



Sh.Tejinder Singh,
R/o Village Bholapur, P.O Ramgarh,
Chandigarh Road, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Addl, Chief Secretary,
Housing and Urban Development,
Pb, Chandigarh.

First Appellate Authority,
O/o Addl, Chief Secretary,
Housing and Urban Development,
Pb, Chandigarh.

...Respondent

Appeal Case No. 4183 of 2018

Present: **Sh.Jasbir Singh on behalf of the Appellant**
 Mrs.Swaran Kaur, Sr.Assistant O/o Chief Secretary, Housing & Urban
 Development, Punjab for the Respondent

ORDER:

The appellant through RTI application dated 03.08.2018 has sought information regarding time and procedure for filing appeal against the cancellation of allotment on the misuse of residential flats during the period from 2015 to 03.08.2018 and other information concerning the office of Addl, Chief Secretary, Housing and Urban Development, Pb, Chandigarh.. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 30.09.2019 which took no decision on the appeal.

The respondent present pleaded that since the information sought is in question form, it cannot be provided and the appellant has been informed vide letter dated 21.08.2018.

Having gone through the RTI application, the Commission directs the PIO to relook at point-1, and if there is any document available which states the procedure to file an appeal against the order of cancellation of allotment letter, it be provided. If it is on the website, a link of the website be provided. The information be provided within a week.

The sought information regarding point-2 is ambiguous. If the appellant needs information on this point, he should file a fresh RTI which is coherent.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 18.03.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Ritu Raj, S/o Sh Harish Kumar,
H No-21-22, Street No-8,
Ferozepur Cantt.

.....Appellant

Versus

Public Information Officer,
O/o SSP,
Shri Mukatsar Sahib.

First Appellate Authority,
O/o IG, Bathinda Zone,
Bathinda.

...Respondent

Appeal Case No. 4231 of 2018

Present: Sh.Jugraj S/o Sh.Harish Kumar, representative for the Appellant
Sh.Manjit Singh, ASI O/o SSP Sri Mukatsar Sahib for the Respondent

ORDER:

The appellant through RTI application dated 21.08.2018 has sought information regarding verification report of dowry items/bills in case No.62 dated 17.06.2015 u/s 498-A, 354. 506. 406 & 34 and other information concerning the office of SSP Sri Mukatsar Sahib. The appellant was not satisfied with the reply of the PIO vide letter dated 22.09.2018 whereby the PIO denied the information stating that the case has been presented in the court after which the appellant filed first appeal before the First Appellate Authority on 20.10.2018 which disposed off the appeal 25.10.2018 upholding the PIOs decision.

The respondent present pleaded that since the appellant is one of the accused in the case, the disclosure of information will hamper the process of enquiry.

Having gone through the case, the Commission finds that since the matter is already in the court, there is no reason to hold back the information that has been sought. The Commission directs the PIO to provide a legible certified copy of the list of dowry articles and verification report of documents as per RTI application within 10 days and send a compliance report to the Commission.

To come for compliance on **15.05.2019 at 11.00 AM.**

Chandigarh
Dated: 18.03.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Rajinder Kumar,
H no-361, Sector-80,
Mohali.

....Appellant

Versus

Public Information Officer,
O/oChief Administrator,
GMADA, Mohali

First Appellate Authority,
O/oAddl, Chief Administrator,
GMADA, Mohali.

...Respondent

Appeal Case No. 4235 of 2018

Present: Sh.Rajinder Kumar as the Appellant
Sh/Gulshan Kumar PIO GMADA for the Respondent

ORDER:

The appellant through RTI application dated 01.02.2018 has sought information on 7 points regarding area of land for GurudwaraRavidasJi Adjoining Kothi No.360 and 361 Sector 80 Mohali reserved at the time of acquisition by GMADA and other information concerning the office of Chief Administrator, GMADA Mohali.. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 04.04.2018 which took no decision on the appeal.

I have seen the file and observed that the appellant had filed first appeal on 04.04.2018 and has come to the Commission on 06.12.2018 which is time barred Under Section 19(3), of the RTI Act which states that a second appeal against the decision on First Appeal shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission, as the case may be. The appellant pleaded that since he had to stay in his native village in District Hamirpur to look after his ailing mother for four months, the appellant could not file appeal in the Commission on time. The Commission accepts the appellant's appeal on compassionate ground.

