



Sh. Manjit Singh Lalli,
S/o Sh.Mehar Singh,
Village Langeri, Mahilpur,
District Hoshiarpur.

Complainant

Versus

Public Information Officer,
O/o Principal,
S.G.G.S. Khalsa College,
Mahilpur, District Hoshiarpur.

Respondent

Complaint Case No.564/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal
06.11.2017	Nil	Nil	Nil	20.03.2018

Present: None

ORDER:

The Commission had made the following observations on 10.07.2019:-

23.04.2019

“Adv. Vikram Singh proxy counsel for the respondent submits that an order of the Commission declaring it as a Public Authority has been challenged in a Civil Writ Petition No.6388 of 2018. Hon’ble Punjab & Haryana High Court, Chandigarh has stayed the operation of the order of the Commission dated 27.02.2018 which is still in operation. He further says that the hearing in the Hon’ble Punjab & Haryana High Court in the instant case is fixed for consideration on 01.03.2019.

We feel that it shall be appropriate to await the decision of the Hon’ble Punjab & Haryana High Court.

The case has again come up today. The Complainant has refuted the contention of the respondents.

The respondents are desired to produce a copy of the order of the Commission passed on 27.02.2018 and intimate the status of the case in the Hon’ble High Court, which was fixed for hearing on 01.03.2019. In the meanwhile, the respondent shall furnish a copy of the writ petition filed in the Hon’ble High Court to the Complainant so as to enable him to file a suitable reply. It should be endorsed to Commission also”.

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Complaint Case No.564/2018

29.05.2019

The case has again come up today before the Full Bench. The respondents are absent. The Commission regrets and takes serious note of the non-compliance of the directions issued by the Commission towards the provision of copy of the order of the Commission stated to have been stayed by the High Court. The respondents have also failed to furnish a copy of the writ petition filed by the respondents. In order to clinch the matter, this Bench has called for the order dated 27.02.2019 and the copy of the writ from the Registry of the Commission and perused the same.

From the perusal of writ petition, and the order of the Hon'ble High Court, it is revealed that the proceedings in the case have been stayed. It shall not be appropriate for this Forum to adjudicate on this issue at this juncture”.

10.07.2019

The case has come up today. The respondents have brought along a copy of the writ petition filed which has been handed over on spot to the Complainant. Counsel of the appellant Sh.Surinder Bhanot vociferously pleads that this Forum has erred in making an observation that the proceedings in the instant case has been stayed. According to him, the Hon'ble Court has only stayed the order in which the State Information Commission had directed the Principal to appear in person. Nowhere, the Hon'ble High Court has stayed the order of the Commission passed way back in 2011, declaring it as a public authority and it has been dispensing the information to the information seekers. Resultantly, the stay order passed in CWP No.6388/2018 has no bearing on the proceedings in this case. It is not disputed that the respondents are a Govt. aided college, wherein 95% salary of the substantial strength of staff is being paid by the Govt. and they cannot escape from the obligations of a public authority under the RTI Act.



Complaint Case No.564/2018

“On the other hand, the respondents represented by Shri Vikram Singh Chahal suggests that the issue of declaring it as a public authority only has been questioned in the writ as the circumstances about the Govt. aiding the Institution have tangibly changed. It shall be hasteful and contemptuous for this Forum to pass any directions treating it as a public authority. The complainant alleges that the respondents are using the orders passed in other cases as a tool to obstruct the information. The Commission has gone through the writ. It does challenge the Commission to treat the respondents as a public authority? In the situation and the face of the fact of a stay by the Hon’ble High Court, the Commission refrains to pass any direction at this juncture.”

The case has come up today. The Commission believes that it is incumbent upon it to await the decision of the Hon’ble High Court of Punjab and Haryana in CWP No. 6388/2018 and take a final call on this appeal. The case as such is adjourned **sine die**.

24.09.2019	Sd/- (Smt. Preety Chawla)	Sd/- (Nidharak Singh Brar)	Sd/- (Yashvir Mahajan)
	S.I.C.	S.I.C.	S.I.C.

CC: PS/SIC (Sh. Nidharak Singh Brar) for the kind information of Ld. SIC.

CC: PS/SIC (Smt. Preety Chawla) for the kind information of Ld. SIC.