

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Helpline No. 0172-2864100



Sh Sarvjeet Singh, (M:9416160422)
S/o Sardar Jagir Singh,
Jagdish Nagar Colony, Hansi,
Distt Hisar, Haryana

.....Appellant

Vs

Public Information Officer,
O/o SMO, Patti, Distt Tarn Taran

First Appellate Authority,
Civil Surgeon, Tarn Taran

.....Respondent

AC.No. 4152 of 2019

Through CISCO Webex

Present : (i) Sh Sarvjeet Singh, Appellant.
(ii) For the respondent : Dr. Birinder Kaur Randhawa, SMO.

ORDER

This order may be read with reference to the previous order dated 08.07.2020 vide which the respondent was directed to give compensation to the appellant.

2. The appellant states that no information has been given to him so far.
3. Dr. Birinder Kaur Randhawa, SMO states that she has already sent her reply in response to the show cause notice issued.
4. After hearing both the parties and examining the case file, it is observed that the neither the appellant has received compensation nor he has provided the information. Dr. Birinder Kaur, SMO states that the appellant can visit her office and meet Dr. Sudarshan (7986150787), inspect the record and obtain the information with prior appointment. She further states that due to her positive report in Covid-19, she cannot attend the appellant in person. Dr. Sudarshan is directed to provide the information to the appellant within a fortnight, in accordance with the relevant provisions of the RTI Act, 2005. The respondent PIO is directed to send reply of show cause notice before the next date of hearing.

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AC.No. 4152 of 2019

5. To come up on 28.10.2020 at 10.30 AM through CISCO Webex. Copy of the order be sent to the parties.

(Usage Steps: Install Cisco Webex<click on JOIN MEETING, Write Meeting Number: 919860773)

Chandigarh
Dated: 26.08.2020

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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Sh. Tilak Raj Sharma, # 70, Ambika Colony
Behind K M.V College, Jalandhar – 144004

..... Complainant

Vs

Public Information Officer,
O/o Director Health and Family Welfare Punjab
Parivar Kalyan Bhawan, Sector 34,
Chandigarh

Registered post: **Public Information Officer**
O/o Civil Surgeon, Jalandhar

Registered post: **Public Information Officer**
O/o Punjab Medical Council,
O/o Medical Education Bhawan,
Near Excise and Taxation Building, Sector 69
SAS Nagar

.....Respondent

CC.No. 1063 of 2019
Through CISCO WEBEX

Present: (i) Sh. Tilak Raj, the Complainant
(ii) For the respondent : Dr. Gurmeet Kaur Duggal, o/o Civil Surgeon, Jalandhar (9814502481) and Sh. Arun Kumar , Supdt.-cum-PIO o/o Punjab Medical Council, SAS Nagar (9463420465)

ORDER

This order may be read with reference to the previous order dated 11.08.2020 vide which a show cause notice was issued to the PIO, o/o Punjab Medical Council, SAS Nagar.

2. Today Sh. Tilak Raj the complainant states that complete information has not been provided to him.

3. Sh. Arun Kumar, o/o Punjab Medical Council states that he has sent his reply to the Commission office through mail. In the reply , the respondent has mentioned that *“this case will be discussed in the next meeting of Ethical and Disciplinary committee. Due to COVID 19 pandemic and curfew/lockdown in the State of Punjab no meeting can be held.”*

4. After hearing both the parties and examining the case file, it is observed that the respondent o/o Medical Council has not filed his show cause reply properly. Hence he is again directed to file his point-wise, specific reply on the next date of hearing.

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CC.No. 1063 of 2019

5. To come up on **07.10.2020 at 10.30 AM** through CISCO Webex. Copy of the order be sent to the parties.

(Usage Steps: Install Cisco Webex<click on JOIN MEETING, Write Meeting Number: 919860773)

Chandigarh
Dated: 26.08.2020

Sd/-
(Preety Chawla)
State Information Commissioner
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Sh.Sherry Bansal, Dakala Cloth Emporium
Krishna Cloth Emporium, Krishna Market,
Samana, Distt. Patiala (9646163350)

.....Appellant

..Vs

Public Information Officer,
O/o Head of the Department,
Civil Engg., UCOE, Punjabi University, Patiala
First Appellate Authority
O/o Dean Academic Affairs, Punjabi University, Patiala

.....Respondent

AC No. 1463 of 2020
Through CISCO WEBEX

Present: Sh. Sherry Bansal the appellant
For the respondent: Sh. Angel Sharma, Advocate (9876884444)

ORDER

This order may be read with reference to the previous order dated 11.08.2020 vide which PIO, o/o Head of the Department, Civil Engg, UCOE was directed to show cause.

2. The appellant states that no information has been given to him so far.
3. After hearing both the parties and examining the case, it is observed that the appellant has not provided any information. The respondent states that the appellant can visit their office and obtain the information.

Hence, the appellant is directed to visit the office of the respondent on 16.09.2020 at 11.30 AM, identify the documents copies whereof are required by him; and the respondent shall provide copies thereof, according to his RTI application, within a fortnight, in accordance with the relevant provisions of the RTI Act, 2005.

4. To come up on **28.10.2020 at 10.30 AM** through CISCO Webex. Copy of the order be sent to the parties.

(Usage Steps: Install Cisco Webex<click on JOIN MEETING, Write Meeting Number: 919860773)

Chandigarh
Dated: 26.08.2020

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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Sh Shah Nawaz Khan,(M:- 98106-43103)
D -44/1, Second Floor, main Delhi,
Darbar Road, Bhajan Pura,Delhi-11053

.....Appellant

..Vs

Public Information Officer,
O/o Baba Sheikh Farid Medical Institute for
Nursing, Kotakpura
Mukatsar Road, Near Kathe Bar Wale, Kotakpura-151204

First Appellate Authority
O/o Baba Sheikh Farid Medical Institute for
Nursing, Kotakpura Mukatsar Road, Near Kathe Bar Wale, Kotakpura-151204Respondent

AC No. 1654 of 2020

Through CISCO Webex

Present: (I) None for the Appellant
(ii) For the Respondent: Mr Aman Inder Sekhon, Advocate (M-9988300304)

ORDER

1. The RTI application is dated 11.11.2019 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 23.06.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 23.06.2020 in the Commission.

