

Registered post

Sh. Prem Kumar, S/o Shri Chandu Lal R/o S/o Chandu Lal, House No. 500/15AB, Street 3, Jagraon, Distt.Ludhiana

.....Complainant

٧s

Public Information Officer, O/o DFSC, Food and Civil Supply Department Corporation Office, BRS Nagar,Ludhiana <u>Remanded Back to</u> <u>First Appellate Authority,</u> O/o DFSC, Food and Civil Supply Department Corporation Office, BRS Nagar,Ludhiana

.....Respondent

CC.No. 539 of 2019

Present: (i) Sh Prem Kumar, Appellant

(ii) For the Respondent: Sh Simrat Singh, Inspector

<u>ORDER</u>

This order may be read with reference to the previous order dated 27.08.2019.

2. The Respondent files an affidavit today. I have gone through the same and do not agree with the affidavit filed by the Respondent. Hence, the affidavit is not accepted and returned.

3. The Complainant states that he is not satisfied with the information provided.

4. 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).



C<u>C.No. 539 of 2019</u>

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. In case the complainant has any grouse, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.

6. 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.

7. In view of the above, the Complaint case filed by the Complainant is **disposed off and closed**. Copy of the orders be sent to the parties.

Chandigarh Dated:18.09.2019



Sh. Krishan Gopal Singla, Ward No.16B/190, Sangrur Road, Dhuri, Distt. Sangrur

.....Appellant

Public Information Officer, O/o Deputy Commissioner, Barnala First Appellate Authority O/o Deputy Commissioner, Barnala Vs

AC.No.2028 of 2019

Present: (i) Sh Prem Kumar Rattan, on behalf of the Appellant. (ii) For the Respondent: Sh Gurmukh Singh, Sub-Registrar and Sh Baldev Rai, Supdt.

<u>ORDER</u>

This order may be read with reference to the previous order dated 22.08.2019.

2. The Representative for the Appellant states that he has not received the complete information so far.

3. The Respondent files his reply . The same is taken on record. I have gone through the same and agree with the reply of the Respondent. Original copy of the same is handed over to the Representative for the Appellant.

4. In view of the foregoing, no further cause of action is left. Hence, the Appeal case filed by the Appellant is disposed off and closed. Copy of the orders be sent to the parties.

Sd/-

Chandigarh Dated: 18.09.2019



Vs

Sh. Shakti Bhushan, S/o Shri Krishan Kaushal, Street Bhaini Sahib, Ward No. 8, Dhanola, Distt. Barnala

.....Appellant

Public Information Officer, O/o SDM –cum-Licensing Authority, Barnala First Appellate Authority O/o State Transport Commissioner SCO 177-78, 1st, 2nd 3rd floor 17G, 17C, Sector 17, Chandigarh

.....Respondent

Present:

(i) Sh Shakti Bhushan, Appellant

(ii) For the Respondent: Sh Avtar Singh, Junior Asstt.

ORDER

This order may be read with reference to the previous order dated 26.08.2019.

AC.No. 1978 of 2019

2. The Appellant states that, as directed in the previous hearing, he had inspected the record in the office of the Respondent. He further states that some information has been provided to him.

3. The Respondent assures the Commission that the remaining information will be provided to the Appellant within one week. The Appellant has expressed his satisfaction over the same.

4. In view of the same, no further cause of action is left. Therefore, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties

Chandigarh Dated:18.09.2019



Sh. Harkeerat Singh, # 74 Punjab Judges and Officers Enclave, Sector 77, Mohali

.....Appellant

Public Information Officer, O/o Registrar Cooperative Societies, Punjab Sector 17D, Chandigarh First Appellate Authority o/o Secretary Cooperative Societies Sector 17D, Chandigarh

.....Respondent

AC.No.584 of 2019

Vs

Present:

(i) Sh. Ram Sharam on behalf of the appellant(ii) For the respondent : Sh. Kanwar Puneet Singh, Inspector and Sh. Lovegit Singh, Inspector

ORDER

This order may be read with reference to the previous order dated 27.08.2019 vide which on the request of the representative of the appellant (Sh. Ram Sharn) one opportunity was given to him to visit the office of the respondent and inspect the record.

2. Today, again Sh. Ram Sharan is appearing on behalf of the appellant and states he is not satisfied with the information provided by the respondents.

