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**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

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Sh. Baj Singh, S/o shri Subeg Singh

Village Baram Tehsil Patran,

Distt.Patiala Complainant

Versus

**Public Information Officer,**

O/o Sr. Executive engineer

Operational Division, Patran

Distt. Patiala

...Respondent

**Complaint Case No. 376 of 2018**

Present : (i) Sh. Baj Singh the complainant

 (ii) For the respondent : Sh.Harpal Singh, SDO

**ORDER**

 This order may be read with reference to the previous order dated29.05.2018.

2. The complainant states that no information has been given to him.

3. Respondent states that he has brought an affidavit as directed during the last hearing. He further states that Salim Mohd has been transferred.

4. After going through the affidavit , it is found that the affidavit is wrong. The respondent is again directed to ensure that the complete information is furnished to the complainant. However, if this information is not available on record, the PIO shall file an affidavit on oath stating the same. **Sh. Sukhwinder singh Bhattal**, PIO is directed to come present on the next date of hearing, failing which action under Section 20(1) of the RTI Act will be initiated.

5. To come up on **12.07.2018 at 11.00 AM**. Copy of the order be sent to the parties  ***through registered post***.

 Sd/-

**Chandigarh (Preety Chawla)**

 **Dated: 20.06.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

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Sh. Parveen Kumar Dhanju, Advocate

Chamber No.3, Court complex, Abohar,

Distt. Fazilka Appellant.

Versus

**Public Information Officer,**

O/o BDPO, Guruharsahai

Ferozepur

**First Appellate Authority**

o/o DDPO, Ferozepur

...Respondent

**Appeal Case No. 1143 of 2018**

Present : (i) Sh. Parveen Kumar Dhanju the appellant

 (ii) For the respondent: None is present on behalf of the respondent

**ORDER**

 This order may be read with reference to the previous order dated 29.05.2018 vide which the respondent was absent.

2. Today again the respondent is not present.

3. The perusal of the file shows that the appellant filed RTI on 11.12.2017, but no information has been given to him so far, which shows that the respondent has no regard for the orders issued by the Commission. This is indeed a serious matter.

4. In view of the foregoing, PIO is directed to show cause why action should not be taken against him for not attending the hearing inspite of order of the Commission. He should file a written reply in response to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information. In addition to the written reply PIO is hereby given an opportunity u/s 20(1) proviso thereto for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex-parte.

**Appeal Case No. 1143 of 2018**

5. To come up on **09.07.2018 at 11.00 AM.** Copy of the order be sent to the parties ***through registered post.***

Sd/-

**Chandigarh (Preety Chawla)**

 **Dated: 20.06.2018 State Information Commissioner**

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E-mail-psic27@punjabmail.gov.in

Sh. Ashok Gupta

Street No. 12, Janta Colony, Rajura Road

Bathinda . Appellant.

Versus

**Public Information Officer,**

Arya High School, Mandi Phul,

Bathinda

**First Appellate Authority**

o/o DEO (SE)

Bathinda

...Respondent

**Appeal Case No. 973 of 2018**

Present : (i) Sh. Ashok Gupta the appellant

 (ii) None is present on behalf of the respondent

**ORDER**

 This order may be read with reference to the previous order dated 29.05.2018.

2. Today the respondent is absent.

3. The appellant states that incomplete information has been given to him so far.

4. The perusal of the file shows that during the last hearing, PIO,o/o DEO (SE), Bathinda was directed to come present. But today neither the PIO nor his representative is present. Last opportunity is given to the PIO, o/o DEO(SE) Bathinda to appear before the Commission and state their case. PIO,o/o Arya High School, Mandi Phul, Bathinda is also directed to come present on the next date of hearing, failing which action under Section 20 (1) of the RTI Act 2005 will be initiated.

5. To come up on **11.07.2018 at 11.00 AM**. Copy of the order be sent to the parties ***through registered post.***

Sd/-

**Chandigarh (Preety Chawla)**

 **Dated:20.06.2018 State Information Commissioner**

**Through registered post**

CC: PIO,o/o Arya High School, Mandi Phul, Bathinda

**PUNJAB, STATE INFORMATION COMMISSION**

**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

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E-mail-psic27@punjabmail.gov.in

Sh Navdeep Gupta,

Kothi No 455,Gillco Valley,

Kharar, Distt Mohali Complainant.

Versus

**Public Information Officer,**

Secretary,

P.S.E.B,Phase-8,Mohali

 ...Respondent

**Complaint Case No. 381 of 2018**

Present : None for the parties.

**ORDER**

 This order may be read with reference to the previous order dated 29.05.2018 vide which neither the complainant nor the respondent was present.

2. Today again the complainant is not present. He has sent an email.

3. Respondent is also absent.

4. One more opportunity is given to both the parties to appear before the commission and state their case, failing which appropriate orders in their absence shall be passed.

5. To come up on **09.07.2018 at 11.00 AM.** Copy of the order be sent to the parties.

Sd/-

**Chandigarh (Preety Chawla)**

 **Dated:20.06.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

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Sh Sushil Kumar,

H No-1410,Phase-1,Urban Estate,

Dugri Road, Ludhiana. Complainant.

Versus

**Public Information Officer,**

Deputy Chief Engineer/TA(Electrical)

P.S.P.C.L, Patiala

**Remanded Back**

**First Appellate Authority**

Chief Engineer(T&I),

PSPCL, Patiala ...Respondent

**Complaint Case No. 385 of 2018**

Present : (i) Sh Sushil Kumar, Complainant.

 (ii)Sh Baldev Singh, Sr Assistant.

**ORDER**

This order may be read in reference to the previous order dated 20.06.2018.

 2. The Complainant states that he is not satisfied with the reply given by the Respondent.

3. 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*

**Complaint Case No. 385 of 2018**

*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).*

 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.

4. 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.

5. 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.

6.In view of the observations noted above, the instant case is **disposed of.** Copies of this decision be sent to the parties ***through registered post.***

Sd/-

**Chandigarh (Preety Chawla)**

 **Dated:20.06.2018 State Information Commissioner**

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Sh. Ashok Gupta

Street No. 12, Janta Colony, Rajura Road

Bathinda . Appellant.

Versus

**Public Information Officer,**

DEO(SE), Bathinda

**First Appellate Authority**

o/o DPI(SE)

Mohali ...Respondent

**Appeal Case No. 954 of 2018**

Present : (i) Sh Ashok Gupta, Appellant

 (ii)For the Respondent : Smt Bhupinder Kaur, Dy DEO(S)

 And Smt Surinder Kaur, DPI(S)

**ORDER**

This order may be read with reference to the previous order dated 20.06.2018 vide which the Respondent-PIO was directed to file their reply to the show cause notice issued to them.

2. The Appellant states that no information has been given to him so far.

3. The Respondent states that she has brought the information today in the Commission, which is handed over to the Appellant. The Appellant has gone through the same and states that he has not received complete information pertaining to point Nos.(iv) & (V)

4. Smt Bhupinder Kaur, Dy DEO(S) Bathinda, has promised that the information pertaining to point Nos.(iv) & (V) will be sent to the Appellant to which the Appellant has no objection.

3. Today the Respondent has filed the reply of show cause notice issued to them. Keeping in view all the facts mentioned in the reply the show cause notice is hereby is dropped. No further action is required.

4. On the assurance of Smt Bhupinder Kaur, Dy DEO(S) Bathinda, the Appeal case filed by the Appellant is hereby **disposed off and closed**. Copies of the orders be sent to the parties.

Sd/-

**Chandigarh (Preety Chawla)**

 **Dated:20.06.2018 State Information Commissioner**

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E-mail-psic27@punjabmail.gov.in

Sh Anil Nayyar,

# 34, Joshi Colony, The Mall,

Amritsar. . Appellant.

Versus

**Public Information Officer,**

CMD, P.S.P.C.L, Head Office,

Patiala.

**First Appellate Authority,**

Chief Engineer Office,

P.S.P.C.L, Border Zone,

Amritsar. ...Respondent

**Appeal Case No. 1123 of 2018**

Present : (i) Sh.Aseem Nayyar on behalf of the appellant

 (ii) For the respondent : Sh.R.K.Bhardwaj, Deputy CE-cum-PIO

**ORDER**

 This order may be read with reference to the previous order dated 29.05.2018.

2. The appellant has authorized Sh.Aseem Nayyar to appear on his behalf.

3. Respondent states that he has brought an affidavit as directed during the last hearing mentioning therein:-

 "*That the electricity connection in the name of Formos Restaurant joshi Colony Amritsar bearing Account No.GC-16/1103/NRS was got checked from the enforcement swuads of Amritsar under my control on 28.07.2017 after receiving mobile phone call from Chief Engineer EA & Enforcement Patiala. (ii) that no written complaint was received for checking of restaurant in the name of Formos, Lawrence road Amritsar (iii) That I have received the complaint from Chief engineer /EA & Enforcement Patiala on Mobile for checking of their above connection mentioned at Sr. No. 1.(iv) That no record is maintained regarding the complaints received on phone & after receiving mobile phone call, the Enforcement squads are deputed for checking in the field (v) That no record is maintained regarding the mode of complaints received on phone i.e. whether the complaint is received in voice mode or through SMS or through whatsapp message (vi) that no record is prepared/maintained regarding telephone call or voice mails".*

**Appeal Case No. 1123 of 2018**

4. Original affidavit is handed over to the representative of the appellant. Copy of the same is taken on record. I have gone through the affidavit and have agreed with the same.

5. Since, the order of the Commission has been complied with, no cause of action is left. The appeal filed by the appellant is therefore **disposed of and closed.** Copy of the order be sent to the parties.

Sd/-

**Chandigarh (Preety Chawla)**

 **Dated:20.06.2018 State Information Commissioner**

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Sh Kewal Singh, S/o Sh Ujjagar Singh,

R/o VPO Khalu, Tehsil & Distt Kapurthala. Appellant.

Versus

**Public Information Officer,**

BDPO,

Kapurthala..

**First Appellate Authority,**

DDPO,

Kapurthala ...Respondent

**Appeal Case No. 1139 of 2018**

Present : (i) Sh.Kewal Singh alongwith Sh.Kuldip singh

(ii) For the respondent : Sh. Tarlochan Singh, VDO and Sh. Mohan, Sarpanch

**ORDER**

This order may be read with reference to the previous order dated 29.05.2018.

2. The appellant states that no information has been given to him so far.

3. Respondent states that he has personally brought information today in the commission to deliver it to the appellant

4. The same is handed over to the appellant. The appellant has gone through the same and states that he is satisfied with the information. He further states that he has not received information i.e. MNREGA estimate and one page of year 2013 assesment. Respondent has promised that the above said information will be provided to the appellant as soon as possible to which the appellant has no objection.

5. On the assurance of the respondent, the appeal is **disposed of and closed.** Copy of the order be sent to the parties.

Sd/-

**Chandigarh (Preety Chawla)**

 **Dated:20.06.2018 State Information Commissioner**

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E-mail-psic27@punjabmail.gov.in

Sh. Gulwant Singh Virk,
H No 174, Sector-9, HUDA,

Ambala. Appellant

Versus

**Public Information Officer,**

Establishment Administrative Office, ( Coordination)

PUDA, Mohali.

**First Appellate Authority**

Assistant General Manager (HR),

PUDA, Mohali

**Public Information Officer**

**O/o GMADA, Mohali** ...Respondent

**Appeal Case No.1140 of 2018**

Present: (i) Sh.Gulwant Singh , the appellant

(ii) For the respondent: Sh.Harsimran Singh, clerk

 **ORDER**

This order may be read with reference to the previous order dated 29.05.2018.

2. The appellant states that no information has been given to him so far.

3. Respondent states that the information demanded by the appellant is lying with GMADA.

4. After hearing the respondent, it is ascertained that the information is lying with GMADA. Therefore PIO,o/o GMADA is impleaded as necessary party.

5. Both the PIOs i.e. PIO,o/o PUDA and PIO o/o GMADA is directed to come present on the next date of hearing, failing which action under Section 20 (1) of the RTI Act 2005 will be initiated.

6. To come up on 05.07.2018 at 11.00 AM. Copy of the order be sent to the parties **through registered post.**

Sd/-

**Chandigarh (Preety Chawla)**

 **Dated:20.06.2018 State Information Commissioner**

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Sh. Darshan Singh,

# 1732, Sujapuria, Tehsil Jagraon,

Distt Ludhiana. . Appellant.

Versus

**Public Information Officer,**

SDO, PSPCL, City Sub Division,

Jagraon, Distt Ludhiana.

**First Appellate Authority**

XEN, PSPCL, Jagraon,

Distt Ludhiana ...Respondent

**Appeal Case No. 1146 of 2018**

Present : (i) Sh. Darshan Singh the appellant

 (ii) For the Respondent : Er.Kewal Singh, AEE

**ORDER**

This order may be read with reference to the previous order dated 29.05.2018.

2. The appellant Sh. Darshan Singh states that he is not satisfied with the information provided by the respondent.

3. Respondent states that the appellant can collect the information from their office on any working day.

4. The appellant is directed to visit the office of the respondent on **21.06.2018 at 11.00 AM,** inspect the record and obtain the information. Respondent is directed to provide the same to the appellant.

5. To come up on **05.07.2018 at 11.00 AM**. Copy of the order be sent to the parties.

Sd/-

**Chandigarh (Preety Chawla)**

 **Dated:20.06.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

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E-mail-psic27@punjabmail.gov.in

Sh. Jasmail Singh, S/o Sh Nachattar Singh,

Village Kot Crore Khurd, Tehsil & Distt Ferozepur,

Hal Abad NIS, Moti Bagh, Patiala. Appellant.

Versus

**Public Information Officer,**

Panchayat Secretary, Gram Panchayat,

Kot Crore Khurd, Block Ghall Kurd,

Distt Ferozepur.

**First Appellate Authority**

BDPO, Block Ghall Kurd,

Distt Ferozepur. ...Respondent

**Appeal Case No. 1149 of 2018**

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

 (ii) for the respondent :Sh. Gurmail Singh, Panchayat Secretary,

**ORDER**

This order may be read with reference to the previous order dated 29.05.2018.

2. The appellant is absent today.

3. Respondent states that complete information has already been sent to the appellant.

4. Since the appellant is absent today, therefore one more opportunity is given to him to appear before the commission. It is made clear that in case the appellant does not appear on the next date of hearing , appropriate order in his absence shall be passed.

5. To come up on **30.08.2018 at 11.00 AM**. Copy of the order be sent to the parties.

Sd/-

**Chandigarh (Preety Chawla)**

 **Dated:20.06.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

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Sh. Jagtar Singh, S/o Sh Puran Singh,

R/o Village Panchkoha, Tehsil Khamanoo,

Distt Fatehgarh Sahib. Appellant.

Versus

**Public Information Officer,**

Chief Engineer,

Panchayati Raj, SAS Nagar..

**First Appellate Authority**

SE, Panchayati Raj, PWD Circle,

SAS Nagar. ...Respondent

**Appeal Case No. 1150 of 2018**

Present : (i) Sh.Jagtar Singh the appellant

 (ii) For the respondent : Sh.Jagjit Singh, Jr. Assistant

**ORDER**

This order may be read with reference to the previous order dated 29.05.2018.

2. The respondent states that the appellant has not demanded any specific information as directed during the last hearing.

3. After hearing both the parties, it is clear that the appellant has not received complete information so far. Respondent is directed to provide complete information to the appellant before the next date of hearing after payment of requisite fee.

4. To come up on **05.07.2018 at 11.00 AM.** Copy of the order be sent to the parties.

 Sd/-

**Chandigarh (Preety Chawla)**

 **Dated:20.06.2018 State Information Commissioner**