

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864112, Email: - psic23@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh. George Subh, (9814100191)
S/o Sh. RustamMasih, R/o Begowal, Ward No 12,
Tehsil Bholath, Distt Kapurthala-144621

.....Appellant/Complainant

Versus

Public Information Officer
O/o SSP, Gurdaspur

.....Respondent

Complaint Case No. 856 of 2020

Present: Nobody

ORDER

1. The Appellant/Complainant filed appeal/complaint case in the Commission dated 13.11.2020. Accordingly, the case is fixed for today.

Information Sought: Information pertaining to **ਵਿਲੀਅਮ ਮਸੀਹ ਨੰਬਰ 804/BR(RTD)**

2. **Written Submissions by Respondent:** A letter dated 11.01.2021 vide diary no. 679 is received in the Commission vide which the respondent authority has mention that the requisite information has been supplied to the appellant through registered post dated 07.01.2021 vide letter reference no. 3/RTI. This letter is taken on record with all supporting enclosures.
3. **Written Submission by Complainant:** An email dated 15.01.2021 is received by the bench of undersigned vide which the appellant Sh. George Subh has acknowledged that that the sought information has been provided to him and is satisfied with the same. This email is taken on record.
4. As the information stands supplied therefore, no cause of action is required in this case. Hence, the instant complaint case is **disposed & closed**

Chandigarh
Dated: 19.01.2021

Sd/-
(Maninder Singh Patti)
State Information Commissioner

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Sh. George Subh, (9814100191)

S/o Sh. Rustam Masih, R/o Begowal, Ward No 12,
Tehsil Bholath, Distt Kapurthala-144621

.....Appellant/Complainant

Versus

Public Information Officer
O/o SSP, Gurdaspur

.....Respondent

Complaint Case No. 857 of 2020

Present: Nobody

ORDER

1. The Appellant/Complainant filed appeal/complaint case in the Commission dated 13.11.2020. Accordingly, the case is fixed for today.

Information Sought: Information pertaining to **SI ਪ੍ਰੋਮ ਸਿੰਘ ਨੰਬਰ 827/BR.**

2. **Written Submissions by Respondent:** A letter dated 11.01.2021 vide diary no. 678 is received in the Commission vide which the respondent authority has mention that the requisite information has been supplied to the appellant through registered post dated 07.01.2021 vide letter reference no. 3/RTI. This letter is taken on record with all supporting enclosures.
3. **Written Submission by Complainant:** An email dated 15.01.2021 is received by the bence of undersigned vide which the appellant Sh. George Subh has acknowledged that that the sought information has been provided to him and is satisfied with the same. This email is taken on record.
4. As the information stands supplied therefore, no cause of action is required in this case. Hence, the instant complaint case is **disposed & closed**

Chandigarh
Dated: 19.01.2021

Sd/-
(Maninder Singh Patti)
State Information Commissioner



Sh. Satnam Singh, (8528678852)

S/o Sh. Ajaib Singh,
Sarabha Nagar, DisttSangrur

.....Appellant/Complainant

Versus

{Reg. Post}Public Information Officer

O/o District Manager, Markfed, Sangrur

.....Respondent

Complaint Case No. 866 of 2020

Present: Complainant: Sh. Satnam Singh

Respondent: Ms. Amrit Kaur (Sr. Assistant) (9781110039)

ORDER

1. The Appellant/Complainant filed appeal/complaint case in the Commission dated 18.11.2020. Accordingly, the case is fixed for today.

Information Sought:

1. ਦੱਸਿਆ ਜਾਵੇ ਕਿ ਬਲਜੀਤ ਸਿੰਘ ਦੁਆਰਾ ਮਿਤੀ 01/04/2019 ਤੋਂ 31/08/2020 ਤੱਕ ਸੰਗਰੂਰ ਲੋਕਲ (ਮਾਰਕਫੈਡ) ਏਜੰਸੀ ਦੇ ਕੀਤੇ ਕੰਮ ਦੇ ਬਿਲਾਂ ਦੀ ਕਾਪੀ, EPF ਦੇ ਚਲਾਨ ਫਾਰਮਾਂ ਦੀ ਕਾਪੀ, ESI ਦੇ ਚਲਾਨ ਫਾਰਮਾਂ ਦੀ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ।
2. ਦੱਸਿਆ ਜਾਵੇ ਕਿ ਮਾਰਕਫੈਡ ਏਜੰਸੀ ਦੁਆਰਾ ਮਿਤੀ 01.04.2019 ਤੋਂ 31.08.2020 ਤੱਕ ਕਿੰਨਾ TDS ਕਟਿਆ ਗਿਆ ਹੈ।
3. ਦੱਸਿਆ ਜਾਵੇ ਕਿ ਮਾਰਕਫੈਡ ਏਜੰਸੀ ਵੱਲੋਂ ਜੋ ਬਲਜੀਤ ਸਿੰਘ ਦੇ ਕੰਮ ਦੇ ਜੋ ਚੈੱਕ ਦਿੱਤੇ ਗਏ ਹਨ ਕੀ ਉਹ ਬਲਜੀਤ ਸਿੰਘ ਨੇ ਰਸੀਵ ਕੀਤੇ ਹਨ ਜਾਂ ਕਿਸੇ ਹੋਰ ਵਿਆਕਤੀ ਨੇ ਰਸੀਵ ਕੀਤੇ ਹਨ। ਹਰੇਕ ਚੈੱਕ ਵਾਇਜ਼ ਡਿਟੇਲ ਦਿੱਤੀ ਜਾਵੇ।

2. Facts emerging in Course of Hearing:

Both the parties are present for the hearing. The complainant Sh. Satnam Singh is aggrieved over the non-receipt of the information. The Appellant submits that information sought was not furnished by the PIO on the grounds that the sought information is third party information.

RTI in the context and backdrop of the case, the respondent Ms. Amrit Kaur submits that the sought information is third party information i.e. information is related to person named Baljit Singh who had shown his descent in disclosure of the information.

3. Observation and Decision:

The Commission finds that according to the complainant Sh. Satnam Singh there is heavy smell of corruption which is need to be exposed, therefore he sincerely requires the sought information for the larger public interest.

Complaint Case No. 866 of 2020

The observations made by the PIO and the respondent authorities are set aside for being legally flawed. As per well established law, we can accept that disclosure of information which is routinely collected by the Public authority and routinely provided by individuals would not be an invasion on the privacy.

However, 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.

In 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).

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 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 to the concerned First Appellate Authority cum** O/o District Manager, Markfed, Sangrur, along with a copy of RTI application for their ready reference.

A Compliance report shall be submitted by the Respondent before the Commission by 30.03.2021. It is made clear that non-compliance of these directions shall attract penal action by the Commission.

4. The appeal is disposed off accordingly, with the above directions.

5. Copies of this decision be sent to the parties through registered post.

Chandigarh
Dated: 19.01.2021

Sd/-
(Maninder Singh Patti)
State Information Commissioner

{Reg. Post} **First Appellate Authority**
{RTI Encl.} O/o District Manager, Markfed, Sangrur



Sh. Satnam Singh, (8528678852)

S/o Sh. Ajaib Singh,

Sarabha Nagar, DisttSangrur

.....Appellant/Complainant

Versus

{Reg. Post}Public Information Officer

O/o District Manager, Markfed, Sangrur

.....Respondent

Complaint Case No. 867 of 2020

Present: Complainant: Sh. Satnam Singh

Respondent: Ms. Amrit Kaur (Sr. Assistant) **(9781110039)**

ORDER

1. The Appellant/Complainant filed appeal/complaint case in the Commission dated 18.11.2020. Accordingly, the case is fixed for today.

