

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



Sh Vasdev Garg,
Mittwa street, Water Works Road,
Mansa.

... Complainant

Versus

Public Information Officer,
O/o Principal Secretary,
Health & Family Welfare,
Sector-34-A, Chandigarh

...Respondent

Complaint Case No. 1161 of 2021

PRESENT: Sh.Vasdev Garg as the Appellant
Sh.Lalit Kumar, Suptd. O/o Principal Secretary and Ms Armaan Bajaja,
Sr.Assistant from O/o Director Health for the Respondent

ORDER:

The complainant, through an RTI application dated 19.07.2021, has sought information regarding the implementation of the instructions of the Secretary dated 27.07.2015 regarding reimbursement of medical bills of retired persons enumerated in the RTI application from the Principal Secretary Health & Family Welfare, Punjab Chandigarh. The complainant was not satisfied with the reply of the PIO dated 05.08.2021 (PIO sent a reply that there is no implementation report received from the Director of Health Services,) after which the complainant filed a complaint in the Commission on 16.09.2021.

The case has come up for hearing today through video conferencing at DAC Mansa. The respondent Sh. Lalit Kumar, Suptd. from the office of Principal Secretary and Ms Armaan Bajaj, Sr.Assistant from the office of Director Health are present at Chandigarh.

Sh.Lalit Kumar, Suptd. informed that since the action was to be taken by the office of Director Health Services and the action report was not received from their office, the complainant was sent a reply vide letter dated 05.08.2021 that there is no implementation report available in their office and the information be collected from the DHS office.

Having gone through the record, the Commission observes that the PIO Office of Principal Secretary had not transferred the RTI application to the office of Director Health Services under section 6(3) of the RTI Act and denied the information by merely stating that it was with the Director Health Services and the applicant may take the information from their office. The Commission has taken a serious view of this dereliction and hereby directs the PIO to **show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not transferring the RTI application to the concerned authority as prescribed under the RTI Act. He/she should file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies.

To come up for further hearing on **03.08.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Mansa. The PIO to appear at Chandigarh.

Chandigarh
Dated :18.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Vasdev Garg,
Mittwa street, Water Works Road,
Mansa.

... Complainant

Versus

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

...Respondent

Complaint Case No. 1162 of 2021

PRESENT: Sh.Vasdev Garg as the Appellant
Dr.Manu for the Respondent

ORDER:

The complainant, through an RTI application dated 19.07.2021, has sought information regarding the home addresses of Dr.Manjit Singh, Dr.Renu Chatwal and Sh.Umesh Guta (all retired) as enumerated in the RTI application from the Civil Surgeon Ludhiana. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 16.09.2021.

The case has come up for hearing today through video conferencing at DAC Ludhiana/Mansa. As per the complainant, the information has not been provided by the PIO.

The respondent present pleaded that since the information sought by the complainant is personal information of the officer, it cannot be provided, and the reply has been sent to the complainant vide letter dated 13.04.2022.

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.

Given the observations noted above, the instant case is remanded back to the concerned First Appellate Authority-cum-Civil Surgeon, Ludhiana, with a copy of the RTI application for their ready reference and is also directed to call the complainant within 30 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.

Complaint Case No. 1162 of 2021

The Commission further observes that the RTI application was filed on 19.07.2021, whereas the reply was sent on 13.04.2022 with a delay of more than eight months. The Commission has taken a serious view of this delay and hereby directs the PIO to **show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not attending to the RTI application within the prescribed period. He/she should file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies.

To come up for further hearing on **03.08.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Mansa. The PIO to appear through VC at DAC Ludhiana.

Chandigarh
Dated :18.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :First Appellate Authority,
Director Health Services, Pb
Sector 34, Chandigarh.



Sh Parampreet Singh,
Ward NO-14, Street NO-6,
Krishna Nagar, Amloh Road,
Khanna, Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o District Food and Civil Supplies Controller,
Ludhiana.

First Appellate authority,
O/o District Food and Civil Supplies Controller,
Ludhiana.

...Respondent

Appeal Case No. 4122 of 2021

PRESENT: None for the Appellant
Sh.Manoj Kamar, Inspector for the Respondent

ORDER:

The appellant, through an RTI application dated 11.06.2021, has sought information regarding the list of blue cards issued from the period 2019 under atta dal scheme – card rejected alongwith reasons for rejection –name & designation of the authority appointed for scrutinisation of application for selection and rejection – a copy of notification explaining criteria to obtain blue cards, and other information from the office of District Food and Civil Supplies Controller, Ludhiana. The appellant was not provided with the information, after which the appellant filed a first appeal before the First appellate authority on 22.07.2021, which did not decide on the appeal.