The respondent present pleaded that the information has been provided to the appellant. The appellant is not satisfied with the information provided.

Having gone through the RTI application and reply of the PIO, the Commission directs the PIO to provide information regarding points 2 & 6 within a week and send a compliance report to the Commission. Remaining information stands provided.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 18.03.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Neeraj Kumar,
1781, Phase-3B2,
Mohali.

....Appellant

Versus

Public Information Officer,
O/oEO,
GMADA, Mohali.

First Appellate Authority,
O/o EO,
GMADA, Mohali.

...Respondent

Appeal Case No. 4238 of 2018

Present: Sh.Neeraj Kumar as the Appellant
Sh.Gulshan Kumar, PIO GMADA for the Respondent

ORDER:

The appellant through RTI application dated 02.08.2018 has sought information regarding the amount of lease money required to be deposited in respect of AryaSamajMandir Phase-6 Mohali and other information concerning the office of EO GMADA Mohali. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 07.09.2018 which took no decision on the appeal.

The respondent present pleaded that the available information has been provided to the appellant and remaining information will be provided to the appellant within two days. The appellant is satisfied and does not want to pursue the case further. The case is closed with the directions that the PIO to provide the remaining information to the appellant within a week.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 18.03.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Harpreet Singh, S/o Sh.Gurdev Singh,
Prof. Colony, Near DAV College, Jalalabad,
Distt.Fazilka

...Appellant

Versus

Public Information Officer,
O/o SSP,
Fazilka.

First Appellate Authority,
O/o IGP, Ferozepur Range,
Ferozepur.

...Respondent

Appellant Case No. 4239 of 2018

Present: Sh.Harpreet Singh as the Appellant
Sh.Dalip Singh, ASI O/o SSP Fazilka for the Respondent

ORDER:

The appellant, through the RTI application dated 18.06.2018 has sought information on three points.

His first query is that he be provided that rule/section of the IPC under which a police official is charged with after a departmental enquiry has held him/her guilty of negligence.

The appellant's second query is that he be provided with the guidelines issued by the Supreme Court in the D.K Basu versus State of West Bengal that under what section can a police official be charged should he/she flout the guidelines of the apex court.

The appellant's third query is pertaining to the SC/ST (Prevention of Atrocities) Act, 1989. In this the petitioner has asked the respondent to provide information that under what section, after an amendment in 2015, will a non Scheduled Caste be charged should he or she show negligence intentionally while handling a case pertaining to a Scheduled caste.

The appellant was denied the information by the PIO, vide letter dated 21.06.2018 stating that since the information is about legal points the appellant should contact the office of the District Attorney. The appellant filed the first appeal before the First Appellate Authority on 03.07.2018 which took no decision on the appeal. On not getting any decision at the First Appellate, the appellant filed an appeal with the Punjab State Information Commission.

The respondent present pleaded that since the information sought is in question form, it cannot be provided and is exempt u/s 8(1) (d) of the RTI Act. The appellant pleaded that this information is easily available and should be provided.

Having gone through the RTI application and the arguments of both the sides, the Commission is of the view that the respondent is asking for that information which is already in the public domain and can be obtained from various other sources. In other words, the information that he is seeking is not in the exclusive custody or possession of any public authority, nor held by any particular PIO.

Appellant Case No. 4239 of 2018

Having observed the above, asking for information, which is not in the exclusive custody of a public authority, and is in public domain tantamounts to wrongful usage of the RTI Act, and only wastes and deviates the time and resources of the public authority.

Keeping the above facts in mind, I neither see any larger public interest in making a public authority go through the grind to provide this information, nor any a solid reason to direct the public authority to duplicate the information, which is already in the public domain and not in the exclusive custody of the PIO. Unless information is exclusively held and controlled by a public authority, that information cannot be said to be information accessible under the RTI Act.

In this particular case, even though the PIO has rejected the applicant's application on 21.06.2018 on flimsy grounds-that the information sought is in question form (for information even if put as a query but is available must be provided), and nor has the PIO transferred the RTI application to the District Attorney, under section 6(3) of the RTI Act, I still see no reason to take any further notice of this matter.