Information Sought:

1. ਦੱਸਿਆ ਜਾਵੇ ਕਿ ਪੰਜਾਬ ਪ੍ਰਦੇਸ਼ ਪੱਲੇਦਾਰ ਮਜ਼ਦੂਰ ਯੂਨੀਅਨ ਸੰਗਰੂਰ ਦੁਆਰਾ ਮਿਤੀ 01/04/2018 ਤੋਂ 31/03/2020 ਤੱਕ ਸੰਗਰੂਰ ਲੋਕਲ (ਮਾਰਕਫੈਡ) ਏਜੰਸੀ ਦੇ ਕੀਤੇ ਕੰਮ ਦੇ ਬਿਲਾਂ ਦੀ ਕਾਪੀ, EPF ਦੇ ਚਲਾਨ ਫਾਰਮਾਂ ਦੀ ਕਾਪੀ, ESI ਦੇ ਚਲਾਨ ਫਾਰਮਾਂ ਦੀ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ।
2. ਦੱਸਿਆ ਜਾਵੇ ਕਿ ਮਾਰਕਫੈਡ ਏਜੰਸੀ ਦੁਆਰਾ ਮਿਤੀ 01.04.2018 ਤੋਂ 31.03.2020 ਤੱਕ ਕਿੰਨਾ TDS ਕੱਟਿਆ ਗਿਆ ਹੈ।
3. ਦੱਸਿਆ ਜਾਵੇ ਕਿ ਮਾਰਕਫੈਡ ਏਜੰਸੀ ਵੱਲੋਂ ਜੋ ਪੰਜਾਬ ਪ੍ਰਦੇਸ਼ ਪੱਲੇਦਾਰ ਮਜ਼ਦੂਰ ਯੂਨੀਅਨ ਸੰਗਰੂਰ ਦੇ ਬਿਹਾਫ ਤੇ ਕੰਮ ਦੇ ਜੋ ਚੈੱਕ ਦਿੱਤੇ ਗਏ ਹਨ। ਉਹ ਕਿਸ ਵਿਆਕਤੀ ਨੂੰ ਦਿੱਤੇ ਗਏ ਹਨ। ਹਰੇਕ ਚੈੱਕ ਵਾਇਜ਼ ਡਿਟੇਲ ਦਿੱਤੀ ਜਾਵੇ।

2. Facts emerging in Course of Hearing:

Both the parties are present for the hearing. The complainant Sh. Satnam Singh is aggrieved over the non-receipt of the information. He further submits that information sought was not furnished by the PIO on the grounds that the sought information is third party information. The respondent, Ms. Amrit Kaur submits that the sought information cannot be supplied as it is a third party information which is exempted u/s RTI Act 2005.

3. Observation and Decision:

The Commission finds that according to the complainant Sh. Satnam Singh there is heavy smell of corruption which is need to be exposed, therefore he sincerely requires the sought information for the larger public interest. The observations made by the PIO and the respondent authorities are set aside for being legally flawed. As per well established law, we can accept that disclosure of information which is routinely collected by the Public authority and routinely provided by individuals would not be an invasion on the privacy.

Complaint Case No. 867 of 2020

However, 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.

In 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).

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 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 to the concerned First Appellate Authority cum** O/o District Manager, Markfed, Sangrur, along with a copy of RTI application for their ready reference.

A Compliance report shall be submitted by the Respondent before the Commission by 30.03.2021. It is made clear that non-compliance of these directions shall attract penal action by the Commission.

4. The appeal is disposed off accordingly, with the above directions.
5. Copies of this decision be sent to the parties through registered post.

Chandigarh
Dated: 19.01.2021

Sd/-
(Maninder Singh Patti)
State Information Commissioner

{Reg. Post} **First Appellate Authority**
{RTI Encl.} O/o District Manager, Markfed, Sangrur

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Sh. HardeepSingh, (9464116767)
S/o Sh. Kartar Singh, F-22/488, Mustafabad,
Batala Road, Amritsar.

.....Appellant/Complainant

Versus

Public Information Officer
O/o Principal, Medical College,
Patiala..

.....Respondent

First Appellate Authority
O/o Principal, Medical College,
Patiala.

Appeal Case No. 3646 of 2020

Present: Nobody

ORDER

1. The Appellant/Complainant filed appeal/complaint case in the Commission dated 13.11.2020. Accordingly, the case is fixed for today.

Information Sought: Information pertaining to laboratory technician.

2. Telephonically, appellant Sh. Hardeep Singh acknowledged the receiving of requisite information from the respondent authority and is satisfied with the same.
3. As the information stands supplied therefore, no cause of action is required in this case. Hence, the instant appeal case is **disposed & closed**

Chandigarh
Dated: 19.01.2021

Sd/-
(Maninder Singh Patti)
State Information Commissioner

