

**PUNJAB STATE INFORMATION COMMISSION**  
Red Cross Building, Near Rose Garden,  
Sector 16, Chandigarh.  
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Helpline No. 0172-2864100



Smt. Amandeep Kaur, # 432/7,  
Gopal Shah Road, Mohalla Islamabad  
Gurdaspur (7986119715)

.....Complainant

..Vs

**Public Information Officer,**  
O/o Principal HRA Lotus School  
Gurdaspur

.....Respondent

**CC No. 1108 of 2021**

Present : (i) Smt. Amandeep Kaur the complainant (through CISCO)  
(ii) None is present on behalf of the respondent

### **ORDER**

The RTI application is dated NIL whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 02.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 18.02.2022 i.e. today.

3. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, 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 which is as under:-

*(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).*

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**CC No. 1108 of 2021**

4. 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.

5. 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.

6. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) as the first appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to give an early date to hear the complainant and decide the matter. In case the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

7. 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.

8. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

*Sd/-*

**(Amrit Partap Singh Sekhon)**  
**State Information Commissioner**  
**Punjab**

**Dated : 18.02.2022**

First Appellate Authority,  
O/o DEO(SE), Gurdaspur

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Sh. Pargat Singh, S/o Sh. Gurdial Singh  
Village Man (Chopra), PO Sidwa,  
Distt. Gurdaspur (9646384164)

.....Complainant

..Vs

**Public Information Officer,**  
O/o BDPO, Gurdaspur

.....Respondent

**CC No. 1100 of 2021**

Present : (I) Sh. Pargat Singh, the complainant through CISCO  
(ii) None is present on behalf of the respondent

**ORDER**

1. The RTI application is dated NIL whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 31.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 18.02.2022 i.e today.
3. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, 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 which is as under:-

*(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).*

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**CC No. 1100 of 2021**

4. 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.

5. 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.

6. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) as the first appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to give an early date to hear the complainant and decide the matter. In case the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

7. 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.

8. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

*Sd/-*

**Dated : 18.02.2022**

**(Amrit Partap Singh Sekhon)**  
**State Information Commissioner**  
**Punjab**

**REGISTERED POST**

First Appellate Authority  
DDPO, Gurdaspur

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Sh. Gurdeep Singh, S/o Sh. Jeet singh  
Village Lohari Kalan, PO Dhunda  
Tehsil Bassi Pathana, Distt. Fatehgarh Sahib  
(8872894251)

.....Complainant

..Vs

**Public Information Officer,**  
O/o BDPO, Bassi Pathana, Distt. Fatehgarh Sahib

.....Respondent

**CC No. 1129 of 2021**

Present : None for the parties.

**ORDER**

The RTI application is dated 26.04.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 03.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 18.02.2022 i.e. today.

3. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, 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 which is as under:-

*(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).*

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**CC No. 1129 of 2021**

4. 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.

5. 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.

6. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) as the first appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to give an early date to hear the complainant and decide the matter. In case the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

7. 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.

8. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

*Sd/-*

Dated : 18.02.2022

(Amrit Partap Singh Sekhon)  
State Information Commissioner  
Punjab

**REGISTERED POST**

First Appellate Authority  
DDPO, Bassi Pathana, Distt. Fatehgarh Sahib

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Sh. Amrit Pal Garg, S/o Sh. Channa Ram  
Ward No. 15, Near Vishwakarma Mandir,  
Patran, Distt. Patiala – 147105 (9464533145)

.....Appellant

..Vs

**Public Information Officer,**  
O/o AETC, Patiala  
**First Appellate Authority**  
O/o Assistant Commissioner (Excise)  
Patiala Range, Patiala

.....Respondent

**AC No. 3970 of 2021**  
**Through CISCO Webex**

Present : (I) Sh. Amrit Pal Garg the appellant through CISCO  
(ii) For the respondent : None for the respondent

**ORDER**

The RTI application is dated 14.05.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 23.07.2021 second appeal was filed in the Commission on 02.09.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 10.01.2022. On 10.01.2022 the above said appeal case was postponed and fixed for hearing on 18.02.2022 i.e. today.

3. Today, the appellant states that no information has been given to him so far.

4. The respondent is absent today.

5. The perusal of the file shows that the appellant has demanded information that “*Details of action taken against Sh. Bhagat Dayal s/o Kasturi Lal for non payment of tax during 01 January 2015 to 14.02.2021. also details about the amount of tax pending for the period*”.

The respondent has filed his reply vide dated 17.08.2021 that the information demanded by the appellant is third party information, hence cannot be provided under Section 8(1)(j) of the RTI Act 2005.

