

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

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Sh Ravipal Singh, (M:7528899222)
S/o Sh Kuldeep S ingh,
GF SCO 50, New Sunny Enclave,
Backside-KFC, Sector-125,
Kharar, Distt –Mohali-140301

.....Appellant

Vs

Public Information Officer,
O/o MC, Kharar, Distt Mohali
First Appellate Authority,
O/o Deputy Director,
Deptt of Local Govt, Patiala

.....Respondent

AC.No. 2284 of 2019
alongwith
AC.No. 2283 of 2019
AC.No. 2281 of 2019
AC.No. 2282 of 2019
AC.No. 2284 of 2019

Present : (i) Sh. Ravipal Singh the appellant
(ii) For the respondent : Sh. Amit Kumar, AME alongwith Sh. Jaswinder Singh

ORDER

1. The RTI application is dated 14.03.2019 vide which the appellant has sought information as enumerated in his RTI 14.07.2014 and second appeal was filed in the Commission on 27.06.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 24.09.2014 in the Commission.
3. The appellant states that no information has been given to him so far.
4. Respondent states that the reply has already been sent to the appellant.
5. All the points have been discussed before the Appellant and the respondent. It is observed that the respondent has given the information to the appellant. Regarding point no. 3, the respondent states that the information is not available in their office record.

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AC.No. 2284 of 2019
alongwith
AC.No. 2283 of 2019
AC.No. 2281 of 2019
AC.No. 2282 of 2019
AC.No. 2284 of 2019

Respondent is directed to file an affidavit pertaining to point no. 3 on the next date of hearing. **Sh. Kulbir Singh, EO is directed to come present on the next date of hearing alongwith an affidavit.**

6. To come up on **14.11.2019 at 11.00 AM**. Copy of the order be sent to the parties.

Chandigarh
Dated: 24.09.2019

Sd/-
(Preety Chawla)
State Information Commissioner

Through registered post

CC: Sh. Kulbir Singh, EO , O/o MC, Kharar, Distt Mohali

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Sh Jagtar S ingh,
Village Naraina, PO Bahamana
Tehsil Bassi Pathana, Distt. Fatehgarh Sahib

.....Appellant

Vs

Public Information Officer,
O/o District Child Security Officer,
Fatehgarh Sahib
First Appellate Authority,
O/o Deputy Commissioner,
Fatehgarh Sahib

.....Respondent

AC.No. 2432 of 2019

Present : (i) Sh. Jagtar Singh the appellant
(ii) For the respondent : Sh. Ashwani Kumar, Chairman, Smt. Saru Sharma, Sh. Gursharan Singh, Data Entry Operator

ORDER

The RTI application is dated 15.04.2019 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 15.05.2019 and second appeal was filed in the Commission on 05.07.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 24.09.2019 in the Commission.
3. Respondent Smt. Saru Sharma, o/o District Child Protection Officer, Fatehgarh Sahib files her reply mentioning therein " *that the application seeking information under RTI Act has been forwarded to Child Welfare Committee on 22.04.2019 for further proceeding and supplying the information to the applicant as asked by him, because the whole case was dealt with by Child Welfare Committee, in addition the record of the case is available and kept in the office of Child Welfare Committee, Fatehgarh Sahib*
4. Respondent Sh. Ashwani Kumar, o/o Child Welfare Committee states that the information demanded by the appellant is third party information. He also files his reply mentioning therein that it is clear from Section 99 of 2015 from Juvenile Justice Care

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AC.No. 2432 of 2019

and Protection of Children Act that " *All the reports related to the child and considered by the committee or the Board shall be treated as confidential: Provided that the committee or the Board, as the case may be , may if it so thinks fit, communicate the substance thereof to another Committee or Board or to the child or to the child's parent of guardian, and may given such Committee or the Board or the child or the parent or guardian an opportunity of producing evidence as may be relevant to the matter⁵ stated in the report. (2) Notwithstanding anything contained in this Act, the victim shall not be denied access tho their case record, orders and relevant papers.*