3. The appellant is not present today.

4. The Counsel for the Respondent states that their institute, i.e, Baba Sheikh Farid Medical Institute for Nursing, Kotakpura is not covered under the RTI Act 2005. He has also filed his affidavit as under:-

“ That our society is a private society and has not taken any land or any kind of concession from the Govt. and the Govt. does not give any financial support for the conduction of the examination nor the Govt. give any kind of financial help in the

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AC No. 1654 of 2020

running of the Institute nor the Govt. give any kind of financial help to the respondent society.

That the society run by the answering respondent/deponent is a private society. It is not funded by any Government nor covered by the RTI Act. Copy of certificate of registration attached herewith.

That the answering respondent/deponent society is a private society registered under the Societies Registration Act, 1860 but this alone does not bring the said society in the purview of public authority within the meaning of Section 2(h) of the RTI Act, 2005.”

Copy of the same is taken on record.

5. Since, the appellant is absent today and he has not been able to prove that the Baba Sheikh Farid Medical Institute for Nursing Kotkapura is a ‘public authority’ within the meaning of Section 2(h) of the RTI Act 2005, hence, the present appeal case is **disposed of and closed**. However the appellant will be at liberty to file fresh RTI application with supported documents to get it declared as a public authority, in case he so wish. Copies of the order be sent to the parties.

Chandigarh
Dated: 26.08.2020

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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Smt Karamjit Kaur, (M- 98724-21401)
W/o Sh Ravinder Singh Dhillon,
#227/2A, Ekta Vihar, Tripri, Patiala

.....Appellant

..Vs

Public Information Officer,
O/o DC, Mansa

First Appellate Authority
O/o ADC(General),Mansa

.....Respondent

AC No. 1663 of 2020
Through CISCO WEBEX

Present: None for the parties.

ORDER

1. The RTI application is dated 16.10.2019 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 23.06.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 26.08.2020 in the Commission.
3. Today neither the Appellant nor the Respondent is present. However, an e-mail has been received from the Appellant as under:-

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਸਬੰਧੀ ਹਵਾਲੇ ਵਾਲੇ ਪੱਤਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਮੇਰਾ ਕੇਸ ਬੈਂਚ ਆਫ ਸ਼੍ਰੀਮਤੀ ਪ੍ਰੀਤੀ ਚਾਵਲਾ, ਸਟੈਟ ਸੂਚਨਾ ਕਮਿਸ਼ਨਰ ਦੇ ਕੋਲ 26/08/2020 ਨੂੰ ਸੁਣਵਾਈ ਲਈ ਲਗਾਇਆ ਹੈ, ਮੈ ਕੈਂਸਰ ਦੀ ਮਰੀਜ਼ ਹਾਂ ਮੇਰੀ ਕਿਮੋਗ੍ਰਾਫੀ ਚੱਲ ਰਹੀ ਹੈ। ਇਸ ਕਰਕੇ ਮੈ ਮਿਤੀ 26/08/2020 ਨੂੰ ਪੇਸ਼ੀ ਤੇ ਹਾਜ਼ਰ ਨਹੀਂ ਹੋ ਸਕਦੀ ਸੋ ਕਿਰਪਾ ਕਰਕੇ ਮੇਰੇ ਵੱਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਰਜਿਸਟਰਡ ਪੱਤਰ ਰਾਹੀਂ ਮੇਰੇ ਘਰ ਦੇ ਪੱਤੇ ਤੇ ਭੇਜੀ ਜਾਵੇ ਜੀ।

Copy of the same is taken on record.

4. This is the first date of hearing and both the parties are not present today. Hence, an opportunity is given to both the parties to appear before the Commission and state their case.

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AC No. 1663 of 2020

5. To come up on 28.10.2020 at 10:30 through **CISCO-WEBEX(Video-Conferencing Application).**

(Usage Steps: Install CISCO Webex<click on JOIN MEETING, Write Meeting Number:919860773)

Sd/-

Chandigarh
Dated: 26.08.2020

(Preety Chawla)
State Information Commissioner
Punjab

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Sh Gurdeep Singh Kahlon, (M:97795-08115)
R/o 947, H.I.G Jamalpur Colony,
Ludhiana-141010

.....Complainant

..Vs

Public Information Officer,
O/o Divisional Commissioner , Patiala Division, Patiala

Remanded Back to

.....Respondent

First Appellate Authority,

O/o Commissioner, Patiala Division,
Patiala

CC No. 355 of 2020

Present: (I) Sh Gurdeep Singh Kahlon, Complainant
(ii) For the Respondent: Sh Kewal Singh, Sr Asstt. (M-9463733131)

ORDERS

1. The RTI application is dated 25.11.2019 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 24.06.2020 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 26.08.2020 in the Commission.
3. The Respondent states that the information has already been sent to the Complainant. They have also filed their replies vide Commission diary no. 9689 dated 10.08.2020, which is taken on record.
4. The Complainant states that he has received the same and he is not satisfied with the same.
5. After going through the file, it is observed that 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

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CC No. 355 of 2020

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 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).

5. 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.

6. 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.

7. 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 case is **disposed of and closed**. Copy of the orders be sent to the parties

sd/-

Chandigarh
Dated: 26.08.2020

(Preety Chawla)
State Information Commissioner
Punjab

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