3. Respondent files the reply of the Society stating that the Society :"The Akash Cooperative H/B Society Ltd. don't fall under the preview of Section 2(h) of RTI Act 2005 as the societies do not have any Govt. share, any financial assistance from the Govt. and no grant has been extended to the societies."

4. The representative of the appellant is not satisfied and states that he wants one more opportunity to inspect the record. On the request of the representative of the appellant one last opportunity is given to him to visit the office of the respondent, o/o Registrar Cooperative Societies, Chandigarh and inspect the record.





AC.No.584 of 2019

5. To come up on **16.10.2019 at 11.00 AM.** Copy of the orders be sent to the parties.

Sd/-

Chandigarh Dated: 18.09.2019





Registered post

Sh. Prem Kumar Rattan House No. 78/8, Park Road, New Mandi, Dhuri, District Sangrur

Vs

.....Appellant

Public Information Officer, o/o Tehsildar, Tappa, District Barnala First Appellate Authority o/o SDM, Tappa, District Barnala

.....Respondent

AC No. 4144 of 2018

Present : (i) Sh Prem Kumar Rattan, Appellant.

(ii) For the respondent: Sh Gurbinder Singh, Clerk

ORDER

This order may be read with reference to the previous order dated 07.08.2019.

2. The Appellant states that he has neither received the information nor the amount of compensation so far.

3. The Respondent Sh Gurbinder Singh, Clerk is not well versed with the facts of the case.

4. The perusal of the file shows that on the previous hearing dated 23.04.2019, an amount of Rs 2500/- was awarded to the Appellant as compensation but the Respondent failed to pay the same and hence, on the hearing dated 16.07.2019 the amount of compensation was enhanced from Rs2500- to 3000/-. But again till date the amount of compensation has not been provided to the Appellant. This is indeed a serious matter.

The Commission takes a serious view of this matter and is again constrained to enhance the amount of compensation from Rs. 3000/- to Rs. 3500/- (Rs. Three Thousands Five Hundred only). Besides, the Commission would also consider invoking of penalty provisions against the respondent-PIO in case he fails to provide the required information and payment of the awarded compensation. The respondent may provide the information to the appellant and make the



AC No. 4144 of 2018

payment of compensation to him before the next date of hearing by way of Demand Draft. A compliance report in this regard be sent to the Commission accordingly.

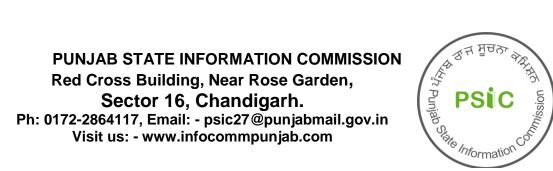
5. Last opportunity is given to the *PIO- Sh Harbans Singh,Tehsildar* to appear before the Commission, otherwise bailable warrant will be issued against him.

6. To come up on **23.10.2019 at 11:00AM**.Copy of the orders be sent to the parties.

Chandigarh Dated:18.09.2019 Sd/-(Preety Chawla) State Information Commissioner

Through registered post

CC: - Sh Harbans Singh, Tehsildar, PIO, o/o Tehsildar, Tappa, Distt. Barnala



Sh. Tejinder Singh (Advocate) R/o Village Bholapur, Post Office Ramgarh Chandigarh Road, Ludhiana - 141123

.....Appellant

Public Information Officer, O/o Director Food Civil Supply and consumer controller Bathinda First Appellate Authority O/o Director Food Civil Supply and consumer controller Bathinda

.....Respondent

AC.No. 1811 of 2019

Present: (i) Sh G.S Kahlon, on behalf of the Appellant (ii) For the respondent : Sh Nishchay Shankar, APIO and Sh Rahul Mittal, Inspector

ORDER

This order may be read with reference to the previous order dated 05.08.2019

2. Sh G.S Kahlon, is appearing on behalf of the Appellant. However, an e-mail has been received from the Appellant stating that he has received the information and is satisfied with the same. Copy of the same is taken on record

3. Hence, no further cause of action is left. Therefore, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

(Preety Chawla) State Information Commissioner

Chandigarh Dated:18.09.2019



Sh.Prem Kumar Rattan, House No. 78/8,Park Road, New Mandi, Dhuri, Distt Sangrur

Versus

Public Information Officer, O/o Tehsildar, Tappa, Distt. Barnala First Appellate Authority O/o SDM, Tappa, Distt. Barnala

..Respondent

.... Appellant

AC No. 2573 of 2018

Present : (i) Sh Prem Kumar Rattan, Appellant (ii) For the respondent: Sh Gurbinder Singh, Clerk ORDER

This order may be read with reference to the previous order dated 07.08.2019.