The case has come up for hearing today through video conferencing at DAC Ludhiana. The respondent present pleaded that the information on points 1 & 4 is available on their website, and the appellant has been verbally apprised of the name & designation of the officer appointed for scrutiny of application relating to point-3.

The appellant is absent nor is represented.

Nothing on record shows that the PIO has sent any reply to the RTI application within time. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not attending to the RTI application and not supplying the information within the statutorily prescribed period. He/she should file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies.

To come up for further hearing on **09.08.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated :18.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh R.P Singh, Advocate,
4th Floor, Near Public Lift,
Court Complex, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Director Food Civil Supplies
And Consumer Affairs,
Anaj Bhawan, Sector-39-C, Chandigarh.

First Appellate authority,
O/o Director Food Civil Supplies
And Consumer Affairs,
Anaj Bhawan, Sector-39-C, Chandigarh.

...Respondent

Appeal Case No. 4120 of 2021

PRESENT: Sh.R.P.Singh as the Appellant
Sh.Manoj Kamar, Inspector for the Respondent

ORDER:

The appellant, through an RTI application dated 11.06.2021, has sought information regarding action taken against the depot holders Sh.Pargat Singh, Sh.Jagroop Singh and Sh.Rakesh Bhaskar, after the cancellation of their licenses as enumerated in the RTI application from the office of District Food and Civil Supplies & Consumer Affairs, Pb Chandigarh. The appellant was not provided with the information, after which the appellant filed a first appeal before the First appellate authority on 19.07.2021 which did not decide on the appeal.

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

The respondent Sh.Manjot Kumar Inspector is present from the office of DFSC Ludhiana who informed that pleaded that the action against the depot holders regarding cancellation of the licence is under consideration of the authorities, and the reply has been sent to the appellant vide letter dated 13.04.2022 with a copy to the Commission.

Having gone through the RTI application and the reply of the PIO, the Commission finds that the RTI application has been sufficiently replied.

However, the Commission recommends that action be expedited at the earliest possible.

To come up for further hearing on **09.08.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated :18.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Rajinder Singh,
R/o 997, Ward No-26,
Jeet MC Wali Gali,
Guru Harkrishan Nagar,
Khanna, Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o District Food and Civil Supplies Controller,
Ludhiana.

First Appellate Authority,
O/o District Food and Civil Supplies Controller,
Ludhiana.

...Respondent

Appeal Case No. 4086 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 11.06.2021, has sought information regarding list of blue cards issued from the period 2019 till date under Atta Dal Scheme of Khanna circle – list of cards rejected with reason for rejection –name and designation of the officer appointed for scrutinising the applications – a copy of notification for obtaining blue cards as enumerated in the RTI application, from the office of District Food and Civil Supplies Controller, Ludhiana. The appellant was not provided with the information, after which the appellant filed a first appeal before the First appellate authority on 22.07.2021, which did not decide on the appeal.

The case has come up for hearing today through video conferencing at DAC Ludhiana. Both the parties are absent.

In the interest of justice, one more opportunity is granted, and the case is adjourned.

To come up for further hearing on **09.08.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated :18.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Harsh Kumar, S/o sh Prem Chand,
R/o H NO-CEN 360, Kapila Street,
Near Shibumal chowk, Khanna,
Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o District Food and Civil Supplies Controller,
Ludhiana.

First Appellate Authority,
O/o District Food and Civil Supplies Controller,
Ludhiana.

...Respondent

Appeal Case No. 4119 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 11.06.2021 has sought information regarding list of blue cards issued from the period 2019 till date under Atta Dal Scheme of Khanna circle – list of cards rejected with reason for rejection – name and designation of officer appointed for scrutinizing the applications – copy of notification for obtaining blue cards as enumerated in the RTI application from the office of District Food and Civil Supplies Controller, Ludhiana. The appellant was not provided the information after which the appellant filed a first appeal before the First appellate authority on 22.07.2021 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Ludhiana. Both the parties are absent.

In the interest of justice, one more opportunity is granted and the case is adjourned.

To come up for further hearing on **09.08.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated :18.04.2022

Sd/-
(Khushwant Singh)
State Information Commissioner