5. Copy of the replies of the respondent has been given to the appellant today in the Commission. Since the information demanded by the appellant cannot be provided to him as it is third party information, hence no cause of action is left, the appeal filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Chandigarh
Dated: 24.09.2019

(Preety Chawla)
State Information Commissioner

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Sh Ram Kumar,
S/o Charan Ram,
R/o Near Anderwal Dera, Tappa,
Distt: Barnala

.....Appellant

Vs

Public Information Officer,
O/oSSP, Barnala

.....Respondent

CC.No. 572 of 2019

Present : Sh Ram Kumar the Complainant
For the respondent : Sh. Parkash Singh, ASI

ORDER

1. The RTI application is dated 16.04.2019 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 24.06.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 24.09.2019 in the Commission.
3. The complainant states that no information has been given to him so far.
4. Respondent states that the complete information has been provided to the complainant. 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

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CC.No. 572 of 2019

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.

5. 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.

6. 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.

7. 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
Dated: 24.09.2019

(Preety Chawla)
State Information Commissioner

CC: Copy of RTI application dated 16.04.2019

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S Jasbir Singh,
Village-Bholapur, Jhabewal,
Post Officer-Ramgarh,
Distt Ludhiana

.....Appellant

Vs

1.Public Information Officer,
O/o State Transport Commissioner, PB,
Sector-17, Chandigarh
First Appellate Authority,
O/o State Transport Commissioner, PB,
Sector-17, Chandigarh

Registered post: 2. Public Information Officer
o/o Secretary, RTA
Jalandhar

.....Respondent

AC .No. 4200 of 2018

Present: (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Vikram Singh, Clerk

ORDER

This order may be read with reference to the previous order dated 02.09.2019 vide which an amount of Rs. 4000/- as compensation was awarded to the appellant.

2. Today the appellant is absent. He has sent a letter.
3. Respondent no. 2 states that he has brought demand draft of compensation today in the Commission. He further states that he has also brought affidavit as directed the Commission during the last hearing , which is as under:-

