

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden,**  
**Sector 16, Chandigarh.**  
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Sh. Ajay Nand/Ajay Kumar Mehta,  
# C-118, East Mohan Nagar  
Chamrang Road, Amritsar

.....Appellant

..Vs

**Public Information Officer,**  
O/o Director General of Police  
Vigilance Bureau, Vigilance Bhawan, Sector 68, SAS Nagar

**First Appellate Authority**  
O/o Director General of Police  
Vigilance Bureau, Vigilance Bhawan, Sector 68, SAS Nagar

.....Respondent

**AC No. 1891 of 2020**

**Through CISCO WEBEX**

Present: (i) Sh. Ajay Nand the appellant  
(ii) For the Respondent: Madam Randheer Kaur, Inspector o/o AIG, Flying Squad-I, Patiala (9876432781) Sh. Anil Kumar , ASI, o/o Vigilance Bureau, Ludhiana (9417963146) and Sh. Rajesh Kumar, SI , o/o Vigilance Bureau, Mohali (9888805859)

**ORDERS**

1. The RTI application is dated 24.01.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 14.07.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 23.09.2020 i.e. today.
3. Today, the appellant Sh. Ajay Nand states that no information has been given to him so far.
4. The respondents states that they have already sent their replies to the Commission office.
5. The perusal of the file shows that the appellant has demanded information on three points, which is as under:-



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- (i) FIR No 5 of 2007 date 23.03.2007 ps vigilance Ludhiana and with cancellation report and other report ਜੇ ਮਹਿਤਮੇ ਵਲੋਂ ਕੀਤੀਆਂ ਇੱਸ ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦੀ ਕਾਪੀਆਂ ਦੀਤੀਆਂ ਜਾਣ ਜੀ ।
- (ii) FIR No. 3 dated 11.09.2008 ps vigilance Mohali and with cancellation report and other report ਜੇ ਮਹਿਕਮੇ ਵਲੋਂ ਕੀਤੀਆਂ ਇੱਸ ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦੀ ਕਾਪੀਆਂ ਦੀਤੀਆਂ ਜਾਣ ਜੀ ।
- (iii) FIR No. 28 dated 20.06.2008 ps vigilance Patiala with cancellation report and other report ਜੇ ਮਹਿਕਮੇ ਵਲੋਂ ਕੀਤੀਆਂ ਇੱਸ ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦੀ ਕਾਪੀਆਂ ਦੀਤੀਆਂ ਜਾਣ ਜੀ ।

Sh. Rajesh Kumar, SI is appearing on behalf of the respondent-PIO, o/o Vigilance Bureau, SAS Nagar. He has filed his reply mentioning therein that they have transferred RTI of the appellant regarding point no. 1 and 3 to the concerned department.

**Regarding point No. 1:-** Sh. Anil Kumar , ASI, is appearing on behalf of the Vigilance Bureau, Ludhiana pertaining to point no. 1. He has filed his reply which is as under:-

ਬਿਨੈਕੀਰ ਸ਼੍ਰੀ ਅਜੇ ਨੰਦ ਵਾਸੀ ਅਜੇ ਕੁਮਾਰ ਮੋਹਤਾ ਨੇ ਆਪਣੀ ਦਰਖਾਸਤ ਰਾਹੀਂ ਮੁੱਤਦਮਾ ਨੰਬਰ 05 ਮਿਤੀ 23.03.2007 ਸਬੰਧੀ ਕੈਸਲੇਸ਼ਨ ਰਿਪੋਰਟ ਸਮੇਤ ਹੋਰ ਰਿਪੋਰਟਾਂ ਦੀ ਮੰਗ ਕੀਤੀ ਸੀ। ਇਸ ਸਬੰਧੀ ਬਿਨੈਕਾਰ ਨੂੰ ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ 1349, ਮਿਤੀ 02.03.2020 ਰਾਹੀਂ ਸੂਚਿਤ ਕੀਤੀ ਗਿਆ ਸੀ, ਕਿ ਉਸ ਵੱਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਭਾਵ ਕੈਸਲੇਸ਼ਨ ਰਿਪੋਰਟ ਤਿਆਰ ਕਰਕੇ ਮਾਨਯੋਗ ਅਦਾਲਤ ਵਿੱਚ ਦਿੱਤੀ ਜਾ ਚੁੱਕੀ ਹੈ ਪ੍ਰੰਤੂ ਉਕਤ ਮੁੱਤਦਮਾ ਨਾਲ ਗਈ ਸੂਚਨਾ, ਸੂਚਨਾਂ ਅਧਿਕਾਰ ਐਕਟ 2005 ਦੀ ਧਾਰਾ 8(1) ਐਚ ਅਨੁਸਾਰ ਮੁੱਹਾਇਆ ਨਹੀਂ ਕਰਵਾਈ ਗਈ ।