2. The Respondent states that the information has already been provided to the Appellant.

3. The Appellant states that he had already pointed out deficiencies in the information provided to the Respondent but they have not provided the complete information after the removal of the deficiencies, till date.

3. After hearing both the parties and perusing the case file, it has been ascertained that the complete information has not been provided to the Appellant. Moreover, Sh Gurbinder Singh, Clerk is also not well versed with the facts of the case. Hence, *PIO- Sh Harbans Singh, Tehsildar*, is directed to be present personally on the next date of hearing alongwith the complete information after the removal of the said deficiencies.

4. To come up on **23.10.2019 at 11:00AM**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh Dated:18.09.2019 (Preety Chawla) State Information Commissioner Through registered post

CC: - Sh Harbans Singh, Tehsildar, PIO, o/o Tehsildar, Tappa, Distt. Barnala



Sh Rajesh Gupta, (M:9463990768)

Village Maili, Tehsil Garhshankar, Distt Hoshiarpur

.....Complainant.

Vs

Public Information Officer, O/o Director, Animal Husbandry, Livestock Complex, Sector 68, SAS Nagar First Appellate Authority, O/o Animal Husbandry, Livestock Complex, Sector 68, SAS Nagar

.....Respondent

AC .No. 1874 of 2018

Present:

(i) Sh. Rajesh Gupta the appellant(ii) For the Respondent: Sh KPS Pasricha, PIO

ORDER

This order may be read with reference to the previous order dated 06.08.2019.

2. The appellant states that he is not satisfied with the information provided.

3. Respondent states that he has brought an affidavit as directed during the last hearing. He further states that the information has been provided to the appellant.

4. I have gone through the affidavit and have not agreed with the same. After hearing both the parties and examining the case file, it is observed that it is complicated case and requires adjudication by the Larger Bench.

5. In view of the foregoing, the case file is sent to Deputy Registrar for placing the same before the Hon'ble Chief Information Commissioner for appropriate orders.

Chandigarh Dated: 18.09.2019 Sd/-(Preety Chawla) State Information Commissioner

D.R.



Sh. Tejinder Singh (Advocate) R/o Village Bholapur, Post Office Ramgarh Chandigarh Road, Ludhiana - 141123

.....Appellant Vs

Public Information Officer, O/o Civil Surgeon, Gurdaspur First Appellate Authority o/o Civil Surgeon, Gurdaspur Public Information Officer o/o Director Health Services, Punjab Parivar Kalyan Bhawan, Sector 34, Chandigarh

.....Respondent

A<u>C.No. 1808 of 2019</u>

Present: (i) Sh G.S Kahlon, on behalf of the Appellant (ii) For the respondent : Sh Rajwinder Singh, Sr Asstt and Sh Gagandeep, Clerk

<u>ORDER</u>

This order may be read with reference to the previous order dated 05.08.2019.

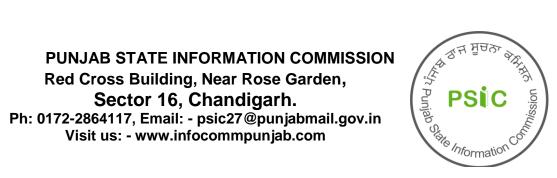
2. Sh G.S Kahlon, is appearing on behalf of the Appellant.

3. The Respondent states that he has brought the information today. Copy of the same is handed over to the Representative for the Appellant. He states that he is satisfied with the information provided.

4. Hence, no further cause of action is left. Therefore, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh Dated:18.09.2019



Sh. Tejinder Singh (Advocate) R/o Village Bholapur, Post Office Ramgarh Chandigarh Road, Ludhiana - 141123

.....Appellant

Vs

Public Information Officer, O/o Civil Surgeon, Nawanshahr First Appellate Authority o/o Civil Surgeon, Nawanshahr

.....Respondent

A<u>C.No. 1801 of 2019</u>

Present: (i) Sh G.S Kahlon, on behalf of the Appellant (ii) None for the respondent

ORDER

This order may be read with reference to the previous order dated 05.08.2019.