The case is **disposed off and closed**.

Chandigarh
Dated: 18.03.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.KrishanLal,
26, GF, SaraswatiVihar,
Jalandhar.

Appellant

Versus

Public Information Officer,
O/o PSPCL, Sub Division,
Patel Chowk, MahavirMarg
Jalandhar.

First Appellate Authority,
O/oPSPCL, West Division,
Jalandhar.

...Respondent

Appellant Case No. 4258 of 2018

Present: None for the Appellant
Sh.Man Singh, SDO PSPCL Jalandhar for the Respondent

ORDER:

The appellant through RTI application dated 07.08.2018 has sought information regarding electricity connection provided to 3 acre land in Surjit Nagar Behind SaraswatiVihar and other information concerning the office of PSPCL, Sub Division, Patel Chowk, MahavirMarg Jalandhar. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 09.10.2019 which took no decision on the appeal.

The respondent present pleaded that the information has been provided to the appellant vide letter dated 21.02.2019 and a copy of the same is submitted to the Commission.

The respondent further pleaded that the application was not received through appropriate channel. However, since the appellant is an aged person, they tried to assist the appellant to file the application and the appellant had handed over the application to the respondent Sh.Man Singh, SDO Patel Chowk who is not the appropriate authority to receive the RTI. The respondent claims that on the direction of the Dy.Chief Engineer who is the designated PIO, he sent a JE to assist the appellant that the RTI needs to be filed in an appropriate manner after which there was no perusal from the appellant. The appellant filed first appeal which did not respond. The case has come up for hearing. The respondent pleaded that after the notice of the Commission, the Xen West Division, telephonically directed the office of SDO Patel Chowk to attend to the RTI application and send the information.

I have gone through the RTI application and feel that it has been appropriately addressed. Points 6 & 7 are ambiguous and do not fall under the information as stated under section 2 of the RTI Act.

Given the circumstances, I find that the RTI application has been sufficiently replied to and no further course of action is required.

The case is **disposed off and closed.**

Chandigarh
Dated: 18.03.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
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Visit us: - www.infocommpunjab.com



Sh.Nathu Ram, S/o Sh.MahavirSihag,
R/o Village Taja Patti, Tehsil Abohar,
Distt.Fazilka.

Appellant

Versus

Public Information Officer,
O/o XEN, PSPCL,
Operational Division, Abohar,
Distt.Fazilka.

First Appellate Authority,
O/oSE, PSPCL,
Operational Division,
ShriMukatsar Sahib.

...Respondent

Appellant Case No. 4273 of 2018

Present: None for the Appellant
Sh.Raj Kumar, SDO O/o Xen, PSPCL Abohar for the Respondent

ORDER:

The appellant through RTI application dated 31.08.2018 has sought information on 9 points regarding 63KVA transformer installed on 26.08.2018 in village Taja Patti and other information concerning the office of XEN, PSPCL, Operational Division, Abohar, Distt.Fazilka. The appellant was not satisfied with the information provided by the PIO vide letter dated 04.10.2018 after which the appellant filed first appeal before the First Appellate Authority on 05.10.2018 which disposed off the appeal on 05.11.2018 upholding the PIO's decision.

The respondent present pleaded that the information has been provided to the appellant and has submitted an acknowledgement from the appellant whereby the appellant claims to have received the information and is satisfied.

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

Chandigarh
Dated: 18.03.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Rajinder Kumar, s/o Sh.SohanLala,
R/o # 1583, Salem Shah Road,
Fazilka.

...Appellant

Versus

Public Information Officer,
O/oChief Engineer/DS West Bathinda,
PSPCL, Bathinda.

First Appellate Authority,
O/oChief Engineer/DS West Bathinda,
PSPCL, Bathinda.