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**AC No. 3970 of 2021**

This objection of the respondent is upheld. I relied upon the decision dated 13.11.2019 of Hon'ble Supreme Court of India in Civil Appeal No. 10044 of 2010 titled in Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Aggarwal, regarding Right to Information Act, 2005 in which in para no. 59 of the above referred case had defined 'Personal Information' under the Right to Information Act 2005, the relevant part of the judgment is reproduced below:-

*"Reading of the aforesaid judicial precedents, in our opinion , would indicate that personal records, including name, address , Physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification , performance , evaluation reports, ACRs, disciplinary proceedings, etc. Are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded. Including that of the family members, information, relating to assets, liabilities, Income tax returns, details of the investments, lending and borrowing etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive.*

6. Hence, the information seeks personal information of Sh. Bhagat Dayal s/o Sh. Kasturi Lal, cannot be provided to him as per above said law/directions of the Hon'ble Supreme Court of India. Therefore the present appeal filed by the applicant stands disposed of and closed. Copy of the order be sent to the parties.

*Sd/-*

Dated : 18.02.2022

(Amrit Partap Singh Sekhon)  
State Information Commissioner  
Punjab



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Smt. Monica Mann,  
W/o Sh. Sandeep Mann,  
House No. 2928, SEctor 66, Mohali

.....Appellant

..Vs

**Public Information Officer,**  
O/o Chairman, St. Marry School  
Sector 66, Mohali

**First Appellate Authority**  
O/o DEO(EE), Punjab, Mohali

.....Respondent

**AC No. 3061 of 2021**

Present : (I) Sh. Sandeep Mann, Husband of the appellant on behalf of Smt.Monica Mann through CISCO webex  
(ii) For the respondent : Smt. Komal, Office Assistant (9463082898), o/o DEO, Mohali through CISCO Webex

**ORDER**

The present appeal case was earlier allocated to the Bench of Ld. State Information Commissioner Shri Avtar Singh Kaler in which notice of hearing was issued. However, since the Ld. State Information Commissioner Shri Avtar Singh Kaler has demitted his office on the completion of his tenure, the case has been re-allocated to the Bench of the undersigned and fixed for hearing on 10.01.2022. But on 10.01.2022, the case was postponed and fixed for hearing on 18.02.2022 I.e. today.

2. The appellant has sent a letter to the Commission, which was received vide dated 07.02.2022. The same is taken on record.

3. The respondent states that the respondent school is a Private School and they have already sent their reply to the appellant as well as to the Commission.

4. After hearing both the parties and examining the case file, it ascertained that on 01.11.2021 before the bench of former SIC, Sh. Avtar Singh Kaler, Sh. Vibha Nagar, Advocate was present and stated that the respondent school is a private school, which does

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**AC No. 3061 of 2021**

not cover under the definition of public authority as envisaged u/s 2(h) of the RTI Act 2005. But the appellant stated that he filed RTI with the DPI(EE), hence PIO, o/o DPI(EE) was directed to file their reply.

5. I have gone through the file and found that the appellant filed RTI with the DPI (EE) on 22.02.2021. Further, DPI (EE) forwarded the same to the concerned department within stipulated time under Section 6(3) of the RTI Act 2005. Further, Chairman, St. Mary School has also sent their reply stating that “School is a self financing private institute, which is not owned, controlled or substantially financed, directly or indirectly by the Government. It is submitted that the School is also not a non-governmental organization, directly or indirectly or substantially financed or funded by the Government. It is submitted here that our School is neither funded nor owned by the Government, therefore our School cannot be treated and assumed to be a “public authority” within the meaning of Section 2(h) of the RTI Act 2005”.

The representative of the appellant has not been able to prove that the St. Mary School is a public authority within the meaning of Section 2(h) of the RTI Act 2005, hence the present appeal case is **disposed of and closed**. However the appellant will be at liberty to file fresh RTI application with supported documents to get it declared as a public authority , in case he so wish. Copies of the order be sent to the parties.

*Sd/-*

Dated : 18.02.2022

(Amrit Partap Singh Sekhon)  
State Information Commissioner  
Punjab

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Sh. Gurinderdeep Singh Grewal,  
# 39-H, BRS Nagar, Ludhiana

.....Appellant

..Vs

**Public Information Officer,**  
O/o Police Commissioner, Ludhiana

**First Appellate Authority**  
O/o Police Commissioner, Ludhiana

.....Respondent

**AC No. 3965 of 2021**

Present : (I) Sh. Gurinderdeep Singh Grewal the appellant through CISCO  
(ii) None is present on behalf of the respondent

**ORDER**

The RTI application is dated 31.07.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 19.07.2021 and second appeal was filed in the Commission on 02.09.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 10.01.2022. On 10.01.2022 the above said appeal case was postponed and fixed for hearing on 18.02.2022 i.e. today.

3. The perusal of the record as available on file shows that the information as sought by the appellant has been provided to him by the respondent-PIO and the respondent has sent the acknowledgment of the appellant having received the information and shown his satisfaction.

4. In view of the foregoing, no cause of action is left, hence the appeal case filed by the appellant is disposed of and closed. Copy of the order be sent to the parties.