2. No one has appeared on behalf of the Respondent today.

3. Sh G.S Kahlon, is appearing on behalf of the Appellant. However, an e-mail has been received from the Appellant stating that he has received the information and is satisfied with the same. Copy of the same is taken on record

3. Hence, no further cause of action is left. Therefore, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Chandigarh Dated:18.09.2019



Sh. Devi Dayal,Shri Babu Ram, Village Kahangarh Road, Patran, Distt.Patiala

.....Appellant

Vs

Registered post : Public Information Officer, O/o EO,MC, Patran, Distt. Patiala

First Appellate Authority O/o EO,MC, Patran, Distt. Patiala

.....Respondent

AC.No. 1837 of 2019

Present: (i) Sh Devi Dayal, Appellant. (ii) For the Respondent: Sh Rajwinder Singh, Inspector and Sh Ram Singh, Jr Asstt.

ORDER

This order may be read with reference to the previous order dated 06.08.2019.

2. The Appellant states that he has not received the complete information.

3. The Respondent states that the information is not related to them. The information relates to O/o Tehsildar, Pattaran,

4. After hearing both the parties, it is ascertained that the information relates to PIO O/o Tehsildar, Pattran, Hence, I order that PIO O/o Tehsildar, Pattran be impleaded as Respondent no.2. Further, PIO O/o Tehsildar, Pattran is directed to be present on the next date of hearing alongwith the complete information. *Copy of the RTI Application is attached herewith.*

5. To come up on **30.10.2019 at 11:00AM**. Copy of the orders be sent to the parties.

Chandigarh Dated:18.09.2019



Sh. Wassan Singh Goraya S/o Shri Ajit Singh, R/o 120D, Sector 79, Airport Road, Mohali

.....Complainant

Vs

Public Information Officer,

CC No. 1211 of 2018

Present : (i) Sh Wassan Singh Goraya, Complainant (ii) None for the Respondent:

ORDER

This order may be read with reference to the previous order dated 08.08.2019

2. The Complainant states that he has received the information and is satisfied with the same. However, an e-mail had been received from the Complainant stating that he shall not be able to attend the hearing today but he has personally appeared today.

3. Since the information has been provided to the Complainant therefore, no further cause of action is left. Hence, the Complaint case filed by the Complainant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh Dated:18.9.2019



Sh. Sher Singh, S/o Shri Bahal Singh Village Jang, PO Jhok Tehal Singh Block Mamdot, Tehsil and Distt. Ferozepur

Public Information Officer,

.....Complainant

O/o District Food and Civil Supplies Controller

Ferozepur **Remanded Back to** First Appellate Authority, O/o District Food and Civil Supplies Controller Ferozepur

.....Respondent CC.No. 505 of 2019

(i) Sh Sher Singh, Complainant and Sh Gurpreet Singh Present: (ii) For the respondent : Sh Rajwinder Singh, Inspector

ORDER

This order may be read with reference to the previous order dated 27.08.2019.

2. The Respondent states that the information, as available, in the office of the Respondent has been provided to the Appellant.

The Complainant states that, as directed in the previous hearing he had gone to the 3. office of the Respondent and inspected the record, but, he has not received the complete information hence, he is not satisfied.

After going through the file, it is observed that this is the complaint case. The attention 4. 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).

Vs



CC.No. 505 of 2019

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. In case the complainant has any grouse, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.

6. 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.

7. In view of the above, the Complaint case filed by the Complainant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh Dated:18.09.2019

Sh Manjit Singh, S/o Shri Nagahi Singh Head Analyst Retd. Food and Supply Department Flat No. 16, D-1, First Food, Ankasha Apartment, Prashant Vihar Baltana, ZirakpurComplainant

Public Information Officer, O/o District Controller Food Civil and Consur

O/o District Controller Food Civil and Consumer Affairs Ludhiana

.....Respondent

CC.No. 200 of 2019

Present: (i)Sh Manjit Singh, Complainant (ii)None on behalf of the Respondent:

<u>ORDER</u>

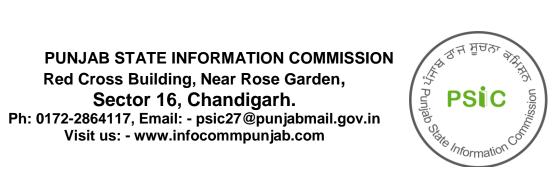
This order may be read with reference to the previous order dated 18.09.2019.