1. ਇਹ ਹੈ ਕਿ ਮੈਂ ਮਿਤੀ 18/02/2019 ਨੂੰ ਬਤੋਰ ਸਕੱਤਰ ਰਿਜਨਲ ਟਰਾਂਸਪੋਰਟ ਅਥਾਰਟੀ, ਜਲੰਧਰ ਡਿਊਟੀ ਜੁਆਇਨ ਕੀਤੀ ਸੀ।
2. ਇਹ ਹੈ ਕਿ ਅਪੀਲ ਕੇਸ ਨੰਬਰ 4200 ਆਫ 2018 ਜਿਸ ਦੀ ਅਗਲੀ ਸੁਣਵਾਈ ਮਿਤੀ 24/09/2019 ਨੂੰ ਮਿਥੀ ਗਈ ਹੈ।
3. ਇਹ ਹੈ ਕਿ ਉਕਤ ਕੇਸ ਸਬੰਧੀ ਸਟੇਟ ਟਰਾਂਸਪੋਰਟ ਕਮਿਸ਼ਨਰ ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ, ਵਲੋਂ ਵੱਲੋਂ ਇਸ ਦਫਤਰ ਨੂੰ ਈ-ਮੇਲ ਰਾਹੀਂ ਪੱਤਰ ਨੰਬਰ ਸਟਕ/ਆਰ.ਟੀ.ਆਈ/ਪੀ.ਆਈ/ਓ/4051/6092 ਮਿਤੀ 28/02/2019 ਰਾਹੀਂ ਬਿਨੈਕਾਰ ਨੂੰ ਸੂਚਨਾ ਮੁਹੱਈਆ ਕਰਵਾਉਣ ਬਾਰੇ ਲਿਖਿਆ ਗਿਆ ਸੀ।
4. ਇਸ ਉਪਰੰਤ ਇਹ ਸੂਚਨਾ ਤੀਜੀ ਧਿਰ ਹੋਣ ਕਾਰਨ ਇਸ ਦਫਤਰ ਵਲੋਂ ਸ਼੍ਰੀ ਬਲਬੀਰ ਸਿੰਘ.ਏ.ਟੀ.ਓ.(ਰਿਟਾ) ਪਾਸੋਂ ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ 1905/ਆਰ.ਟੀ., ਜਲੰਧਰ ਮਿਤੀ 18/03/2019 ਰਾਹੀਂ (ਕਾਪੀ ਨੱਥੀ) ਬਿਨੈਕਾਰ ਵਲੋਂ ਮੰਗੀ ਗਈ ਉਹਨਾਂ ਦੀ ਸਰਵਿਸ ਬੁੱਕ, ਪਰਸਨਲ ਫਾਈਲ ਅਤੇ ਦਫਤਰ ਨੋਟਿੰਗ ਦੀ ਸੂਚਨਾ ਦੇਣ ਬਾਰੇ ਸਹਿਮਤੀ ਮੰਗੀ ਗਈ, ਜਿਸ ਦੇ ਜਵਾਬ ਵਿਚ ਉਹਨਾਂ ਵਲੋਂ ਆਪਣੇ ਪੱਤਰ ਮਿਤੀ 22/03/2019 ਰਾਹੀਂ ਬਿਨੈਕਾਰ ਨੂੰ ਉਹਨਾਂ ਦੀ ਪਰਸਨਲ ਸੂਚਨਾ ਦਿਖਾਉਣ ਬਾਰੇ ਅਸਹਿਮਤੀ ਪ੍ਰਗਟ ਕੀਤੀ ਗਈ (ਕਾਪੀ ਨੱਥੀ)।
5. ਇਸ ਸਬੰਧੀ ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ 2155/ਆਰ.ਟੀ.ਏ.ਜਲੰਧਰ ਮਿਤੀ 29/03/2019 ਰਾਹੀਂ ਮਾਨਯੋਗ ਸ਼੍ਰੀਮਤੀ ਪ੍ਰੀਤੀ ਚਾਵਲਾ, ਸਟੇਟ ਇੰਨਫੋਰਮੇਸ਼ਨ ਕਮਿਸ਼ਨਰ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਗਿਆ ਸੀ।
6. ਉਕਤ ਅਨੁਸਾਰ ਇਸ ਦਫਤਰ ਵਲੋਂ ਬਿਨੈਕਾਰ ਦੀ ਪ੍ਰਤੀਬੇਨਤੀ ਦਾ ਜਵਾਬ ਦੇਣ ਵਿਚ ਜਾਣ-ਬੁੱਝ ਕੇ ਅਣਦੇਖੀ ਨਹੀਂ ਕੀਤੀ ਗਈ।

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AC .No. 4200 of 2018

4. I have gone through the affidavit and have agreed with the same. Respondent is directed to send the demand draft of compensation to the appellant through registered post.

5. In view of the foregoing, no cause of action is left, the appeal filed by the appellant is, therefore, **disposed of and closed**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 24.09.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Sh. Rakesh Soni,
S/o Sh Ved Parkash Soni,
R/o House No. 4132,
Street No.4, New Madhopuri,
Ludhiana(M:9023136005)

.....Appellant

Vs

Public Information Officer,
O/o Asstt IGP (Crime) Pb Chandigarh
First Appellate Authority-cum-
Inspector General of Police (Crime),
Police Headquarters, Pb
Sector,-9, Chd
Public Information Officer
O/o Commissioner of Police, Ludhiana

.....Respondent

AC.No. 1252 of 2019

_Present: (i)Sh Rakesh Soni, Appellant
(ii) For the Respondent: Sh Pawandeep Singh, ASI and Sh Jagtar Singh, SI

ORDER

This order may be read with reference to the previous order dated 02.09.2019.

