



Sh Mahesh Chander,
614-A, New Shastri Nagar,
Near Bus Stand, Pathankot.

Versus

... Appellant

Public Information Officer,
O/o XEN, Water Supply & Sanitation
Division-1, Pathankot.

First Appellate Authority,

O/o SE, Water Supply and Sanitation
Village Jeewanwal Babri, P.O Sohal
Circle Gurdaspur.

... Respondent

Appeal Case No. 1194 of 2020

PRESENT: Sh. Mahesh Chander as the Appellant
Sh. Rajan, Sr. Assistant for the Respondent

ORDER:

The appellant through RTI application dated 15.04.2019 has sought information regarding any objection raised by the team of office of Accountant General Punjab during regular yearly audit on the annual confidential report/promotion/ACP of the appellant till his retirement date i.e. 31.10.2009 – any objection raised during pay fixation on the promotion/ACP as per order of the Punjab Govt for grant of promotion/ACP to the Govt employees and other information concerning the office of Xen-Water Supply & Sanitation Division No.1, Pathankot. The appellant was provided the information after which the appellant filed first appeal before the First Appellate Authority on 23.05.2019 which took no decision on the appeal.

The case was first heard on 19.08.2020 through video conferencing at DAC Pathankot. As per appellant, the information was not provided by the PIO. The respondent is absent.

Having gone through the file, the Commission observed that the RTI application was not legible. The appellant was directed to send a legible or a typed copy of the application.

The Commission further observed that there has been an enormous delay of more than one and four months in attending to the RTI application. The PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

Hearing dated 24.09.2020:

The case has come up for hearing today through video conferencing at DAC Pathankot. The respondent present pleaded that the information has been provided to the appellant. The appellant informed that he has received the information and is satisfied.

The Commission has also received a reply to the show cause notice from the PIO which is taken on the file of the Commission. I have gone through the reply and accept the plea of the PIO and drop the show cause.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated 24.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
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Sh.Ramdhan Singh, S/o ShAtma Singh,
Village Todarwal, P.O Babarpur,
Tehsil Nabha, Distt Patiala..

...Appellant

Versus

Public Information Officer,
O/o SSP,
Patiala.

First Appellate Authority,
O/o IGP, Zonal-1,
Patiala

.....Respondent

Appeal Case No.457 of 2019

PRESENT: Sh.Ramdhan Singh as the Appellant
Sh.Krishan Kumar, DSP(D) and Sh.Hakam Singh, ASI for the Respondent

ORDER:

This order should be treated in continuation to the earlier order.

The case was earlier heard on **29.07.2019**, 06.11.2019 and on 15.01.2020.

On the date of hearing on **15.01.2020**, the respondent present informed that the remaining information has been provided to the appellant. The appellant stated that he had not received the information on point-3 and was not satisfied with the reply relating to points 4 & 7. Hearing both the parties, the PIO was directed to provide/clarify the following:

- Point-3 : PIO to provide investigation report
- Point-4 - PIO to give in writing that no arrest was made
- Point-7 - PIO to clarify this point

On the date of hearing on **28.05.2020** which was held through video conferencing at DAC, Patiala, the appellant informed that the PIO has not provided the information on point 3. The respondent pleaded that the investigation report has been presented in the court and the information cannot be provided as it was no longer in their custody.

The appellant pleaded that they had verified from the court whether their challan had been presented and as per them, the court records, which they checked, it indicates that the record was yet to be submitted.

The Police was asked to recheck its record. If the record is found, the police should file a reply stating what information it can provide and what it cannot, by citing the relevant exemptions of the RTI Act. The PIO was directed to procure an affidavit from the SSP stating the correct position of the status of the case file once it is submitted in the court.

Whether the custody of the file is no longer with the police and that it does not have any duplicate document in its custody.

On the last date of hearing on **20.07.2020**, **both** the parties were absent. The case was adjourned.

Hearing dated 24.09.2020:

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent present pleaded that since the investigation is complete and challan has been presented in the court, no information is available with the police as it is part of the judicial record, reply of which was already sent to the appellant.

The respondent has sent his reply to the Commission via email which has been taken on the file of the Commission.

Having gone through the reply, and the contentions of the appellant which are primarily related to point 9 of the RTI application where the appellant is seeking that what action the police had taken on a FIR that it registered on 08.06.2018, the Commission finds that the RTI application has been sufficiently replied and no further course of action is required.

The case is **disposed off and closed.**

Chandigarh
Dated 24.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh. Jasbir Singh,
Village Bholapur Jhabewal,
PO Ramgarh, Distt Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o SSP,
Patiala.

First Appellate Authority,
O/o SSP,
Patiala

Respondent

Appeal Case No. 2963 of 2019

PRESENT: None for the Appellant
Sh. Hakam Singh, ASI for the Respondent

ORDER:

The appellant through RTI application dated 17.05.2019 has sought information regarding status report of FIR No.88 dated 18.03.2014 – Police Station Tripti, Patiala along with copy of challan and other information concerning the office of SSP Patiala. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 17.06.2019 which took no decision on the appeal.

The case was first heard on **18.12.2019**. The respondent present pleaded that challan has already been presented in the court and the appellant has been sent reply vide letter dated 20.06.2019, hence the information cannot be provided. The appellant was absent. The appellant was directed to send his observations in writing to the Commission

On the date of hearing on **17.02.2020**, the respondent pleaded that since the challan along with complete record has been presented in the court, the information cannot be provided.

The appellant claimed that the PIO vide letter dated 09.07.2019 had denied the information stating that the information is 3rd party. The PIO was directed to respond to the RTI application appropriately.

On the date of hearing on **28.05.2020**, the respondent pleaded that the challan has been presented in the court and the appellant may get the information from the court. The respondent also pleaded that the information asked for pertains to third party and hence cannot be provided.

On the date of last hearing on **20.07.2020**, both the parties were absent. The case was adjourned.

Hearing dated 24.09.2020:

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent present pleaded that since the challan along with complete file has been presented in the court, no information is available with them and reply has been sent to the appellant through registered post.

The appellant is absent. The appellant is directed to get the information from the court as per the due procedure of the court.

No further course of action is required, the case is **disposed off and closed**.

Sd/-

Chandigarh
Dated 24.09.2020

(Khushwant Singh)
State Information Commissioner