*Sd/-*

Dated : 18.02.2022

(Amrit Partap Singh Sekhon)  
State Information Commissioner  
Punjab

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Sh. Jagtar Singh, Village Narain  
PO Bhagrana, Block Khera, Tehsil Bassi Pathana  
Distt. Fatehgarh Sahib (9815289033)

.....Appellant

..Vs

**Public Information Officer,**  
O/o Director Rural Development and Panchayat  
Sector 62, Mohali

**First Appellate Authority**  
O/o Director Rural Development and Panchayat  
Sector 62, Mohali

.....Respondent

**AC No. 3887 of 2021**  
**Alongwith**  
**AC: 3889 of 2021**

Present : (I) Sh. Jagtar Singh the appellant through CISCO webex  
(ii) For the respondent : None is present on behalf of the respondent

### **ORDER**

The RTI application is dated 28.05.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 20.07.2021 second appeal was filed in the Commission on 31.08.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 10.01.2022. On 10.01.2022 the above said appeal case was postponed and fixed for hearing on 18.02.2022 i.e. today.

3. After hearing the appellant and going through the RTI, it is observed that the appellant filed two above said applications on same matter i.e. *action taken report on complaint dated 25.11.2020 filed by the Appellant to BDPO Khera against Ex Sarpanch Sarabjit Kaur for embezzlement in the funds received.*

4. The perusal of the file shows that the respondent has sent proper reply to the Commission. Copy of the same is handed over to the appellant. The appellant has gone through the same and is satisfied.

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**AC No. 3887 of 2021**  
**Alongwith**  
**AC: 3889 of 2021**

2. Since, the appellant is satisfied, no cause of action is left, hence the above said appeal cases filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

*Sd/-*

Dated : 18.02.2022

(Amrit Partap Singh Sekhon)  
State Information Commissioner  
Punjab

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Sh. Jagtar Singh, Village Narain  
PO Bhagrana, Block Khera, Tehsil Bassi Pathana  
Distt. Fatehgarh Sahib (9815289033)

.....Appellant

..Vs

**Public Information Officer,**  
O/o Director Rural Development and Panchayat  
Sector 62, Mohali

**First Appellate Authority**  
O/o Director Rural Development and Panchayat  
Sector 62, Mohali

.....Respondent

**AC No. 3886 of 2021**

Present : (I) Sh. Jagtar Singh the appellant through CISCO webex  
(ii) For the respondent : None is present on behalf of the respondent

**ORDER**

The RTI application is dated 28.05.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 20.07.2021 second appeal was filed in the Commission on 31.08.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 10.01.2022. On 10.02.2022 the above said appeal case was postponed and fixed for hearing on 18.02.2022 i.e. today.

3. After hearing the appellant and going through the RTI , it is observed that the appellant demanded information i.e. *action taken report on complaint dated 18.03.2020 filed by the appellant to BDPO Khera against Ex Sarpanch Sarabjit Kaur for embezzlement in the funds received.*

4. The perusal of the file shows that the respondent has sent proper reply to the Commission. Copy of the same is handed over to the appellant. The appellant has gone through the same and is satisfied.

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**AC No. 3886 of 2021**

5. In view of the foregoing, no cause of action is left, hence the above said appeal cases filed by the appellant is disposed of and closed. Copy of the order be sent to the parties.

*Sd/-*

Dated : 18.02.2022

(Amrit Partap Singh Sekhon)  
State Information Commissioner  
Punjab

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Sh.Iqbal Singh Rasulpur,  
C/o Advocate Satinderpal Singh Dhaliwal,  
Office Guru Nanak Nagar, Street No. 4, Kacha Malj Road,  
Jagraon, Distt. Ludhiana -142026

.....Appellant

..Vs

**Public Information Officer,**  
O/o Secretary , school Education Punjab, Mini Sectt.  
Sector 9, Chandigarh

**First Appellate Authority**  
O/o Secretary, School Education Punjab  
Mini Sectt., Sector 9, Chandigarh

.....Respondent

**AC No. 3907 of 2021**

Present : (I) None is present on behalf of the appellant  
(ii) For the respondent : Sh. Parminder Singh, Sr. Asstt. (99150-24009) through  
CISCO Webex

**ORDER**

The RTI application is dated 01.04.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 07.05.2021 and second appeal was filed in the Commission on 10.01.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 10.01.2022. On 10.01.2022 the above said appeal case was postponed and fixed for hearing on 18.02.2022 i.e. today.

3. The appellant Sh. Iqbal Singh has informed on phone that he has received the information and is satisfied.

4. The respondent states that the information has been sent to the appellant.

5. Since, the appellant has received the information and is satisfied, hence no cause of action is left, therefore the appeal case filed by the appellant is disposed of and closed. Copy of the order be sent to the parties.

*Sd/-*

**Dated : 18.02.2022**

**(Amrit Partap Singh Sekhon)**  
**State Information Commissioner**  
**Punjab**