**Regarding point No. 2:-** Sh. Rajesh Kumar, SI states that he has sent his reply to the Commission office. The same is as under:-

ਮੁੱਕਦਮਾ ਨੰਬਰ 03 ਮਿਤੀ 11.09.2008 ਅ /ਧ 420, 467, 468, 120ਬੀ , ਆਈ ਪੀ ਸੀ ਅਤੇ 7, 13 (1) (ਸੀ) (ਡੀ) , ਰ/ਵ 13 (2) ਪੀ. ਸੀ ਐਕਟ 1988, ਥਾਣਾ ਵ.ਬ. ਫ. ਸ-1 , ਪੰਜਾਬ ਐਟ ਮੋਹਾਲੀ ਸਬੰਧੀ ਸੂਚਨਾ ਉਪ ਕਪਤਾਨ ਪੁਲਿਸ -ਕਮ-ਏ.ਪੀ. ਆਈ. ਓ , ਵ.ਬ. ਫ.ਸ.-1 ਮੋਹਾਲੀ ਵੱਲੋਂ ਆਪਣੇ ਪੱਤਰ ਨੰਬਰ 275 ਮਿਤੀ 24.02.2020 ਰਾਹੀਂ ਬਿਨੈਕਾਰ ਨੂੰ ਸੂਚਨਾ ਦਿੱਤੀ ਗਈ ਸੀ, ਜਿਸ ਵਿੱਚ ਲਿਖਿਆ ਗਿਆ ਸੀ, ਕਿ ਉਕਤ ਮੁਕਦਮਾ ਵਿੱਚ ਅਖਰਾਜ ਰਿਪੋਰਟ ਮੁੱਰਤਵ ਕਰਕੇ ਮਾਨਯੋਗ ਅਦਾਲਤ ਵਿੱਚ ਪੇਸ਼ ਕੀਤੀ ਗਈ ਸੀ, ਇਸ ਲਈ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਮਾਨਯੋਗ ਅਦਾਲਤ ਵਿੱਚੋਂ ਹਾਸਿਲ ਕਰ ਲਈ ਜਾਵੇ। ਇਸ ਲਈ ਮਾਨਯੋਗ ਸੁਪਰੀਮ ਕੋਰਟ ਦੇ ਉਕਤ ਹੁਕਮਾਂ ਅਤੇ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ ਦੇ Rules and orders (volume -4) ਦੇ Chapter 16 ਦੇ Rule-3 ਮੁਤਾਬਿਕ ਬਿਨੈਕਾਰ ਵੱਲੋਂ ਦਾਇਰ ਅਪੀਲ ਕੇਸ ਨੂੰ ਦਾਖਲ ਦਫਤਰ ਕਰਨ ਦੀ ਕ੍ਰਿਪਾਲਤਾ ਕੀਤੀ ਜਾਵੇ ਜੀ ।

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*He has also mentioned Civil appeal No(S) 1966-1967 of 2020, Chief Information Commissioner vs High Court of Gujrat and another dated 04.03.2020 in his reply.*

**Regarding point No. 3:-** Ms. Randheer Kaur, Inspector, is appearing on behalf of office of AIG, Flying Squad-I, Patiala has sent her reply pertaining to point no. 3, which is as under:-

ਇਸ ਦਰਖਾਸਤ ਵਿੱਚ ਬਿਨੈਕਾਰ ਵੱਲੋਂ ਮੁਕੱਦਮਾ ਨੰਬਰ 28 ਮਿਤੀ 20.06.2008 ਸਬੰਧੀ ਕੈਸਲੇਸ਼ਨ ਰਿਪੋਰਟ ਅਤੇ ਹੋਰ ਰਿਪੋਰਟ ਦੀਆਂ ਤਸਦੀਕ ਸ਼ੁਦਾ ਕਾਪੀਆਂ ਦੀ ਮੰਗ ਕੀਤੀ ਗਈ ਸੀ। ਇਸ ਮੁਕੱਦਮੇ ਨਾਲ ਸਬੰਧਤ ਰਿਕਾਰਡ ਨੂੰ ਵਾਚਣ ਉਪਰੰਤ ਪਾਇਆ ਗਿਆ ਕਿ ਸ਼੍ਰੀ ਅਜੇ ਨੰਦ ਵਾਸੀ ਅਮ੍ਰਿਤਸਰ ਦਾ ਕੋਈ ਵੀ ਬਿਆਨ ਜਾ ਗਵਾਹ ਦੇ ਤੌਰ ਤੇ ਮਿਸਲ ਵਿੱਚ ਹੋਣਾ ਨਹੀਂ ਪਾਇਆ ਗਿਆ। ਇਸ ਲਈ ਮਾਨਯੋਗ ਸੁਪਰੀਮ ਕੋਰਟ ਆਫ ਇੰਡੀਆ ਜੀ ਦੇ ਹੁਕਮ ਮਿਤੀ 03.10.2012 ਐਸ. ਐਲ. ਪੀ (ਸਿਵਲ) ਨੰਬਰ