2. As directed in the previous hearing, the Respondent files an affidavit today. I have gone through the same and do not agree with it. The Respondent further states that the enquiry will be finalized within a few days.

3. In view of the same, the Respondent is directed to file correct affidavit on the next date of hearing. In case the enquiry is finalized before the next date of hearing then to provide a copy of the final report to the Appellant with a copy to the Commission.

4. To come up on **28.11.2019 at 11:00AM**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
Dated: 24.09.2019

(Preety Chawla)
State Information Commissioner

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Sh Sandeep Kumar Maluja, (M:9646546613)
S/o Sh Om Parkash,
R/o Street No.2,
Near Shani Dev Mandir,
Patel Nagar, Malout, Distt
Sri Mukatsar Sahib

.....Appellant

Vs

Public Information Officer,
O/o DFSO, Sri Mukatsar Sahib.
First Appellate Authority
O/o DFSO, Sri Mukatsar Sahib

.....Respondent

AC.No. 2392 of 2019

Present: (i) None for the Appellant.

(ii) for the Respondent: Sh Inspector, Malout

ORDER

The RTI application is dated 21.01.2019 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 04.07.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 24.09.2014 in the Commission.

3. The Appellant is not present today.

4. The Respondent states that the information pertaining to point no.1 has been provided to the Appellant. He also shows a copy of the receiving given by the Appellant in lieu of receiving the information pertaining to point no.1. Further the Respondent states that the rest of the information will be provided to the Appellant soon.

5. The perusal of the file shows that the Appellant is not present today. The information pertaining to point no.1 has been provided to the Appellant. Hence, the Respondent is directed to send the remaining information to the appellant before the next date of hearing.

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AC.No. 2392 of 2019

6. To come up on **07.11.2019 at 11:00AM** through Video-Conferencing facility in the office of DC, Sri Muktsar Sahib. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
Dated: 24.09.2019

(Preety Chawla)
State Information Commissioner

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Sh Raj Kumar,(M:9463040001)
S/o Sh Billu Ram,
R/o Gobind Nagari, Ward No.7,
Near Dayanand Public School,
Jalalabad, Distt Fazilka

.....Appellant

Vs

Public Information Officer,
O/o Asstt. Food Supply Officer,
Jalalabad(West), Distt-Fazilka

.....Respondent

CC.No. 568 of 2019

Present : (i) Sh Raj Kumar,Complainant and Sh Bagicha Singh
(ii) For the Respondent: Sh Mohinder Pal, Inspector

ORDER

1. The RTI application is dated 11.04.2019 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 21.06.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 24.09.2019 in the Commission.
3. The Appellant states that he has not received the complete information till date.
4. The Respondent states that the Complainant was employed through an outsource company namely, "Rakshak Securities Pvt. Ltd". Hence, the Respondent had sent the RTI of the Complainant to the above-said company. The company has sent the information, which the Respondent has brought today. Copy of the same is handed over to the Complainant.
5. The complainant has gone through the same and states that he is satisfied with it.
6. Hence, the complainant case filed by the complainant is disposed off and closed. Copy of the orders be sent to the parties.

Sd/-

Chandigarh

(Preety Chawla)

Dated: 24.09.2019

State Information Commissioner

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Sh Rajesh Chander Sharma,(7009123630)
B-6/487, Kaundal Niwas,
Vikas Nagar, Nawanshaher

.....Appellant

Vs

Public Information Officer,
O/O PUNSUP, Nawanshaher

.....Respondent

CC.No. 581 of 2019

Present : (i) Sh Rajesh Chander Sharma, Complainant.
(ii) For the Respondent: Sh Darshan Singh, Supdt.

ORDER

The RTI application is dated 27.11.2018 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 25.06.019 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 24.09.2019 in the Commission.
3. The Appellant states that he has not received the information so far.
4. The Respondent files his reply as under:-

ਹਵਾਲੇ ਅਧੀਨ ਪੱਤਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਆਪ ਜੀ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਪਨਸਪ ਜਿਲ੍ਹਾ ਸ.ਭ.ਸ. ਨਗਰ ਦਾ ਕੰਮ ਜਿਲ੍ਹਾ ਹੁਸ਼ਿਆਰਪੁਰ ਦੇ ਸਟਾਫ ਵਲੋਂ ਕੀਤਾ ਜਾਂਦਾ ਸੀ ਅਤੇ ਹੁਣ ਸ.ਭ.ਸ ਨਗਰ ਜਿਲ੍ਹਾ ਜਲੰਧਰ ਵਿੱਚ Merge ਹੋਣ ਕਰਕੇ ਜਿਲ੍ਹਾ ਸ.ਭ.ਸ. ਨਗਰ ਦੇ ਰਿਕਾਰਡ ਦੀ ਸ਼ਿਫਟਿੰਗ ਚੱਲ ਰਹੀ ਹੈ ਅਤੇ ਰਿਕਾਰਡ ਵੀ ਪੁਰਾਣਾ ਹੋਣ ਕਰਕੇ ਉਕਤ ਕੇਸ ਵਿੱਚ ਨਿਗਮ ਦਾ ਪੱਖ ਪੇਸ਼ ਕਰਨ / ਰਿਕਾਰਡ ਘੋਖਣ ਲਈ ਸਮਾਂ ਲੱਗ ਰਿਹਾ ਹੈ ਜੀ। ਇਸ ਲਈ ਬੇਨਤੀ ਹੈ ਕਿ ਇਸ ਕੇਸ ਵਿੱਚ ਹੋਰ ਸਮਾਂ ਦੇਣ ਦੀ ਕਿਰਪਾਲਤਾ ਕੀਤੀ ਜਾਵੇ ਜੀ।

5. I have gone through the reply of the Respondent and agree with it. Hence, some time is granted to the Respondent to provide complete information to the Complainant.
6. To come up on **14.11.2019 at 11:00AM**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
Dated:24.09.2019

(Preety Chawla)
State Information Commissioner

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Sh Satnam Singh,(M: 9464517425)
S/o Sh Balwinder Singh,
Village Mainwan,PO Wadala Kalan,
Distt: Kapurthala

.....Appellant

Vs

Public Information Officer,
O/O Senior Medical Officer,
SDH Bhulath, Kapurthala

.....Respondent

CC.No. 586 of 2019

Present : None for the parties.

ORDER

1. The RTI application is dated 11.05.2019 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 27.06.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 24.09.2019 in the Commission.

3. Today neither the Complainant nor the Respondent is present.

4. This is the first date of hearing and both the parties are not present today.

Hence, one opportunity is given to both the parties to appear before the Commission and state their case. To come up on **18.11.2019 at 11:00AM**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
Dated: 24.09.2019

(Preety Chawla)
State Information Commissioner

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Sh Ujjagar Singh,
S/o Late Shri Bant Singh,
R/o Street no.1, Mann Colony,
Daba, Ludhiana

.....Appellant

Vs

Public Information Officer,
O/o DSP, Sub Division, Mahel Kalan,
Distt Barnala
First Appellate Authority,
O/o SSP, Barnala

.....Respondent

AC.No. 2440 of 2019

Present : (i) Sh Ujagar Singh, Appellant.
(ii) None for the Respondent

ORDER

1. The RTI application is dated 25.04.2019 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 08.07.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 24.09.2014 in the Commission.
3. No one has appeared on behalf of the Respondent today. However, a letter has been received from the Respondent vide Commission diary no.17469 dated 10.09.2019 stating that the same matter as sought by the Appellant vide his RTI application is being heard by the bench of Learned SIC Sh Khushwant Singh.
4. Since, the above-said appeal on the same matter is being heard by the bench of Learned SIC Sh Khushwant Singh, hence no cause of action is left, the appeal filed by the appellant is , therefore **disposed of and closed**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
Dated: 24.09.2019

(Preety Chawla)
State Information Commissioner