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COMPLAINT CASE NO. 1270 OF 2018

Sh. Sukhwinder Singh S/o S. Banta Singh, Village Dhupsari, P.O. Govt. Multi Technical College, Tehsil Batala, District Gurdaspur-143506.

...Complainant

Versus

Public Information Officer,

O/o Director, Health & Family Welfare Department, Punjab, National Rural Health Mission, 5th Floor, Paryas Building, Sector-38-B, Chandigarh.

...Respondent

PRESENT: None is present on behalf of the Complainant.

Sh. Amit Sharma, Programm Assistant –cum- APIO is present on

behalf of the Respondent – PIO.

ORDER:

The Complainant sought information as enumerated in her RTI application dated: 28.03.2018. She filed complaint in the Commission dated: 14.12.2018 under section 18 of the Right to Information Act, 2005.

- 2. Notice of hearing has been issued to the parties for 22.01.2019 to appear before the Commission.
- 3. The Complainant has sent an Email in the Commission mentioning therein that he is unable to attend today's hearing in the Commission and no information has been provided to him by the Respondent PIO.
- 4. Sh. Amit Sharma, Programm Assistant –cum- APIO O/o National Health Mission, Punjab appears on behalf of the Respondent PIO and states that the information sought by the Complainant is related with the Maternal Child Health & Family Planning O/o Directorate, Health & Family Welfare Punjab and the same has been transferred to the concerned department vide letter no. N.H.M./P.B./2018/P.I.O./11930, dated: 03.04.2018 and the same is conveyed to the Complainant through registered post. Copy of the same is taken on record. He further states that no observation has been received from the Complainant.

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5. The Complainant filed RTI application with the PIO on 28.03.2018 for certain information. He received a reply dated 03.04.2018 from the PIO, which he found unsatisfactory. The Complainant therefore filed a Complaint with the Commission on 14.12.2018 under Section 18 of the RTI Act.

- 6. The perusal of the file reveals that the complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such the FAA has not been able to address the grievances of the Complainant.
- 7. It must be noted that there is an alternate and efficacious remedy of First Appeal available under Section 19(1) of the RTI Act. It appears that the Complainant has failed to avail the same in the instant case. Consequently, the First Appellate Authority (FAA) has not had the chance to review the PIO's decision as envisaged under the RTI Act.
- 8. In view of the aforesaid, the instant matter is remanded to the FAA. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard.
- 9. The FAA is directed to peruse all the relevant documents during the hearing and examine whether the information provided by the PIO is complete, relevant and correct. Whereas FAA is satisfied that the information provided by the PIO is as per the records, the First Appeal shall be disposed of. In the event, there are any deficiencies in the information provided by the PIO, the FAA shall direct the PIO to provide the complete information in reply to the RTI application dated 28.03.2018 to the Complainant.

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COMPLAINT CASE No. 1270 of 2018

back to the FAA 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, closed and disposed off. Copies of the order be sent to the parties.

Sd/-

Chandigarh 22.01.2019

(Prof. Viney Kapoor Mehra)
State Information Commissioner

Copy to Intimation and Necessary Action:-

Dr. Avneet Kaur,

First Appellate Authority –cum- Director, National Health Mission, Prayas Bhawan, 5th Floor, Sector-38, Chandigarh.

Encl: RTI Application of the Complainant.

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APPEAL CASE NO. 1842 OF 2018

Advocate Rakesh Kumar Gupta, # 8/237, Jagraon Road, Mandi Mullanpur, Ludhiana-141101

...Appellant

Versus

Public Information Officer,

O/o District Food & Supply Controller (West), Zone-D, Municipal Corporation Building, Ludhiana.

First Appellate Authority,

O/o Director,

Food Civil Supplies & Consumer Affairs,

Punjab, Chandigarh.

...Respondents

PRESENT: None is present on behalf of the Appellant.

Sh. Nirpaksh Mattu, Inspector on behalf of the Respondent – PIO.

ORDER:

This order may be read with reference to the previous order dated 04.12.2018.

- 2. The appellant has sent an Email in the Commission mentioning therein that on the previous hearing, the respondent did not hand over the information to him and promised that, it will deliver to him in office tomorrow, but they did not do so. He further requests for an adjournment.
- 3. Sh. Nirpaksh Mattu, Inspector appears on behalf of the Respondent
 PIO alongwith the remaining information for the perusal of the Commission and the appellant but the appellant is absent.
- In view of the above, the Respondent is directed to send this information to the appellant by registered post under intimation to the Commission. The appellant is advised to go through the information after receiving the same and furnished the deficiency, if any, within one week in writing with a copy to the Commission. The respondent is directed to remove the same, before the next date of hearing, failing which action will be initiated as per the provisions of the RTI Act, 2005.
- 5. The case is adjourned to **05.03.2019 at 11:30 AM.** Copies of the order be sent to the parties.

Sd/-

(Prof. Viney Kapoor Mehra) State Information Commissioner

Chandigarh 22.01.2019

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APPEAL CASE NO. 1844 OF 2018

Advocate Rakesh Kumar Gupta, # 8/237, Jagraon Road, Mandi Mullanpur, Ludhiana-141101

...Appellant

Versus

Public Information Officer,

O/o District Food & Supply Controller (West), Zone-D, M.C. Building, Ludhiana.

First Appellate Authority,

O/o Director, Food Civil Supplies & Consumer Affairs, Punjab, Chandigarh.

...Respondents

PRESENT: None is present on behalf of the Appellant.

Sh. Sunny Chauhan, Jr. Auditor on behalf of the Respondent PIO.

ORDER:

This order may be read with reference to the previous order dated 04.12.2018.

- 2. The appellant has sent an Email in the Commission mentioning therein that on the previous hearing, the respondent did not hand over the information to him and promised that, it will deliver to him in office tomorrow, but they did not do so. He further requests for an adjournment.
- 3. Sh. Sunny Chauhan, Jr. Auditor appears on behalf of the Respondent PIO alongwith the remaining information for the perusal of the Commission and the appellant but the appellant is absent.
- 4. In view of the above, the Respondent is directed to send this information to the appellant by registered post under intimation to the Commission. The appellant is advised to go through the information after receiving the same and furnished the deficiency, if any, within one week in writing with a copy to the Commission. The respondent is directed to remove the same, before the next date of hearing, failing which action will be initiated as per the provisions of the RTI Act, 2005.
- 5. The case is adjourned to **05.03.2019 at 11:30 AM.** Copies of the order be sent to the parties.

Sd/-

(Prof. Viney Kapoor Mehra) State Information Commissioner

Chandigarh 22.01.2019

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APPEAL CASE NO. 3015 OF 2018

Sh. Jasbir Singh,

Village: Bholapur, Jhabewal, P.O: Ramgarh, Distt: Ludhiana.

...Appellant

Versus

Public Information Officer, O/o Food Safety Officer, O/o Civil Surgeon, Ferozepur.

First Appellate Authority O/o Civil Surgeon, Ferozepur.

...Respondents

PRESENT: Sh. Jasbir Singh, Appellant.

Sh. Ram Baran, Peon is present on behalf of the Respondents.

ORDER:

This order may be read with reference to the previous order dated 28.11.2018.

2. The appellant appears and states that no information has been provided to him by the Respondent – PIO.

3. Sh. Ram Baran, Peon O/o Food Safety Officer, O/o Civil Surgeon, Ferozepur appears on behalf of the Respondent – PIO with the requisite information for the perusal of the Commission. The copy of the same is handed over to the appellant, during the hearing.

4. The Respondents are being represented by very low level officials who are not in a position to satisfy the commission and the appellant. From the next date of hearing, no person less than PIO or APIO will be allowed to appear. Appearance of low level officials will amount to disrespect to the RTI Act besides invoking the provisions of imposition of penalty and also award of compensation to the complainant and also recommendation of disciplinary action against PIO under Section 20(2) of RTI Act, 2005.

5. The perusal of the case reveals that respondent has delayed the information about 7 months.

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APPEAL CASE No. 3015 Of 2018

6. In view of the above, a show cause notice under Section 20(1) of the RTI Act is issued to the PIO O/o Food Safety Officer, O/o Civil Surgeon, Ferozepur to why penalty should not be imposed upon him and also why compensation be not awarded to the appellant under Section 19 (8) (b) for willful

delay/denial in supplying the information to the RTI applicant.

7. The Respondent – PIO is directed to file an affidavit in response to the Show Cause Notice and appear personally on the next date fixed, otherwise it will be presumed that she has nothing to say and the Commission shall initiate

ex-parte proceeding.

8. The case is adjourned for 27.02.2019 at 11:30 AM. Copies of the order be sent to the parties.

Chandigarh 22.01.2019

Sd/-(Prof. Viney Kapoor Mehra) **State Information Commissioner**

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APPEAL CASE NO. 3018 OF 2018

Sh. Jasbir Singh,

Village: Bholapur, Jhabewal, P.O: Ramgarh, Distt:, Ludhiana.

...Appellant

Versus

Public Information Officer, O/o Food Safety Officer,

O/o Civil Surgeon, Mohali.

First Appellate Authority

O/o Civil Surgeon, Mohali.

...Respondents

PRESENT: Sh. Jasbir Singh, Appellant.

None is present on behalf of the Respondents.

ORDER:

28.11.2018.

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

- 2. The appellant appears and states that incomplete information has been provided to him by the Respondent PIO.
- 3. Neither the PIO nor his representative is present for today's hearing. The PIO has not bothered to inform the Commission about his absence.
- 4. After examining the case file, it is revealed that the Respondent PIO asked the appellant to deposit the documentation fee, but not within stipulated time.
- 5. In view of the above, last opportunity is given to the Respondent PIO (Designated Officer (Food), S.A.S. Nagar (Mohali) to provide the complete information to the appellant free of cost, before the next date of hearing, failing which action would be initiated against him as per provisions of the RTI Act, 2005.
- 6. The case is adjourned for **27.02.2019 at 11:30 AM.** Copies of the order be sent to the parties.

Sd/-

Chandigarh 22.01.2019

(Prof. Viney Kapoor Mehra)
State Information Commissioner

Copy to Intimation & Necessary Action: The Public Information Officer,
Designated Officer (Food), Punjab
S.A.S. Nagar (Mohali)-160055

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APPEAL CASE NO. 3021 OF 2018

Sh. Jasbir Singh,

Village: Bholapur, Jhabewal, P.O: Ramgarh Distt:, Ludhiana.

...Appellant

Versus

Public Information Officer, O/o Food Safety Officer, O/o Civil Surgeon, Patiala.

First Appellate Authority O/o Civil Surgeon, Patiala.

...Respondent

PRESENT: Sh. Jasbir Singh, Appellant.

Ms. Puneet Sharma, Food Safety Officer -cum- PIO

O/o Civil Surgeon, Patiala.

ORDER:

28.11.2018.

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

2. The appellant appears and states that no information has been provided to him by the Respondent – PIO.

3. Ms. Puneet Sharma, Food Safety Officer –cum- PIO O/o Civil Surgeon, Patiala appears and states that the RTI application of the appellant dated: 01.06.2018 received in the office and after that the appellant was advised to deposit the documentation fee of Rs. 370/- vide letter no. F.S.O./Patiala-1/18/68, dated: 26.06.2018. She further states that the appellant deposited the documentation fee after the lapse of 2 months i.e. 05.11.2018.

4. In view of the above, the Respondent – PIO is directed to provide the complete information to the appellant, before the next date of hearing, failing which action would be initiated against her as per provision of the RTI Act, 2005.

5. The case is adjourned for **27.02.2019 at 11:30 AM.** Copies of the order be sent to the parties.

Sd/-

Chandigarh 22.01.2019

(Prof. Viney Kapoor Mehra)
State Information Commissioner

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APPEAL CASE NO. 3088 OF 2018

Sh. Jasbir Singh,

Village: Bholapur, Jhabewal, P.O: Ramgarh, District: Ludhiana.

... Appellant

Versus

Public Information Officer, O/o Food Safety Officer, O/o Civil Surgeon, Nawanshahar.

First Appellate Authority O/o Civil Surgeon, Nawanshahar.

...Respondents

PRESENT: Sh. Jasbir Singh, Appellant.

Ms. Rakhi Vinayak, F.S.O. for the Respondents.

ORDER:

This order may be read with reference to the previous order dated 28.11.2018.

2. The appellant appears and states that no information has been provided to him by the Respondent – PIO.

3. Ms. Rakhi Vinayak, Food Safety Officer appears on behalf of the Respondent – PIO and states that the appellant was asked to deposit the documentation fee of Rs. 8000/- vide letter no. R.T.I./2018/239, dated: 13.06.2018 through registered post but he has not turned up.

4. After examining the case file, it is revealed that the appellant has not deposited the fee within stipulated time as prescribed under the RTI Act 2005. The appellant is advised that he should visit the office of the Respondent on any working day and inspect the record and obtain the information on payment of requisite fee. The instant Appeal Case is devoid of merit which is hereby **closed and disposed off.** Copies of the order be sent to the parties.

Sd/-

Chandigarh 22.01.2019

(Prof. Viney Kapoor Mehra)
State Information Commissioner

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APPEAL CASE NO. 4226 OF 2018

Sh. Ujjagar Singh, S/o Late Sh. Bant Singh, Street No. 1, Mann Colony Daba, Ludhiana-141014.

...Appellant

Versus

Public Information Officer, O/o District Attorney, Barnala.

First Appellate Authority, O/o District Attorney, Barnala.

...Respondents

PRESENT: Sh. Ujjagar Singh, Appellant.

Sh. Aseem Kumar Goyal, DDA is present on behalf of the

Respondents.

ORDER:

The appellant has sought information as enumerated in his RTI application dated: 28.09.2018. First appeal was filed with the First Appellate Authority on dated: 08.10.2018 and second appeal was filed in the Commission on dated: 05.12.2018.

- 2. Notice of hearing has been issued to the parties for 22.01.2019 to appear before the Commission.
- 3. The appellant appears and states that he has received the information relating to point no. 2 & 3 and partial information relating to point no. 1 of his RTI application is still pending.
- 4. Sh. Aseem Kumar Goyal, Deputy District Attorney, Barnala appears on behalf of the Respondent PIO and states that the complete information has been sent to the appellant vide letter no. 2564/D.A., dated: 03.10.2018 through registered post. Copy of the same is taken on record.
- 5. In view of the above and perusal of the case file, it is revealed that the information, which has been provided to him relating to point no. 1 of the RTI application of the appellant is not specific. The Respondent PIO is directed to rectify the provided information and supply to the appellant, before the next date of hearing, failing which action would be initiated against him as per provision of the RTI Act, 2005.
- The case is adjourned for **28.02.2019 at 11:30 AM.** Copies of the order be sent to the parties.

Sd/-

Chandigarh 22.01.2019

(Prof. Viney Kapoor Mehra)
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APPEAL CASE NO. 4236 OF 2018

Sh. Manpreet Singh, H. No. 180, Mistrian Wali Gali, V.P.O. Badal, Tehsil Malout, District Shri Mukatsar Sahib.

...Appellant

Versus

Public Information Officer.

O/o Senior Medical Officer, Civil Hospital, Dhillon Villa, Guru Teg Bahadur Nagar, Girdderbaha, District Shri Mukatsar Sahib-152101.

First Appellate Authority,

O/o Civil Surgeon, Shri Mukatsar Sahib.

...Respondents

PRESENT: None is present on behalf of the Appellant.

Dr. Jashapreet Singh, Medical Officer –cum- APIO O/o PIO Civil Hospital, Gidderbaha & Sh. Gurtej Singh, Computer Operator, O/o PIO Civil Surgeon, Shri Mukatsar Sahib for the Respondents.

ORDER:

The appellant has sought information as enumerated in his RTI application dated: 25.08.2018. First appeal was filed with the First Appellate Authority on dated: 19.10.2018 and second appeal was filed in the Commission on dated: 12.09.2018.

- 2. Notice of hearing has been issued to the parties for 22.01.2019 to appear before the Commission.
- 3. The appellant is absent from today's hearing in the Commission.
- 4. Dr. Jashapreet Singh, Medical Officer –cum APIO O/o PIO Civil Hospital, Gidderbaha appears and states that the requisite information has already been supplied to the appellant vide letter no. ਸਿਵ.ਹਸ.ਗਿੱਦ/18/1141, ਮਿਤੀ: 20.09.2018 through registered post.
- 5. Sh. Gurtej Singh, Computer Operator O/o PIO Civil Surgeon, Shri Mukatsar Sahib appears on behalf of the First Appellate Authority and states that the appellant has been called for personal hearing time and again before the First Appellate Authority vide letters dated: 05.11.2018, 26.11.2018, 19.12.2018 and 11.01.2019 but he did not turned up.

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APPEAL CASE No. 4236 of 2018

- 6. Last opportunity is given to the appellant to follow up his case, failing which it shall be presumed that he is satisfied with the response of the respondent sent to him vide letter dated 20.09.2018.
- 7. The case is adjourned for **28.02.2019** at **11:30 AM**. Copies of the order are sent to the parties.

Chandigarh 22.01.2019

Sd/(Prof. Viney Kapoor Mehra)
State Information Commissioner

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APPEAL CASE NO. 4247 OF 2018

Dr. Shivraj Singh, # 38-B, Sarabha Nagar, Bhadson Road, Patiala.

... Appellant

Versus

Public Information Officer,

O/o Managing Director, National Health Mission, 5th Floor, Paryas Building, Sector-38-B, Chandigarh.

First Appellate Authority,

O/o Managing Director, National Health Mission, 5th Floor, Paryas Building, Sector-38-B, Chandigarh.

...Respondents

PRESENT: Dr. Shivraj Singh, Appellant.

Sh. Amit Sharma, Programm Assistant –cum- APIO is present on

behalf of the Respondent – PIO.

ORDER:

The appellant has sought information as enumerated in his RTI application dated: 31.08.2018. First appeal was filed with the First Appellate Authority on dated: 10.10.2018 and second appeal was filed in the Commission on dated: 10.12.2018.

- 2. Notice of hearing has been issued to the parties for 22.01.2019 to appear before the Commission.
- 3. The appellant appears and states that he has received the unattested information from the Respondent PIO.
- 4. Sh. Amit Sharma, Programm Assistant –cum- APIO appears and states that the complete information has already been supplied to the appellant by ordinary post.
- 5. In view of the above, the complete information returned back to the Respondent, during the hearing with the direction to the Respondent PIO to send the information again duly attested to the appellant by the appropriate authority, before the next date of hearing, failing which action would be initiated against him as per provision of the RTI Act, 2005.

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APPEAL CASE No. 4247 of 2018

6. The case is adjourned for **28.02.2019 at 11:30 AM.** Copies of the order are sent to the parties.

Chandigarh 22.01.2019 Sd/(Prof. Viney Kapoor Mehra)
State Information Commissioner

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APPEAL CASE NO. 4269 OF 2018

Smt. Anguri Devi, W/o Sh. Baldev Krishan, H. No. 138, Ward No. 17, Mahesh Nagar, Dhuri, District Sangrur-148024.

... Appellant

Versus

Public Information Officer,

O/o Senior Medical Officer, Punjab Health System Corporation, Civil Hospital, Dhuri, District Sangrur.

First Appellate Authority,

O/o Director, Health & Family Welfare Department, Punjab, Chandigarh.

...Respondents

PRESENT: Smt. Anguri Devi, Appellant.

Dr. Sukhbir Singh, Medical Officer –cum- PIO.

ORDER:

The appellant has sought information as enumerated in her RTI application dated: 30.07.2018. First appeal was filed with the First Appellate Authority on dated: 09.10.2018 and second appeal was filed in the Commission on dated: 11.12.2018.

- 2. Notice of hearing has been issued to the parties for 22.01.2019 to appear before the Commission.
- 3. The appellant appears and states that no information has been provided to her by the Respondent PIO.
- 4. Dr. Sukhbir Singh, Medical Officer –cum- PIO appear in person and states that the information sought by the appellant is 30-34 years old and is not available in the official record. The same reply has been sent to the appellant vide letter no. 1110, dated: 21.08.2018.
- 5. In view of the above, the Respondent PIO is directed to bring the original complete record relating to the appellant for the inspection, on the next date of hearing, failing which action would be initiated against him as per provision of the RTI Act, 2005.
- 6. The case is adjourned for **28.02.2019 at 11:30 AM.** Copies of the order be sent to the parties.

Sd/-

Chandigarh 22.01.2019

(Prof. Viney Kapoor Mehra) State Information Commissioner

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APPEAL CASE NO. 4276 OF 2018

Sh. Mukhtiar Singh, S/o Sh. Deep Singh, Village & Post Office Vallah, Tehsil & District Amritsar-143501.

...Appellant

Versus

Public Information Officer, O/o Senior Medical Officer, Civil Hospital, Lopoke, Amritsar.

First Appellate Authority, O/o Civil Surgeon, Amritsar.

...Respondents

PRESENT: None is present on behalf of the Appellant.

Dr. Pankaj Gill, M.O. is present on behalf of the Respondents.

ORDER:

The appellant has sought information as enumerated in his RTI application dated: 06.07.2018. First appeal was filed with the First Appellate Authority on dated: 06.09.2018 and second appeal was filed in the Commission on dated: 07.12.2018.

- 2. Notice of hearing has been issued to the parties for 22.01.2019 to appear before the Commission.
- 3. The appellant is absent from today's hearing in the Commission.
- 4. Dr. Pankaj Gill, Medical Officer O/o Senior Medical Officer, Civil Hospital, Lopoke, Amritsar appears and states that the available information has been provided to the appellant.
- 5. In view of the above, the Respondent PIO is directed to bring the information which has been supplied to the appellant, before the Commission, on the next date of hearing, if there is no other information then file an affidavit duly attested in response to the information, which has been provided to the appellant, failing which action would be initiated against him as per provision of the RTI Act, 2005.
- 6. Last opportunity is given to the appellant to follow up his case in the Commission, failing which decision shall be taken on merits.
- 7. The case is adjourned for **28.02.2019 at 11:30 AM.** Copies of the order be sent to the parties.

Sd/-

Chandigarh 22.01.2019

(Prof. Viney Kapoor Mehra) State Information Commissioner

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APPEAL CASE NO. 4290 OF 2018

Smt. Alka Gupta, W/o Sh. Manoj Kumar Garg, H. No. 418, Ward No. 12, Ram Piyari Gali, Mansa.

...Appellant

Versus

Public Information Officer.

O/o District Education Officer (Elementary Education), Mansa.

First Appellate Authority,

O/o District Education Officer (Elementary Education), Mansa.

...Respondents

PRESENT: None is present on behalf of the Appellant.

Sh. Jaspal Kumar, Accountant & Sh. Harish Singh behalf of the

Respondents.

ORDER:

The appellant has sought information as enumerated in her RTI application dated: 11.08.2018. First appeal was filed with the First Appellate Authority on dated: 22.09.2018 and second appeal was filed in the Commission on dated: 11.12.2018.

- 2. Notice of hearing has been issued to the parties for 22.01.2019 to appear before the Commission.
- 3. The appellant is absent from today's hearing in the Commission.
- 4. Sh. Jaspal Kumar, Accountant O/o District Education Officer (Elementary Education), Mansa appears and states that the complete information has been supplied to the appellant by hand on 03.01.2019 and after that no observation has been received from her. The copy of the same is taken on record.
- 5. The Appellant is advised to point out the deficiency, if any, in the provided information to the Respondent PIO within a week, under intimation to the Commission. The Respondent PIO is directed to remove the same, after receiving the discrepancies from the appellant, before the next date of hearing, failing which action would be initiated against him as per provisions of the RTI Act, 2005.
- 6. The case is adjourned for **28.02.2019 at 11:30 AM.** Copies of the order be sent to the parties.

Sd/-

(Prof. Viney Kapoor Mehra)
State Information Commissioner

Chandigarh 22.01.2019