27734 ਆਫ @ CC 14781 of 2012 ਮੁਤਾਬਿਕ ਬਿਨੈਕਾਰ ਵੱਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਤੀਜੀ ਧਿਰ ਹੋਣ ਕਰਕੇ ਨਾ ਦੇਣ ਸਬੰਧੀ ਇਸ ਦਫ਼ਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ 2117/ਵਬ/ਇੰਚ/ ਆਰ.ਟੀ.ਆਈ ਮਿਤੀ 27.02.2020 ਰਾਹੀਂ ਸੂਚਿਤ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ।

6. In view of the above the replies filed by the respondent, appears to be convincing, hence, no cause of action is left. The appeal case filed by the appellant is, therefore, **disposed of and closed**. Copy of the orders be sent to the parties.

**Dated : 23.09.2020**

**Sd/-**  
**( Preety Chawla )**  
State Information Commissioner  
Punjab

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Sh Devinder Singh, S/o Sh Balkar Singh, (M- 9872556357)  
Village Adhiana, PO Machhiwara, Tehsil Samrala,  
Distt- Ludhiana-141115

.....Appellant

..Vs

**Public Information Officer,**  
O/o Assistant Director of Factories,  
Gill Road, Ludhiana

**First Appellate Authority**  
O/o Director of Factories, SAS Nagar, Mohali

.....Respondent

**AC No. 1867 of 2020**

**(Through CISCO-Webex)**

Present: (i) Sh Devinder Singh, Appellant (Telephonically)(9872556357)  
(ii) For the Respondent: Sh Dwarka Dass, Asstt Director (M-8283000249)

**ORDER**

The RTI application is dated 31.12.2018 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 13.07.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 23.09.2020 for hearing through CISCO-Webex (Video-conferencing Application)

3. Today, the Respondent states that the complete information has been provided to the Appellant. The Respondent has also filed their reply vide Commission diary no 10294 dated 20.08.2020 regarding the same, which is taken on record.

4. The Appellant states that he has received the same but it is not complete.

5. After hearing both the parties and perusing the case file, it is ascertained that the Appellant is not satisfied with the information provided. Hence, the Appellant is directed to inspect the record in the O/o Respondent on **28.09.2020 at 11:00AM**, inspect the relevant records, identify the documents copies whereof are required by him; and the respondent shall

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**AC No. 1867 of 2020**

provide copies thereof, according to his RTI, in accordance with the relevant provisions of the RTI Act, 2005.

6. However, the Respondent has assured that the complete information shall be provided to the Appellant. The Appellant has expressed his satisfaction over the same.

7. On the assurance of the Respondent to provide complete information to the Appellant, the present appeal case is **disposed of and closed**. Copy of the orders be sent to the parties.

*Sd/-*

**Chandigarh**  
**Dated: 23.09.2020**

**(Preety Chawla)**  
**State Information Commissioner**  
**Punjab**

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Ms. Prabhjot Kaur,(M:981500550)

D/o Sh Darshan Singh,

#84, New Jawahar Nagar, Jalandhar.

..... Complainant

**Vs**

**Registered post:** **Public Information Officer,**  
O/o DPI (Colleges) Pb,  
PSEB Complex, Phase-8, Mohali

Remanded Back

**First Appellate Authority**  
O/o DPI(colleges) Punjab  
PSEB Complex, Phase – 8, Mohali

.....Respondent

**CC.No. 179 of 2019**  
**Through CISCO-WEBEX**

Present: (i) Ms PrabhjotKaur, Complainant alongwith Sh Darshan Singh.  
(ii) for the respondent: Sh Gurdarshan Singh Brar, Joint Director (H.E)  
(9914119023 and Ms Pawanjeet Kaur , Sr. Assistant (9463741800)

**ORDER**

This order may be read with reference to the previous order dated 11.08.2020.

2. Today, the Respondent states that the complete information has been provided to the Complainant. The Respondent has also filed their reply vide Commission diary no 10938 dated 01.09.2020 regarding the same, which is taken on record.

3. The complainant states that the information provided to him is partial and not complete and he is not satisfied with it. The complainant has also filed her submissions vide Commission diary no.11954 dated 14.09.2020, which is taken on record.

5. After hearing both the parties and going through the replies filed by both the parties it is ascertained that the Complainant is not satisfied with the information provided.

6. However 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:-

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**CC.No. 179 of 2019**

*(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).*

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.

7. 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.

8. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005. In view of the above, the instant Complaint Case is **disposed of and closed**. Copy of the orders be sent to the parties.

**Dated :23.09.2020**

Sd/-  
**( Preety Chawla )**  
**State Information Commissioner ,**  
**Punjab**

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