...Respondent

Appellant Case No. 4277of 2018

Present: None for the Appellant
Sh.Vikas UDC O/o Chief Engineer/DS West Bathinda,PSPCL, Bathinda.for
the Respondent

ORDER:

The appellant through RTI application dated 18.08.2018 has sought information regarding action taken on his complaint dated 12.07.2018 and other information concerning the office of Chief Engineer/DS West Bathinda,PSPCL, Bathinda.The appellant was denied the information by the P{IO vide letter dated 22.11.2018 citing section 8(1)(g) and 8(1)(h) after which the appellant filed first appeal before the First Appellate Authority on 05.10.2018 which disposed offthe appeal on 27.11.2018.

The respondent present pleaded that the information has been provided to the appellant. The appellant is absent and vide email has sought exemption. The appellant has further informed that he has received complete information from the PIO on 14.02.2019.

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

Chandigarh
Dated: 18.03.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Tejinder Singh,
R/o Village Bholapur, P.O Ramgarh,
Chandigarh Road, Ludhiana

....Appellant

Versus

Public Information Officer,
O/o SDM,
Fazilka.

First Appellate Authority,
O/oSDM,
Fazilka.

...Respondent

Appellant Case No. 4278 of 2018

Present: Sh.Jasbir Singh on behalf of the Appellant
Sh.PramSehgal, Data Entry Operator O/o SDM Fazilka for the Respondent

ORDER:

The appellant through RTI application dated 14.06.2018 has sought information on 7 points regarding record of old series before 1986, automatic driving tack, challan issued from Feb 2018 to 15.06.2018 and and other information concerning the office of SDM Fazilka. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 12.08.2018 which took no decision on the appeal.

The respondent present pleaded that the information available with them has been provided to the appellant vide letter dated 06.07.2018 and a copy of the same is submitted to the Commission. The respondent has provided the information regarding point-4 to the appellant at the hearing. The PIO in his letter has mentioned that the information regarding point 3 relates to the RTA Ferozepur and the information regarding point -7 relates to the office of STC Punjab, Chandigarh.

Since as per respondent, the information regarding point-3 is in the custody of the PIO-RTA Ferozepur and the information regarding point-7 in the custody of the PIO-STC Punjab, Chandigarh, the PIO-RTA Ferozepur and the PIO-STC Punjab, Chandigarh are impleaded as a party in the case and the PIOs are directed to provide the information concerning them. However, if the information is in the custody of any other department, the PIO-STC, Punjab Chandigarh is directed to procure the information from that department and send it to the appellant. The PIO-RTA Ferozepur and the PIO-STC are also directed to appear personally or through their representative on the next date of hearing.

To come up for further hearing on **15.05.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 18.03.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Kamalpreet Singh,
134, Basant City, Th4reekay,
P.O Daad, Pakhowal Road,
Ludhiana.

Appellant

Versus

Public Information Officer,
O/oAddl, Chief Administrator,
Amritsar Development Authority,
Amritsar.

First Appellate Authority,
O/oChief Administrator,
Amritsar Development Authority,
Amritsar.

...Respondent

Appellant Case No. 4291 of 2018

Present: None for the Appellant
Sh.Ravinder Singh, PIO-cum-ADO for the Respondent

ORDER:

The appellant through RTI application dated 24.04.2018 has sought information regarding record of registries of each and every plot/flat executed by State/Central/other Government authorities in favour of beneficiaries I colony The Blessing Project Ajnala Road, Amritsar from 2010 till date and other information concerning the office of Addl, Chief Administrator, Amritsar Development Authority, Amritsar. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 17.07.2018 which took no decision on the appeal.

The respondent has submitted a reply vide letter dated 20.02.2019. In the letter, the PIO has mentioned that the reply to the RTI application was sent to the appellant vide letter dated 28.09.2018 and again on 15.02.2019. The PIO has further mentioned in the letter that the RTI application was filed by the appellant in the DC office after which it was transferred to them on 15.05.2019. As per the respondent, the reply was sent by the PIO to the appellant on 28.09.2018 whereby the PIO had denied the information stating that the information was voluminous in nature. The PIO had asked the appellant to file a fresh RTI and be specific with the information sought. On being denied the information, the appellant filed first appeal on 17.07.2018 with the First Appellate Authority which disposed off the appeal upholding the PIOs decision.

The appellant is absent. The PIO's reply is taken on the file of the Commission.

The case is adjourned. Both the parties to be present on **29.05.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 18.03.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Dalbir Singh, S/o ShGurbashan Singh,
Ward No-10, NamdevMarg,
Tehsil & Distt Mansa.

Appellant

Versus

Public Information Officer,
O/o Directorate of Rozgar Generation and Training Deptt,
Pb, Chandigarh.

First Appellate Authority,
O/o Secretary,
Rozgar Generation and Training Deptt,
Pb, Chandigarh

...Respondent

Appellant Case No. 4293 of 2018

Present: None for the Appellant
Ms.Meenakshi Arora PIO O/o Directorate of Rozgar Generation and Training
Deptt,Pb, Chandigarh for the Respondent

ORDER:

The appellant through RTI application dated 31.10.2017 has sought information regarding action taken on his complaint dated 02.06.2017 alongwith decision of the enquiry officer and other information concerning the office of Directorate of Rozgar Generation and Training Deptt,Pb, Chandigarh. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 05.03..2018 which took no decision on the appeal.

The respondent present pleaded that they have called for a report from enquiry officer and as per reply received from the concerned branch, the enquiry was still pending. The Commission finds that an inordinate delay has taken place in completion of the enquiry and recommends early completion of the enquiry, preferably within 30 days. The Commission directs the PIO to send the complete enquiry report after completion of the enquiry

With the above observations, the case is **disposed off and closed.**

Chandigarh
Dated: 18.03.2019.

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Narinder Kumar, S/o ShDalip Singh,
R/o Village WareamKhera, Tehsil Abohar,
Distt.Fazilka..

... Appellant

Versus

Public Information Officer,
O/o SSP,
Fazilka.

First Appellate Authority,
O/o IGP, Ferozepur Range,
Ferozepur Cantt.

...Respondent

Appeal Case No. 3803 of 2018

Present: Sh.Narinder Singh as Appellant
Sh.Dalip Kumar ASI O/o SSP Fazilka for the Respondent

Order:

The case was last heard on 05.03.2019. The order is reproduced hereunder:

“The appellant through RTI application dated 28.08.2018 has sought information regarding copies of jimnies recorded in the investigation of FIR No222 dated 21.10.2007 u/s 302/342/148/149 of IPC and other information concerning the office of SSP Fazilka.

The appellant pleaded that the case pertains to a murder case in which he was acquitted on 01/02/2011 after which the appellant sought jimnies report of related FIR. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 08.10.2018 which took no decision on the appeal.

The information was denied by the PIO on the ground that the jimney report is part of the secret documents of the appellant and cannot be provided. The PIO did not provide any coherent reply but provided a simple document with the objection from SHO Police Station Bahav Wala(the custodian of the record) that the information could not be provided.

It is clear that the PIO has not considered or applied his mind in rejecting the plea of the appellant as to why this information is secret and what could be the consequences of revealing it even though the case has already been disposed off and the appellant has been acquitted. After denial of the information, the appellant filed first appeal on 08.10.2018 and the First Appellate Authority passed an ambiguous order stating that the information if can be provided under the RTI Act, it should be provided.

Now the matter to be adjudicated is whether the jimney report of the case is a secret document or not and the consequences involved in revealing it. The Commission directs the PIO to reply accordingly.”

Hearing dated 18.03.2019:

The respondent has not brought any reply to the order and stated that he has not received the order even though the order was uploaded on the website of the Commission.

Given the circumstances of the case, I see no reasons that how the disclosure of this particular information will impede the process of justice since the appellant has been acquitted. The appellant claims that he had been falsely implicated in a murder case, his acquittal being a proof of that, for which he requires the zimney reports to apprise himself about the manner in which the case was handled by the investigation officer. It is true that under section 8(h) of the RTI Act, the information which would impede the process of investigation or apprehension or prosecution of offenders can be with-held, but in this case, since the trial has been completed and the man acquitted of the charges, there is no question that providing of diary or zimney will impede the prosecution.

I see that the respondent has denied the information without any solid grounds, and hereby direct the respondent to provide zimney reports as sought in the RTI application.

The respondent present has brought the information and provided to the appellant. The appellant has received the information is satisfied.

No further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated: 18.03.2019

Sd/-
(Khushwant Singh)
State Information Commissioner