- 2. No one has appeared on behalf of the Respondent today.
- 3. The Appellant states that he has not received the complete information so far.

4. The perusal of the file shows that the Complainant has not received the complete information till date. The Respondent is not present today hence, an opportunity is given to the Respondent to appear before the Commission and state their case. Further the Respondent is also directed to provide the complete information to the complainant before the next date of hearing.

5. To come up on **30.10.2019 at 11:00AM**. Copy of the orders be sent to the parties.

Chandigarh Dated: 18.09.2019



Sh Gurpreet Singh, #03, GF, Gandhi Vanita Ashram, Kapurthala Chowk, Jalandhar (M:9876173913)

.....Appellant

Vs

AC .No. 1308 of 2019

Present : (i) Sh Gurpreet Singh,Appellant. (li) For the Respondent: Sh Satnam Singh, Out Research Worker

<u>ORDER</u>

This order may be read with reference to the previous order dated 08.08.2019.

2. The Respondent states that the permissible information has been provided to the Appellant. Rest of the information cannot be provided as the information relates to the third – party and the so-called third-party has also granted his consent not to provide his personal information to anyone. Copy of the same is taken on record.

3. The Appellant states that he has not been provided the information within the stipulated period of time. Further, he states that he has also suffered mental harassment. Hence, he demands that action be taken against the Respondent-PIO and he be penalized for the same.

4. After hearing both the parties and perusing the case file, it is ascertained that the permissible information has been provided to the Appellant but there is a lapse on the part of the Respondent as he had failed to provide the information within the stipulated period of time. In view of the same, Smt Rattandeep Sandhu, Distt Programme Officer, is directed to file her written reply as to why the information has been delayed. Further, she is also directed to be





AC .No. 1308 of 2019

personally present on the next date of hearing. To come up on 30.10.2019 at 11:00AM. Copy of

the orders be sent to the parties.

Sd/-

Chandigarh Dated:18.09.2019

Head Analyst Retd. Food and Supply Department Flat No. 16, D-1, First Food, Ankasha Apartment, Prashant Vihar Baltana, ZirakpurComplainant

Vs

Public Information Officer,

O/o District Controller Food Civil and Consumer Affairs Ludhiana

.....Respondent

CC.No. 199 of 2019

Present (i)Sh Manjit Singh, Complainant (ii)None on behalf of the Respondent:

<u>ORDER</u>

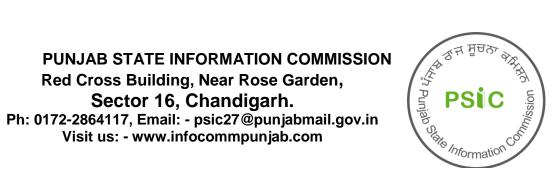
This order may be read with reference to the previous order dated 18.09.2019.

- 2. No one has appeared on behalf of the Respondent today.
- 3. The Appellant states that he has not received the complete information so far.

4. The perusal of the file shows that the Complainant has not received the complete information till date. The Respondent is not present today hence, an opportunity is given to the Respondent to appear before the Commission and state their case. Further the Respondent is also directed to provide the complete information to the complainant before the next date of hearing.

5. To come up on **30.10.2019 at 11:00AM**. Copy of the orders be sent to the parties.

Chandigarh Dated: 18.09.2019



Sh. Tejinder Singh (Advocate) R/o Village Bholapur, Post Office Ramgarh Chandigarh Road, Ludhiana - 141123

.....Appellant

Public Information Officer, O/o Director Food Civil Supply and consumer controller Hoshiarpur First Appellate Authority O/o Director Food Civil Supply and consumer controller Hoshiarpu

A<u>C.No. 1812 of 2019</u>

Present: (i) Sh G.S Kahlon, on behalf of the Appellant (ii) For the respondent : Sh Nishchay Shankar, APIO and Sh Rahul Mittal, Inspector

Vs

ORDER

This order may be read with reference to the previous order dated 05.08.2019

2. Sh G.S Kahlon, is appearing on behalf of the Appellant. However, an e-mail has been received from the Appellant stating that he has received the information and is satisfied with the same. Copy of the same is taken on record

3. Hence, no further cause of action is left. Therefore, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Chandigarh Dated:18.09.2019