**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com/); **Email.** **psic26@punjabmail.gov.in**

Sh. Chander Partap,

S/o Sh. Swami, Ward No. 2,

Kala Manj Kothi, G.T.Road,

Mukerian, Distt:Hoshiarpur.

Complainant

Versus

**Public Information Officer**,

O/o Chairman,

Punjab State Scheduled Castes Commission,

4th Floor, Civil Sectt., Chandigarh.

Respondent

**Complaint CASE NO. 1210 OF 2017**

**PRESENT:** (i) Sh. Chander Partap, the complainant.

 (ii) Smt. Jaswinder Kaur, Clerk on behalf of the respondent.

**ORDER:**

 This order may be read with reference to the previous order dated 05.01.2018.

2. The complainant states that till today, no information has been supplied to him by the respondent.

3. The respondent states that as directed by the Commission during the last hearing, he has brought an affidavit personally today in the Commission mentioning therein that the information as available in their office record of the public authority has already been supplied to the complainant vide office letter dated 13.09.2017 and again letter dated 23.10.2017. It is further submitted that no other information is available on the record of this office.

4. The attention of the complainant is drawn to the decision of the Hon'ble Supreme Court of India dated 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 titled Chief Information Commissioner and Another Vs. State of Manipur and Another (arising out of SLP © No.32768-32769/2010) wherein it has been 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. As per the above decision of the Hon'ble Supreme Court of India, the Information Commission has a power to receive and enquire into the complaint of*

*Contd…p-2*

**Complaint CASE NO. 1210 OF 2017**

*any person who has been refused access to any information requested under this Act (section 18 (1)(b)} or has been given incomplete, misleading or false information under the Act (Section 18(1)(e) or has not been given a response to a request for information or access to information within time limits specified under the Act (Section 18(1)(c))*.

5. In the complaint cases, it is to be seen whether the intention of the respondent-PIO is clear or not. In this case, the complainant has filed RTI on 18.08.2017 and reply has been sent by the respondent vide letter dated 13.09.2017 and second reply was sent to him by the respondent vide letter dated 23.10.2017 well in time.

6. The copy of the affidavit is handed over to the complainant for his perusal with which the complainant is satisfied.

7. In view of the above, no further cause of action is left in the instant Complaint Case which is hereby, **disposed off and closed**. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**20.02.2018 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

**(**[**www.infocommpunjab.com**](http://www.infocommpunjab.com/) **and Email.ID scic@punjabmail.com**

Ms. Komal,

D/o Sh. Mohal Lal,

R/o Dhandal, P.O: Dhandal,

Distt:Gurdaspur.

 --------Appellant.

Vs.

**Public Information Officer**

o/o District Program Officer,

Fatehgarh Sahib.

**First Appellate Authority**

o/o Director,

Social Security Women & Child Development Deptt.,

Punjab, Chandigarh.

 …Respondents

**Appeal Case No. 3646 of 2017**

**PRESENT:** None is present on behalf of the appellant.

Ms. Saru Sharma, Legal-cum-Probation Officer on behalf of the respondent.

**ORDER:**

The RTI application is dated 26.08.2017 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 07.10.2017 and second appeal was filed in the Commission on 11.12.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 20.02.2018 in the Commission.

3. The appellant is absent for today’s hearing without any intimation to the Commission.

4. The respondent files a reply to the Notice of the Commission today in the Commission. She further states that she has brought the information to deliver it personally to the appellant but the appellant is absent. The respondent is directed to send the reply to the appellant within two days by registered post under intimation to the Commission.

5. The perusal of the case reveals that the PIO has not given the reply to the appellant within the stipulated time as prescribed under the RTI Act, 2005.

Contd…p-2

**Appeal Case No. 3646 of 2017**

6. Looking at the lackadaisical and highly irresponsible attitude of the respondent, **Sh. Naresh Kumar, District Programmer Officer, Fatehgarh Sahib** is directed to show cause as to why penalty @ 250/-per day be not imposed upon her under Section 20 (1) of the RTI Act for not sending the information to the appellant within the statutorily period and why the appellant should not be compensated for the harassment suffered by her in getting the information.

7. The respondent-PIO is directed to file a written point-wise reply in this regard, before the next date of hearing with a copy to the appellant

8. He may also make use of the next date of hearing for his personal hearing as well under the principles of natural justice and explain his conduct and status of the complaint to enable the Commission to arrive at a reasonable/logical conclusion in the matter.

9. Last opportunity is given to the appellant to follow up her case in the Commission, failing which decision shall be taken on merit.

10. The matter to come up for further hearing now on **03.04.2018 at 12.00 noon.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**20.02.2018 State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com/); **Email.** **psic26@punjabmail.gov.in**

Sh. Harbhajan Singh,

S/o Sh. Darshan Singh,

H.No.954, Nathuana Gate,

Jandiala Guru, Distt: Amritsar.

Appellant

Versus

**Public Information Officer**,

O/o District Manager,

PUNSUP, Ranjit Avenue,

Amritsar.

**First Appellate authority**

o/o Director Manager,

PUSUP, Punjab, Chandigarh.

 Respondent

**Appeal CASE NO. 3162 OF 2017**

**PRESENT:** (i) Sh. Harbhajan Singh, the appellant.

(ii) Sh. Keshav Chander God on behalf of the respondent.

**ORDER:**

 This order may be read with reference to the previous order dated 05.01.2018.

2. The appellant states that as directed by the Commission during the last hearing, he has already pointed out deficiencies in the information provided vide letter dated 13.02.2018 to the respondent with a copy to the Commission that the information regarding point no. 1 3 and 4 is still pending.

3. The respondent states that till today, no copy of the deficiency has been received in the office. He further states that some more time be given to him to provide the complete information to the appellant.

4. Last opportunity is given to the respondent to provide the complete information to the appellant, before the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. On the request of both the parties, the case is, therefore, adjourned for further hearing now on **27.03.2018 at 12.00noon.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**20.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com/); **Email.** **psic26@punjabmail.gov.in**

Sh. Tarsem Lal Jindal,

Neeli Chatri Wala, H.No.306,

Aastha Colony, Dhanola Road,

Barnala.

Appellant

Versus

**Public Information Officer**,

O/o Joint Sub Registrar,

Ferozepur.

**First Appellate authority**

o/o ADC (Development),

Ferozepur.

Respondent

**Appeal CASE NO. 3169 OF 2017**

**PRESENT:** (i) None is present on behalf of the appellant.

(ii) Sh. Manjit Singh, Tehsildar on behalf of the respondent.

**ORDER**

This order may be read with reference to the previous order dated 05.01.2018.

2. The appellant is absent for today’s hearing without any intimation to the Commission.

3. Sh. Manjit Singh, Tehsildar, Ferozepur files a written reply in response to the show cause notice mentioning therein that the appellant has sought information pertaining to the year 2010 to 2016 and the same was not available with the H.R.C Branch i.e. it has been collected from the different Tehsils of the Ferozepur District. He further states that complete information has been supplied to the appellant vide letter dated 04.10.2017.

4. After hearing the respondent and perusing the reply filed by the respondent today in the Commission, it is ascertained that the information which has been sought by the appellant has been supplied to him with which the appellant is satisfied and has sent his written consent during the last hearing dated 05.01.2018 that he has received the information but it has been supplied to him after the lapse of 70 days. The respondent has given the reply why this information has been delayed and I agree with the reply of the respondent but the respondent-PIO is warned to be careful in future while dealing with the RTI applications.

Contd..p-2

**Appeal CASE NO. 3169 OF 2017**

5. In view of the above, no further cause of action is left in the instant Appeal Case, which is hereby, **disposed off and closed**. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**20.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com/); **Email.** **psic26@punjabmail.gov.in**

Sh. Chander Pratap,

S/o Sh. Swami, Ward No.2,

Kala Manj Kothi, G.T.Road,

Mukheria, Distt: Hoshiarpur.

 …Complainant

Versus

**Public Information Officer**,

O/o Principal Secretary,

Govt.,of Punjab, Welfare Deptt.,

SC & BC, Punjab, Chandigarh.

 ...Respondent

**Complainant Case No. 1220 of 2017**

**PRESENT:** (i) Sh. Chander Pratap, the complainant.

(ii) None is present on behalf of the respondent.

**ORDER**

 This order may be read with reference to the previous order dated 09.01.2018.

2. The complainant states that till today, no single reply has been given by the respondent.

3. Neither the PIO has filed any reply to the notice of the Commission nor has given any information to the complainant, which shows that he has no regard for the orders of the Commission.

4. Looking at the lackadaisical and highly irresponsible attitude of the **respondent-PIO o/o Principal Secy., Punjab State SC & BC Welfare Deptt, Chandigarh** is directed to show cause as to why penalty @ 250/-per day be not imposed upon him under Section 20 (1) of the RTI Act for not sending the information to the complainant within the statutorily period.

5. The respondent-PIO is directed to file a written point-wise reply in this regard before the next date of hearing with a copy to the complainant.

6. He may also make use of the next date of hearing for his personal hearing as well under the principles of natural justice and explain his conduct and status of the complaint to enable the Commission to arrive at a reasonable/logical conclusion in the matter.

Contd..p-2

**Complainant Case No. 1220 of 2017**

7 The matter to come up for further hearing on **27.03.2018 at 12.00noon.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**20.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com/); **Email.** **psic26@punjabmail.gov.in**

Sh. Gurdip Singh,

S/o Sh. Chanan Singh,

# 215, Ajit Nagar, Sultanwind Road,

Amritsar.

Complainant

Versus

**Public Information Officer**,

O/o Deputy Commissioner,

Amritsar.

**Public Information Officer,**

O/o SDO,

PWD, B&R, Near Gagan Cinema,

Amritsar.

Respondent

**Complaint CASE NO. 1402 OF 2017**

**PRESENT:** (i) Sh. Gurdip Singh, the complainant.

(ii) Sh. Himmat Singh, A.E o/o Galiara, ADA, Amritsar on behalf of the respondent.

**ORDER**

 The RTI application is dated 22.09.2017 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 13.12.2017 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

 2. Notice was issued to the parties for hearing for 20.02.2018 in the Commission.

3. The complainant states that till today, no information has been provided to him by the respondent.

4. Sh. Himmat Singh, A.E is appearing on behalf of the o/o Amritsar Development Authority, Amritsar states that the information relating to point nos. 9, 10 and 12 has been supplied to the appellant vide letter dated 15.02.2018 and rest of the information relating to point nos. 1 to 8 and 11 is to be provided by the PIO o/o SDO, PWD, B&R, Amritsar.

5. After going through the information, the complainant states that this information is wrong and is not according to his RTI application.

Contd…p-2

**Complaint CASE NO. 1402 OF 2017**

6. Since, the information relating to point no. 1 to 8 and 11 is to be provided by the PIO, O/o SDO, PWD, B&R, Amritsar. I, therefore, order that PIO, O/o SDO, PWD, B&R, Amritsar be impleaded as Respondent No.2. I further direct that PIO, O/o SDO, PWD, B&R, Amritsar should supply the information to the Complainant, before the next date of hearing.

7. The PIO o/o Amritsar Development Authority, Amritsar is also directed to appear personally on the next date of hearing and provide the correct information to the complainant which relates to their department, before the next date of hearing, failing which penalty provisions shall be invoked against him for non compliance the orders of the Commission.

8. The matter to come up for further hearing on **27.03.2018 at 12.00noon** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**20.02.2018 State Information Commissioner**

***Registered post***

**CC: Sh. Pritpal Singh, SDO, PWD B&R, Near Gagan Cinema, Amritsar.**

 **PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com/); **Email.** **psic26@punjabmail.gov.in**

Sh. Krishan Gopal Singla,

S/o Sh. Brij Lal, ward No.16/B,

Sangrur Road, Dhuri (Sangrur).

Appellant

Versus

**Public Information Officer**,

O/o Assistant Food & Supply Officer,

Dhuri, Distt: Sangrur.

**First Appellate Authority**

o/o Director Controller,

Food, Civil Supplies and Consumer Affairs,

Sangrur.

Respondent

**Appeal CASE NO. 3205 OF 2017**

**PRESENT:** (i) None is present on behalf of the appellant.

 (ii) Sh. Rajan Gupta, APIO on behalf of the respondent.

**ORDER:**

This order may be read with reference to the previous order dated 05.01.2018.

 2. A letter has been received from the appellant in the Commission by email that he has authorized Sh. Prem Kumar Rattan to appear on his behalf for today’s hearing. A letter has also been received from Sh. Prem Kumar Rattan that he is unable to attend today’s hearing due to ill health.

3. The respondent files reply today in the Commission mentioning therein that the appellant has not sought any information in form of documents or any other material. He further states that according to Section 2(f) that the *"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.*  He further states that reply to the appellant has already been sent to him vide letter dated 15.09.2017 within the prescribed time.

 4. After hearing the respondent and perusing the record, it is ascertained that the appellant has not sought the information, he just wants

Contd…p-2

 **Appeal CASE NO. 3205 OF 2017**

 physical inspection of the wheat, which is not maintainable under the RTI Act. The information which is not maintained or available cannot be furnished. As far as the RTI Act is concerned, it can only facilitate in providing information to the citizens in case, if one seeks information which is available with the public authority in material form. As the information asked for are not maintained by the respondent and that the desired information cannot be provided according to Section 2(f) of the Act, this appeal is unnecessary and is thus **disposed of and closed.**

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**20.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com/); **Email.** **psic26@punjabmail.gov.in**

Sh. Tarsem Lal Jindal,

Neeli Chatri Wala, H.No.306,

Aastha Colony, Dhanola Road,

Barnala.

Appellant

Versus

**Public Information Officer**,

O/o Tehsildar,

Barnala.

**First Appellate Authority**

o/o SDM,

Barnala.

Respondent

**Appeal CASE NO. 3642 OF 2017**

**PRESENT:** (i) None is present on behalf of the appellant.

(ii)Sh. Lalit Kumar, Jr. Assistant on behalf of the respondent.

**ORDER**

 The RTI application is dated 11.08.2017 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 06.09.2017 and second appeal was filed in the Commission on 11.12.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 20.02.2018 in the Commission.

3. The appellant is absent for today’s hearing without any intimation to the Commission.

4. The respondent files a reply to the Notice of the Commission mentioning therein that the reply has already been supplied to the appellant vide letter dated 18.10.2017 that the information which has been sought by the appellant is not available in their office and the same is to be provided by the Punjab Land Record, Barnala.

5. The PIO is directed to file an affidavit mentioning the facts that on what basis the reply has been delayed and why they have not transferred the RTI application to the concerned department. Last opportunity is given to the PIO to appear personally on the next date of hearing alongwith the affidavit, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

Contd..p-2

**Appeal CASE NO. 3642 OF 2017**

6. The appellant is also advised to follow up his case in the Commission, failing which decision shall be taken on merit.

 7. The matter to come up for further hearing now on **03.04.2018 at 12.00noon.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**20.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com/); **Email.** **psic26@punjabmail.gov.in**

Sh. Tarsem Lal Jindal,

Neeli Chatri Wala, H.No.306,

Aastha Colony, Dhanola Road,

Barnala.

Appellant

Versus

**Public Information Officer**,

O/o Tehsildar,

Barnala.

**First Appellate Authority**

o/o SDM,

Barnala.

Respondent

**Appeal CASE NO. 3645 OF 2017**

**PRESENT:** (i) None is present on behalf of the appellant.

(ii)Sh. Lalit Kumar, Jr. Assistant on behalf of the respondent.

**ORDER**

 The RTI application is dated 28.08.2017 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 10.10.2017 and second appeal was filed in the Commission on 11.12.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 20.02.2018 in the Commission.

3. The appellant is absent for today’s hearing without any intimation to the Commission.

4. The respondent files a reply to the Notice of the Commission mentioning therein that the reply has already been supplied to the appellant vide letter dated 18.09.2017.

 5. The PIO is directed to appear personally and file an affidavit mentioning therein that the complete information as per office record stands supplied and nothing is pending to be given to the appellant, on the next date of hearing with a copy to the appellant.

 6. Last opportunity is given to the appellant to follow up his case in the Commission, failing which decision shall be taken on merit.

 Contd…p-2

 **Appeal CASE NO. 3645 OF 2017**

 7. The matter to come up for further hearing now on **03.04.2017 at 12.00noon.** Copies of the order be sent to the parties.

 Sd/-­

**Chandigarh (Prof. Viney Kapoor Mehra)**

**20.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com/); **Email.** **psic26@punjabmail.gov.in**

Sh. Prem Kumar Rattan,

H.No.78/8, Park Road,

New Mandi, Dhuri, Distt: Sangrur.

Appellant

Versus

**Public Information Officer**,

O/o Chief Electoral Officer,

Punjab, Chandigarh.

**First Appellate Authority**

o/o Principal Secy.,

Punjab Govt., Powercom,

Civil Sectt., Punjab, Chandigarh.

Respondent

**Appeal CASE NO. 3644 OF 2017**

Present : (i) None is present on behalf of the appellant.

(ii) Sh. Sukhdev, Deputy CEC, Sh. Mohan Singh, Sr. Assistant, Ms. Bhavneet Kaur, AMIHR, PSPCL, Mrs. Anju Bala, EIT and Sh. Kuldeep Singh on behalf of the respondent.

**ORDER**

The RTI application is dated 17.01.2017 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 25.07.2017 and second appeal was filed in the Commission on 25.11.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 20.02.2018 in the Commission.

3. A letter has been received from the appellant in the Commission by email mentioning therein that due to ill health, he is unable to attend today’s hearing.

4. The respondent o/o Chief Electoral Office, Punjab states that the information regarding point no. 2 has already been supplied to the appellant vide letter dated 08.02.2017 by speed post. He further states that the information regarding point no. 1 is to be supplied by the Electoral Returning Officer, Ludhiana and they have already supplied the same to the appellant vide letter dated 19.12.2017. The respondent o/o PSPCL, Patiala states that the information which was related to their department has been supplied to the appellant vide letter dated 06.03.2017.

Contd…p-2

**Appeal CASE NO. 3644 OF 2017**

5. All the respondents-PIOs are directed to file an affidavit on the next date of hearing mentioning therein that the information which was related with their respective offices has supplied to the appellant and nothing is pending to be given to the appellant.

6. Last opportunity is given to the appellant to point out the deficiency, if any, in the information provided to the respondent within one week with a copy to the Commission and follow up his case in the Commission, failing which decision shall be taken on merit.

7. The matter to come up further hearing now on **03.04.2018 at 11.30AM. C**opies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**20.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com/); **Email.** **psic26@punjabmail.gov.in**

Sh. Raj Ahuja,

S/o Sh. Bhagwan Chand,

R/o Village Gram Panchayat Neola,

Tehsil & Distt: Fazilka.

Appellant

Versus

**Public Information Officer**,

O/o District Social Welfare Officer,

Fazilka.

**First Appellate authority**

o/o District Social Welfare Officer,

Fazilka.

 Respondent

**Appeal CASE NO. 3210 OF 2017**

**PRESENT:** (i) Sh. Kamal Narula, Advocate on behalf of the appellant.

(ii) None is present on behalf of the respondent.

**ORDER**

This order may be read with reference to the previous order dated 05.01.2018.

2. The Kamal Narula, Advocate is appearing on behalf of the appellant states that till today, no information has been supplied to the appellant.

3. Neither the PIO is present for today’s hearing nor has filed any reply to the Notice of the Commission,

4. During the last hearing, a show cause notice was issued to the PIO but at today’s hearing, he is again absent, which shows that the has no regard for the orders of the Commission.

5. Despite of the repeated directions of the Commission, **PIO o/o District Social Welfare Office, Fazilka** has not attended the hearing in the Commission personally. Therefore, a bailable warrant be issued to the **PIO o/o District Social Welfare Office, Fazilka** for not complying the orders of the Commission.

6. The matter to come up for further hearing now on **27.03.2018 at 12.00 noon**. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**20.02.2018 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

**(**[**www.infocommpunjab.com**](http://www.infocommpunjab.com/) **and Email.ID scic@punjabmail.com**

**BAILABLE WARRANT OF PRODUCTION**

BEFORE PRO. VINEY KAPOOR MEHRA, STATE INFORMATION COMMISSIONER, PUNJAB

In case of Sh. Raj Ahuja v/s Public Information Officer, O/o District Social Welfare Officer, Fazilka and FAA: do

Complaint/Appeal No. : AC : 3210/2017

**UNDER SECTION 18 OF THE RIGHT TO INFORMATION ACT, 2005.**

**NEXT DATE OF HEARING : 27.03.2018**

To

 **The Senior Superintendent of Police,**

**Fazilka.**

 Whereas the Public Information Officer **PIO o/o District Social Welfare Office, Fazilka** has failed to appear before the State Information Commissioner despite the issuance of repeated notices/directions in the above mentioned appeal case. Therefore, you are hereby directed to serve this bailable warrant on Public Information Officer, **PIO o/o District Social Welfare Office, Fazilka** to appear before Prof. Viney Kapoor Mehra, SIC at o/o Red Cross Bhawan, Madhya Marg, Sector:16, Chandigarh on 27.03.2018 at 12.00noon and submit his written submissions in regard to the order dated 05.01.2018 (copy enclosed).

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**20.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com/); **Email.** **psic26@punjabmail.gov.in**

Smt. Jasvir Kaur,

D/o Sh. Surjit Singh,

VPO: Jarg, Tehsil:Payel,

Distt:Ludhiana.

Complainant

Versus

**Public Information Officer**,

O/o Punjab Public Service Commission,

Patiala.

Respondent

**Complaint CASE NO. 1405 OF 2017**

**PRESENT:** (i) Sh. Surjit Singh on behalf of the complainant.

(ii) Sh. Harpuneet Singh Sandhu, Sr. Assistant on behalf of the respondent.

**ORDER**

 The RTI application is dated 04.10.2017 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 14.12.2017 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 20.02.2018 in the Commission.

3. The complainant has authorized Sh. Surjit Singh to appear on her behalf for today’s hearing. The representative of the complainant states that the respondent has denied the information on the basis of third party information.

4. The respondent files reply to the Notice of the Commission mentioning therein that the RTI application of the complainant has been received on 14.10.2017 and reply has been given to the complainant vide letter dated 31.10.2017 within the time limit that the information cannot be supplied being third party information.

5. The attention of the complainant is drawn to the decision of the Hon'ble Supreme Court of India dated 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 titled Chief Information Commissioner and Another Vs. State of Manipur and Another

Contd…p-2

**Complaint CASE NO. 1405 OF 2017**

(arising out of SLP © No.32768-32769/2010) wherein it has been 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. As per the above decision of the Hon'ble Supreme Court of India, the Information Commission has a power to receive and enquire into the complaint of any person who has been refused access to any information requested under this Act (section 18 (1)(b)} or has been given incomplete, misleading or false information under the Act (Section 18(1)(e) or has not been given a response to a request for information or access to information within time limits specified under the Act (Section 18(1)(c))*.

6. In the complaint cases, it is to be seen whether the intention of the respondent-PIO is clear or not. In this case, the complainant has filed RTI on 14.10.2017 and reply has been sent by the respondent vide letter dated 31.10.2017 well in time.

7. I am satisfied with the reply of the respondent PIO. **In the given circumstances, this case is hereby, remanded back to the PIO** who is directed to decide the RTI application afresh as per provisions of the RTI Act 2005. In view of the above, the instant Complaint Case is hereby, **disposed of and closed. Copies of the order be sent to the parties.**

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**20.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com/); **Email.** **psic26@punjabmail.gov.in**

Sh. Sorab Thappar,

H.No.501/39-A, St. No.1,

Shastri Nagar, Jagraon.

Appellant.

Versus

**Public Information Officer**,

O/o Principal,

GGSS, School, Sherpur Kalan.

**First Appellate authority**

o/o DEO(E),

Ludhiana.

Respondent

**Appeal CASE NO. 1393 OF 2017**

**PRESENT:** None for the parties.

**ORDER:**

This order may be read with reference to the previous order dated 05.01.2018.

2. A letter has been received from the appellant in the Commission by email mentioning therein that as per Section 20, a penal action be taken against the PIO.

3. An affidavit has been received from the respondent in the Commission vide diary no. 1581 dated 22.01.2018 mentioning the facts of the case, which are as under:-

w? ftB'd e[wko g[so wjKthogq;kd tk;h fgq;hgb ;:;:;:;; ;'og[o ebK b[fXnkDk i' fe ps'o b'e ;{uBK nfXekoh ezw eodk jK s/ w? j/m fbfynk fpnkB eodk jK fe:-

1. fJj W fe ;qh ;'ot Ekgo fte/;bB wk;No fizBK dh fB:[esh fwsh a 6a4a2014 Bz{ 5000/- ro/v g/ ftu j'Jh ;h. Bz{ f;fynk ftGkr d/ gZso Bzpo 5/28-15/ te/;Bb fwsha 23a11a2015 nB[;ko d;zpo 2015 s' 5400 ro/v g/ fdsk frnk ;h.

2a fJj W fe wkB:'r gzikp ns/ jfonkDk jkJhe'oN tb'A foN Bzpo 27344/15 ns/ 26362/15 ftu fwsha eowtko 18-12-2015 s/ 24-12-2015 Bz{ 23-11-2015 d/ gZso u/ nwb s/ o'e brk fdZsh rJh.

3a fJj W fe f;fynk ftGkr B/ nkgD/ j[ee Bzpo 23/31-15 te/;Bb -3/32/29/763 fwsh 15a01a2016 okjh wkB:'r jkJhe'oN d/ c?;b/ Bz{ bkr{ ehsk. fJ;/ gZso nB[;ko ;szpo 2016 s' U[es eowukoh dk g/ ro/v xNk e/ 5000/- eo fdZsk.

4a fJj W fe eowukoh B/ jbchnk fpnkB fdZsk ;h fe i/eo ftGkr tb' iK wkB:'r e'oN tb' w/ok ro/v g/ xNkfJnk iKdk W sK U[j foetoh eokU[D bJh fsnko W.

**Appeal CASE NO. 1393 OF 2017**

5a fJj W fe eowukoh B/ fwsha 08a02a2017 Bz{ s/ 23a06a2017 Bz{ i' nkoaNhankJh gkJh ;h U[; dk itkp U[es gZsoK d/ jtkb/ nB[;ko xo d/ n?vo; s/ ofi;Nv vke d[nkok d/ fdZsk frnk ;h. U[; s' pkd oki ;{uBK efw;Bo ;qhawsha ftB/ eg{o wfjok dh ndkbs ftu fwsha 17a08a2017 Bz{ ;zpXs d;skt/i dhnK ekghnK eosk (;'ot Ekgo) Bz{ d;sh s'o wj[Jhnk eotk fds/ rJ/ ;b.

6a fJj W fe dcso ftu i' th ;{uBk foekov nB[;ko w'i{d ;h fi; dk ;zpX ;qh ;'ot Ekgo d/ g/ ro/v Bkb ;zpXs W U[j w? fszB tko wj[Jhnk eotk u[ek jK. s/ fJ; s'A fJbktk w/o/ e'b j'o e'Jh tj ;{uBk Bjh W.

4. After examining the record and reply filed by the respondent, it is revealed that the information as per the demand of the appellant has been supplied to him time to time but the appellant is not satisfied with the information provided. RTI Act cannot be used for establishing an unending dialogue with a public authority about the specific concerns an appellant may have in his mind. The perception of the appellant that use of RTI Act can be employed as a mechanism for redressal of his grievance is beyond the paradigm of the Act. The Commission advises the appellant to approach the competent forum or Court for redressal of his grievance as it is unable to go outside the jurisdiction stipulated by the RTI Act.

5. Since, the information as per the official record stands provided to the appellant and respondent has filed an affidavit in this regard, which is taken on record. In wake of aforementioned, this Appeal Case is hereby devoid of merit and hence **closed and disposed of.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**20.02.2018 State Information Commissioner**