None for the Appellant
 Dr.Ankur Kaushal for the Respondent**

ORDER:

The complainant through an RTI application dated 29.06.2021 has sought information regarding the list of alcohol samples collected from the year 2015 – a copy of entry register – a copy of receipts for the value issued – license issued etc. as enumerated in the RTI application concerning the office of Civil Surgeon, Gurdaspur. The complainant was not provided the information after which the appellant filed a complaint in the Commission on 10.08.2021

The case has come up for hearing today through video conferencing at DAC Gurdaspur/Ludhiana. As per the respondent, the information has been supplied to the complainant on 20.07.2021 and again on 17.03.2022.

The appellant is absent and vide email letter received in the Commission on 04.03.2022 has informed that he has received the information and does not want to pursue the case further.

Since the information has been provided, no further course of action is required. The case is **disposed of and closed.**

Chandigarh
Dated: 17.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Tejinder Singh,
R/o Bolapur Jhabewal,
P.O Ramgarh, Chandigarh Road,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Food Safety Officer,
O/o civil Surgeon, Gurdaspur.

First Appellate Authority,
O/o District Health Officer,
Gurdaspur.

...Respondent

Appeal Case No. 791 of 2018

**PRESENT: Sh.Tejinder Singh as the Appellant
Dr.Ankur for the Respondent**

ORDER:

In this case, due to delay in providing the information by the PIO, a compensation amount of Rs.10000/- was awarded at the hearing on 08.08.2018 by the then SIC Sh.Nidharak Singh Brar and the PIO was directed to comply with the order of the Commission and submit proof of having paid the compensation to the appellant. However, no compliance was received from the PIO. As per the order of the Hon'ble Chief Information Commissioner, fresh notice was issued to the PIO for compliance.

The case has come up for hearing today through video conferencing at DAC Gurdaspur. Dr.Ankur representing the PIO informed that the compensation has already been paid to the appellant on 21.08.2018.

The appellant has received the same.

Since the order of the Commission has already been complied with, no further course of action is required.

The case is **closed**.

Chandigarh
Dated: 17.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Bitu,
Village Thatha, Tehsil Batala,
Distt Gurdaspur.

... Appellant

Versus

Public Information Officer,
O/o Assistant Food Supply Officer,
Fatehgarh Churian.
District Gurdaspur

First Appellate Authority,
O/o District Food and Supply Controller,
Gurdaspur.

...Respondent

Appeal Case No. 514 of 2021

PRESENT: None for the Appellant
Sh.Lakhwinder Singh, Inspector for the Respondent

ORDER:

The appellant through RTI application dated 21.09.2020 has sought information regarding details of ration distributed in village Thatha from 01.01.2020 to 31.08.2020 – ration distributed in Sept. – list of ration card suspended in September and list of new card issued and other information concerning the office of Assistant Food Supply Officer Fatehgarh Churian. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 21.11.2020 which took no decision on the appeal.

The case first came up for hearing on 11.05.2021 through video conferencing at DAC Gurdaspur. The appellant claimed that the PIO has not provided the information.

The respondent was absent and vide an email has sought adjournment on the plea that since he was in touch with a Food Supply Officer who was COVID-19 positive, he had quarantined himself and was unable to attend the hearing.

Since there had been an enormous delay in attending to the RTI application. The PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.** The PIO was again directed to provide information as soon as he resumes work from the quarantine.

Sh. Rakesh Kumar, Inspector appeared late and assured to provide the information within a week. He was informed of the status of the hearing.

On the date of the hearing on **18.08.2021**, both the parties were absent.

The respondent also did not file a reply to the show-cause notice. The PIO was given one last opportunity to file a reply to the show-cause notice otherwise it will be presumed that he has nothing to say in the matter and the decision will be taken ex parte.

On the date of the last hearing on **09.02.2022**, due to a technical fault in the VC, the hearing could not take place. The case was adjourned.

Hearing dated 17.05.2022:

The case has come up for hearing today through video conferencing at DAC Gurdaspur. The respondent present pleaded that in compliance with the order of the Commission, the information has already been supplied to the appellant.

The appellant is absent nor is represented.

Since the appellant is continuously absent at all the hearings and the information has been provided, the show cause is being dropped and the case is closed.

Chandigarh
Dated: 17.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Inderjit Singh, S/o LateSh Joginder Singh,
Village Bharana, Tehsil Zira,
Distt Ferozepur.

... Appellant

Versus

Public Information Officer,
O/o DSP, Zira,
Distt Ferozepur.

First Appellate Authority,
O/o SSP,
Ferozepur.

...Respondent

Appeal Case No. 4747 of 2021

**PRESENT: None for the Appellant
 Sh.Sandeep Singh, DSP for the Respondent**

ORDER:

The appellant through an RTI application dated 04.03.2021 has sought information regarding action taken on the complaints to SSP & DGP against forcefully blocking them as enumerated in the RTI application concerning the office of DSP Zira. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 03.05.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Ferozepur. As per the respondent, all the complaints of the appellant were clubbed and after conducting the enquiry, no case was made out and the complaints were closed. As per the respondent, the reply has been sent to the appellant on 10.05.2022.

The appellant is absent nor is represented as well not communicated any discrepancies in the provided information. It is presumed that the appellant has received the information and is satisfied.

No further interference of the Commission is required. The case is **disposed of and closed.**

Chandigarh
Dated: 17.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner