**PUNJAB STATE INFORMATION COMMISSION**

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**Sector:16, Chandigarh**

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Sh. Rakesh Kumar Gupta,

8/237, Jagraon Road, Mandi Mullanpur,

Distt: Ludhiana.

Appellant

Versus

**Public Information Officer**,

O/o State Election Commission,

Punjab, Sector:17,

Chandigarh.

**First appellate Authority**

o/o State Election Commission,

Punjab, Sector:17,

Chandigarh.

**Public Information Officer,**

o/o Additional Deputy Commission (Development)

-cum-Additional District Controller Officer,

Ludhiana.

Respondent

**Appeal CASE NO. 475 OF 2018**

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

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

**ORDER:**

 The RTI application is dated 31.01.2018 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 04.01.2018 and second appeal was filed in the Commission on 29.01.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 22.02.2018 in the Commission.

3. A letter has been received from the appellant tin the Commission by email mentioning therein that a short date may be given to him to follow up the case in the Commission.

4. The respondent o/o State Election Commission, Punjab states that the information which has been sought by the appellant is to be provided by the Additional Deputy Commissioner (Development), Ludhiana and a letter dated 21.02.2018 has been issued to the concerned department to provide the information

Contd…p-2

**Appeal CASE NO. 475 OF 2018**

to the appellant. The respondent further states that PIO o/o ADC, Ludhiana has sought another date to provide the information to the appellant as he is busy in the election duty.

5. Since, the information is to be provided by the PIO, O/o Additional Deputy Commissioner (Development), Ludhiana. I, therefore, order that PIO, O/o Additional Deputy Commissioner (Development), Ludhiana be impleaded as Respondent No.2. I further direct that PIO, O/o Additional Deputy Commissioner (Development), Ludhiana should supply the information to the appellant, before the next date of hearing and should personally appear on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. The PIO o/o State Election Commission, Punjab is also directed to appear on the next date of hearing.

7. The matter to come up for further hearing now on **05.04.2018 at 11.30AM.** Copies of the order be sent to the parties.

 Sd/-­

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

**22.02.2018 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**

Sh. Pawan Kumar Sharma, Advocate,

Kothi No. 585,Phase-2, Mohali.

Complainant.

Versus

**Public Information Officer**,

O/o Assistant Registrar,

Cooperative Societies,

Verka Milk Plant, Phase-6,

Mohali.

Respondent

**Complaint Case No. 1211 of 2017**

Present : (i) Sh. Pawan Kumar Sharma, the complainant.

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

**ORDER**

 This order may be read with reference to the previous order dated 08.01.2018.

2. The complainant states that he has received the information from the respondent on 19.02.2018 but still it is incomplete. He further states that some more time be given to him to point out the deficiency to the respondent.

3. The respondent-PIO is absent for today’s hearing without any intimation to the commission. He was also not present on the last hearing, which shows that he has no regard for the orders of the Commission.

4. After hearing the complainant and perusing the record available on file it emerges that PIO has not provided the satisfactory information to the complainant. In view of the above, ***PIO o/o Assistant Registrar, Cooperative Societies, Verka Milk Plant, Phase-6, Mohali*** is directedto show cause in writing or through affidavit under Section 20(1) of the RTI Act, as to why penalty be not imposed upon him for willful delay/ denial of the information to the RTI applicant.

 In addition to his submission, the PIO is also hereby given an opportunity under Section 20(1) proviso, thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may note that in case he does

Contd…p-2

**Complaint Case No. 1211 of 2017**

not file his submission and does not avail himself of the opportunity of personal hearing on the next 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.

5. The matter to come up for further hearing now on **05.04.2018 at 11.30AM.** Copies of the order be sent to the parties.

 Sd/-

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

**22.02.2018 State Information Commissioner**

*Note: After the hearing was over, Sh. Amrit Singh, Assistant appeared and stated that the information as per office record has been supplied to the complainant. The PIO is directed to file an affidavit mentioning therein that the complete information as per its availability stands provided to the complainant and nothing is pending to be supplied to the complainant, on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated. The show cause notice issued to the PIO is hereby, discharged as the representative has appeared and stated that the information has been supplied to the complainant.*

 *Sd/-*

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

**22.02.2018 State Information Commissioner**

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Sh. Ramesh Kumar,

S/o Sh. Om Parkash,

Village: Fatu wala, P.O: Lamochar Kalan,

Tehsil: Jalalabad(West), Distt:Fazilka.

Complainant

Versus

**Public Information Officer**,

O/o Chairman,

National consumers Awareness Group Society,

Zirakpur Tower No.19, Sector Floor-401,

Royal Estate City, Zirakpur.

Respondent

**Complaint CASE NO. 720 OF 2017**

**PRESENT:** (i) Sh. Ramesh Kumar, the complainant.

(ii) Sh. Jasmandeep, Advocate 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 inspite of the directions of the Commission, no information has been provided to him by the respondent.

3. Sh. Jasmandeep, Advocate appearing on behalf of the respondent and files an affidavit on behalf of the respondent, which is as under:-

*“That the complainant has filed the aforesaid complaint before this Hon’ble Court, which is fixed for today i.e. 22.02.2018 for filing of reply by the Chairman of the respondent society.*

*That at the outset it is stated that the present complaint is not maintainable, before this Commission for want of proper territorial jurisdiction. The complainant Sh. Ramesh Kumar has in a mischievous manner taken this Commission for a ride by concealing material and vital facts in order to obtain his vested objective.*

*That the respondent society is registered under the Societies Registration Act, 1860 with the Registrar of firms and Societies U.T. Chandigarh under No.1683 of 1990 pm 05.04.1990. The office of the society is situated at Babe Ke, Sector 53, Chandigarh. A copy of the registration certificate is annexed.*

*Contd…p-2*

**Complaint CASE NO. 720 OF 2017**

*That the complainant has with an ulterior motive and malafide intention given the residential address of the chairman of the society situated at Zirakpur as the official office of the respondent society.*

*That the Ho’ble Punjab and Haryana High Court has vide order dated 11.08.2016 passed in CWP 21547 of 2014 constituted a committee for refund of the amount deposited by the members of the respondent society. A copy of the order is annexed.”*

4. After hearing both the parties and perusal of the reply filed by the respondent, it is ascertained that the respondent society is not covered under the jurisdiction of the Commission, as the society is registered under the Societies Registration Act 1860 with the Registrar of firms and Societies U.T. Chandigarh under No.1683 of 1990 on 05.04.1990. Copy of the reply is handed over to the complainant today in the Commission. For the above reasons, this complaint is rejected on the ground of lack of jurisdiction and the complainant is advised to send his complaint to the concerned court, which has proper jurisdiction in the matter, if he so desires.

5. Keeping in view all the facts mentioned in the reply is found satisfactory. The show cause notice issued to the PIO is hereby, dropped.

6. 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)**

**22.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Advocate Alwinder Goyal,

S/o Sh. Ashok Kumar,

Chamber No.507, Tehsil Complex,

New Court Road, City Mansa.

Complainant

Versus

**Public Information Officer**,

O/o Director,

Social Security and women & Child Development Punjab,

SCO No.102-103, Sector:34/A, Chandigarh.

Respondent

**Complaint CASE NO. 1241 OF 2017**

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

(ii) Smt. Nirmal Kumari, Sr. Assistant on behalf of the respondent.

**ORDER**

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

2. A letter has been received from the complainant in the Commission by email mentioning therein that the respondent did not supply me the information till today. Due to some unavoidable reason, he cannot attend today’s hearing. So, please take action against the guilty department and impose the penalty under RTI Act.

3. The respondent files reply mentioning therein that the RTI application of the complainant dated 31.08.2017 has been received in their office on 05.09.2017 and reply has been sent to him vide letter dated 19.9.2017 stating that the information which has been sought by him is related with number of PIOs.

4. After hearing the respondent and perusing the reply filed by the respondent today in the Commission, it is ascertained that It is the case of seeking information from multiple PIOs through a single RTI application. The Full Bench of State Information Commission, Punjab in [Complaint Case No. 2903 of 2011](file:///C%3A%5CDocuments%20and%20Settings%5CComp%5CMy%20Documents%5CDownloads%5C13.01.2012%20%20LB.doc) had decided vide its order dated 13.01.2012 as under:-

(We hold that under Section 6(3) of the Act ibid the legal obligation of a PIO who receives a request for information under Section 6(1) of the Act is limited to transfer this request to only one public authority that holds the information. This obligation does not extend to transfer the request to **multiple public authorities.**)

Contd..p-2

**Complaint CASE NO. 1241 OF 2017**

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 (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 31.08.2017 and the respondent-PIO has received the RTI application on 05.09.2017 and reply has been sent to the complainant vide letter dated 19.09.2017 within the stipulated time. The complainant has also not attended any of the hearing in the Commission.

7. 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)**

**22.02.2018 State Information Commissioner**

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Ms. Chasminder Kaur,

W/o Sh. Gurwinder Singh,

H.No.825, Anand Nagar-A,

Patiala.

 …Complainant

Versus

**Public Information Officer**,

O/o Principal,

Government College,

Dear Bassi (SAS Nagar).

 ...Respondent

**Complainant Case No. 1423 of 2017**

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

(ii) Sh. Gurjant Singh, Assistant Professor is present on behalf of the respondent.

**ORDER**

 The RTI application is dated 07.11.2017 whereby the information-seeker has sought information as mentioned in her RTI application. She filed complaint in the Commission on 20.12.2017 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

 2. Notice was issued to the parties for hearing for 22.02.2018 in the Commission.

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

4. The respondent files reply to the Notice of the Commission mentioning therein that the complainant has sought information *“ that a letter Memo No. 3/51/16-2 dated 19.09.2017 has been marked by the Principal Secretary, Higher Education, Punjab, Chandigarh to the Principal, Government College, Dera Bassi to conduct an inquiry against Ms. Chashminder Kaur and vide letter dated 13.10.2017 the inquiry report has been finalized by the College. Kindly provide the certified copies of the final inquiry report to her.”*

5. The respondent states that the inquiry report alongwith all the supporting documents and complete file has been sent to the Principal Secy., Higher Education, Punjab, Chandigarh vide letter dated 31.10.2017. He further states that reply to the RTI application of the complainant has been sent to her vide letter dated 15.11.2017.

Contd….p-2

**Complainant Case No. 1423 of 2017**

6. 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 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))*.

7. 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 07.11.2017 and reply has been sent to the complainant vide letter dated 15.11.2017 within the stipulated time.

8. 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)**

**22.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Swaran Singh,

Village Mehmood Khane Ke,

P.O: Amir Khas, Tehsil:Jalalabad,

West, Block Guruharsahai, Distt:Fazilka.

 …Appellant

Versus

**Public Information Officer,**

O/o Tehsildar,

Guruharsahai, Distt:Ferozepur.

**First Appellate Authority,**

o/o SDM,

Guruharsahai, Distt:Ferozepur.

 ...Respondent

**Appeal Case No. 2690 of 2017**

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

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

**ORDER**

 This order may be read with reference to the previous order dated 08.01.2018.

2. The appellant states that till today, complete information has not been provided to him by the respondent.

3. A letter has been received from the respondent in the Commission vide diary no. 2720 dated 07.02.2018 mentioning therein that the appellant has not pointed out any deficiency in writing regarding incomplete information.

4. Last opportunity is given to the appellant to point out deficiencies in writing to the respondent within two days with a copy to the Commission, failing which decision shall be taken on merit.

5. The respondent is also directed to appear personally, on the next date of hearing and remove the deficiencies of the appellant, before the next date of hearing failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. The matter to come up for further hearing on **05.04.2018 at 11.30AM.** Copies of the order be sent to the parties.

 Sd/-

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

**22.02.2018 State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Rajnish Kumar,

# 19274, Street No.6,

Bibi Wala Road, Bathinda.

Appellant

Versus

**Public Information Officer**,

O/o Principal,

JC DAV College, Dasuya,

Distt: Hoshiarpur.

**First Appellate Authority**

o/o Principal,

JC DAV College, Dasuya,

Distt: Hoshiarpur.

Respondent

**Appeal CASE NO. 3733 OF 2017**

**PRESENT:** (i) Sh. S.C.Arora on behalf of the appellant.

 **(ii) Sh.** Harshit Jain, Advocate on behalf of the respondent.

**ORDER**

 This order may be read with reference to the previous order dated 13.02.2018.

2. The appellant has authorized Sh. S.C.Arora to appear on his behalf for today’s hearing. The representative of the appellant states, that the information has been received by the appellant and he is satisfied with the provided information. The representative of the appellant has given in writing that the case may please be closed.

3. The respondent files reply to the Notice of the Commission mentioning therein that the information has already been sent to the appellant vide letter dated 20.02.2018 and also by email.

4. After hearing both the parties and perusing the record, it is ascertained that the information which has been sought by the appellant has provided to him with which the appellant is satisfied and his representative has also acknowledged the same that the case may be closed.

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)**

**22.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

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

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Sh. Rajnish Kumar,

# 19274, Street No.6,

Bibi Wala Road, Bathinda.

Appellant

Versus

**Public Information Officer**,

O/o Principal,

DAV College of Education for Women,

Amritsar.

**First Appellate Authority**

o/o Principal,

DAV College of Education for Women,

Amritsar.

Respondent

**Appeal CASE NO. 3746 OF 2017**

**PRESENT:** (i) Sh. S.C.Arora on behalf of the appellant.

(ii) Dr. Mrs. Anita Sharma, Assistant Professor on behalf of the respondent.

**ORDER**

 The RTI application is dated 03.10.2017 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 12.11.2017 and second appeal was filed in the Commission on 18.12.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 22.02.2018 in the Commission.

3. The appellant has authorized Sh. S.C.Arora to appear on his behalf for today’s hearing. The representative of the appellant states, that the information has been received by the appellant and he is satisfied with the provided information. The representative of the appellant has given in writing that the case may please be closed.

3. The respondent files reply to the Notice of the Commission mentioning therein that the information has been supplied to the appellant.

 4. After hearing both the parties and perusing the record, it is ascertained that the information which has been sought by the appellant has provided to him

Contd…p-2

**Appeal CASE NO. 3746 OF 2017**

with which the appellant is satisfied and his representative has also acknowledged the same that the case may be closed.

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)**

**22.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Ranjish Kumar,

# 19274, Street No.6,

Bibi Wala Road, Bathinda.

Appellant

Versus

**Public Information Officer**,

O/o Principal,

RR Bawa DAV College for Boys,

Batala, Distt:Gurdaspur.

**First Appellate Authority**

o/o Principal,

RR Bawa DAV College for Boys,

Batala, Distt:Gurdaspur.

Respondent

**Appeal CASE NO. 3747 OF 2017**

**PRESENT:** (i) Sh. S.C.Arora on behalf of the appellant.

(ii) Sh. Jandeep Singh,Clerk on behalf of the respondent.

**ORDER**

 The RTI application is dated 03.10.2017 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 12.11.2017 and second appeal was filed in the Commission on 18.12.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 22.02.2018 in the Commission.

3. The appellant has authorized Sh. S.C.Arora to appear on his behalf for today’s hearing. The representative of the appellant states, that till today, no information has been supplied to the appellant.

4. The respondent states that some more time be given to provide the information to the appellant.

5. Last opportunity is given to the respondent-PIO to provide the 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. The matter to come up for further hearing now on **05.04.2018 at 11.30AM.** Copies of the order be sent to the parties.

 Sd/-

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

**22.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Karanbir Singh,

S/o Sh. Nishan Singh,

Village Rukna Begu,

Tehsil & Distt: Ferozepur.

Appellant

Versus

**Public Information Officer**,

O/o SSP,

Ferozepur.

**First Appellate Authority**

o/o DIG,

Ferozepur.

Respondent

**Appeal CASE NO. 3735 OF 2017**

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

(ii) Sh. Sukhwant Singh, ASI on behalf of the respondent.

**ORDER**

The RTI application is dated 04.02.2017 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 17.10.2017 and second appeal was filed in the Commission on 18.12.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 22.02.2018 in the Commission.

3. A letter has been received from the appellant in the Commission vide diary no. 3236 dated 15.02.2018 mentioning therein that he has received the information and is satisfied.

4. The respondent files reply to the Notice of the Commission mentioning therein that complete information has been supplied to the appellant. Copy of the same is taken on record.

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)**

**22.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Rajesh Kumar,

S/o Sh. Mehar Chand Sharma,

446-Diamond Avenue, Manjitha Road,

Amritsar.

Appellant

Versus

**Public Information Officer**,

O/o Deputy Commissioner of Police,

Amritsar.

**First Appellate authority**

o/o Police Commissioner,

Amritsar.

 Respondent

**Appeal CASE NO. 3736 OF 2017**

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

(ii) Sh. Hira Singh, ASI on behalf of the respondent.

**ORDER**

The RTI application is dated 23.10.2017 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 14.11.2017 and second appeal was filed in the Commission on 18.12.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 22.02.2018 in the Commission.

3. A letter has been received from the appellant in the Commission by email mentioning therein that due to some urgent reason, he cannot attend today’s hearing.

4. The respondent files reply to the Notice of the Commission today in the Commission mentioning therein that he has brought he information to deliver it personally to the appellant but the appellant is absent.

5. The respondent is directed to send the same by registered post within two days. The appellant is advised to point out the deficiency, if any in the information to the respondent in writing within ten days with a copy to the Commission and follow up his case in the Commission , failing which decision shall be taken on merit.

Contd…p-2

**Appeal CASE NO. 3736 OF 2017**

6. The matter to come up for further hearing now on **05.04.2018 at 11.30AM. Copies** of the order be sent to the parties.

 Sd/-

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

**22.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Building, Near Rose Garden**

**Sector:16, Chandigarh**

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Smt. Surinder Kaur,

W/o Late Sh. Baljeet singh,

Village Khirnian, P.O: Mukhabad,

Distt:Ludhiana.

Appellant.

Versus

**Public Information Officer**,

O/o Tehsildar,

Samrala, Distt: Ludhiana.

**First Appellate Authority**

o/o Deputy Commissioner,

Ludhiana.

Respondent

**Appeal CASE NO. 3743 OF 2017**

**PRESENT:** (i) Sh. N.S.Sidhu on behalf of the appellant.

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

**ORDER**

The RTI application is dated 22.05.2017 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 16.09.2017 and second appeal was filed in the Commission on 22.11.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 22.02.2018 in the Commission.

3. The appellant has authorized Sh. N.S.Sidhu to appear on her behalf for today’s hearing. The representative of the appellant states that till today, no reply has been given by the respondent.

4. The respondent files reply to the Notice of the Commission mentioning therein that the appellant has not sought any information under the RTI Act. He further states that the appellant has sought the information that she has written a letter to the BDPO, Macchiwara for demarcation of her land and a letter has been received from the concerned department to deposit 120/- as fee of demarcation in the Suvida Center but the demarcation has not been done as the area was not covered under their jurisdiction. Now, the appellant has demanded from the Tehsildar, Samrala to refund the fee of

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**Appeal CASE NO. 3743 OF 2017**

Rs. 120/- as the demarcation has not been done by the concerned office. The respondent further adds that the reply to the appellant has already been sent to her vide letter dated 12.06.2017 that it cannot be refunded. Copy of the same is taken on record.

5. After hearing both the parties and perusing the record, it is ascertained that the RTI application vide 22.05.2017, the appellant has sought information is in shape of questions. It is further ascertained that the respondent has duly intimated the information seeker vide letter dated 12.06.2017 that the information sought by her is in the form of questions and therefore information cannot be provided.

 Central Information Commission vide order dated 21.04.2006 in case no. CIC/AT/A/2006/00045 has decided that -

(The RTI Act does not cast on the public authority any obligation to answer queries, as in this case, in which a petitioner attempts to elicit answers to his questions with prefixes, such as, why, what, when and whether. The petitioner’s right extends only to seeking information as defined in Section 2 (f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority.)

6. 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)**

**22.02.2018 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. Amarjit Singh,

S/o Sh. Harnek Singh,

R/o Village Benra, Tehsil:Dhuri,

Dist: Sangrur.

Appellant.

Versus

**Public Information Officer**,

O/o Director,

Social Security Women and Child Development,

Punjab, Chandigarh.

**First Appellate authority**

o/o Principal Secy.,

Welfare Deptt., Punjab,

Mini Sectt., Chandigarh.

**Public Information Officer,**

o/o Director,

Health & Family Welfare Deptt.,

Punjab, Sector:34, Chandigarh.

Respondent

**Appeal CASE NO. 2173 OF 2017**

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

 (ii)Smt. Nirmal Kumari, Sh. Rajinder Kumar, Sr. Assistant o/o DHS on behalf of the respondent.

**ORDER:**

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

2. The appellant states that he has received the information from the o/o DHS, Punjab by hand but he is not satisfied.

3. The respondent o/o DHS, Punjab appears and states that the information which was available has already been provided to the appellant by hand on 09.01.2018 that the Court case is pending and stay has been granted by the Hon’ble Court on the 1263 posts.

4. After hearing both the parties and perusing the record, it is ascertained that the RTI application is in shape of question. It is further ascertained that the information which has been sought by the appellant is in the form of queries, which is outside the purview of the RTI Act, 2005.

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**Appeal CASE NO. 2173 OF 2017**

Central Information Commission vide order dated 21.04.2006 in case no. CIC/AT/A/2006/00045 has decided that -

(The RTI Act does not cast on the public authority any obligation to answer queries, as in this case, in which a petitioner attempts to elicit answers to his questions with prefixes, such as, why, what, when and whether. The petitioner’s right extends only to seeking information as defined in Section 2 (f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority.)

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)**

**22.02.2018 State Information Commissioner**