

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

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Sh. Jarnail Singh, S/o Sh. Gurnam Singh
R/o Bahiman Diwana,
Tehsil and Distt. Bathinda

.....Appellant

..Vs

Public Information Officer,
O/o Joint Registrar, Cooperative Societies,
Ferozpur

First Appellate Authority
O/o Registrar , Cooperative Society Punjab
17 Bays Building, Sector 17, Chandigarh

.....Respondent

AC No. 23 of 2020

Present: (i) Sh. Jarnail Singh the appellant
(ii) For the respondent : Sh. Devinder Pal Singh, Sr. Assistant, Sh. Ankur Sharma, Inspector and Sh. Samuel Masih, Sr. Assistant

ORDER

1. The RTI application is dated 28.08.2019 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 30.10.2019 and second appeal was filed in the Commission on 20.12.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 27.02.2020 in the Commission.
3. Respondent states that he has brought the information today in the Commission, which is handed over to the appellant.
4. The appellant Sh. Jarnail Singh states that he is not satisfied with the information.
5. The PIO is directed to ensure that the information is furnished to the appellant. However, if this information is not available on record, the PIO shall file an affidavit on oath stating the same.

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AC No. 23 of 2020

6. To come up on **05.03.2020 at 11.00 AM through video conference facility in the office of Deputy Commissioner, Bathinda** for further proceedings. The respondent may attend the hearing in the Commission office. Copy of the order be sent to the parties.

Dated : 27.02.2020

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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Sh. Gursewak Singh, S/o Shri Jagjit Singh
Village Chughe Khurd, PO Bahiman Diwana
Tehsil and District Bathinda-151001

.....Appellant

..Vs

Public Information Officer,
O/o Deputy Registrar. Cooperative Societies,
Bathinda

First Appellate Authority
o/o Joint Registrar cooperative Societies,
Ferozepur

.....Respondent

AC No. 24 of 2020

Present: (i) Sh. Gursewak Singh the appellant
(ii) For the respondent : Sh. Ankur Sharma, Inspecor

ORDER

The RTI application is dated 10.09.2019 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 08.11.2019 and second appeal was filed in the Commission on 20.12.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.02.2020 in the Commission.

3. The appellant states that incomplete information has been given to him so far.

4. Respondent states that the information, as exists, in their record has been provided and the remaining information is lying with the "The Chuge Khurd Multi Purpose Cooperative Society, Bathinda" and the same society is not covered under the RTI Act 2005. He further states that the Society has filed his reply.

5. The reply of the Society is taken on record. I have gone through the reply and have agreed with the same.

6. 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 order be sent to the parties.

Sd/-

Dated : 27.02.2020

(Preety Chawla)
State Information Commissioner
Punjab

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Sh. Inderjit Singh, S/o Shri Gurudev Singh
House No. 200, Jhil Part-I, Patiala - 147001

.....Appellant

..Vs

Public Information Officer,
O/o Member Secretary,
Punjab State Faculty Ayurvedic Unani System of
Medicine , Sector 69, Mohali

First Appellate Authority
O/o Member Secretary,
Punjab State Faculty Ayurvedic Unani System of
Medicine , Sector 69, Mohali

.....Respondent

AC No. 76 of 2020

Present: (i) None is present on behalf of the appellant
(ii) For the respondent : Smt. Shalakha, APIO and Smt. Anu, Clerk

ORDER

The RTI application is dated 27.08.2019 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 10.10.2019 and second appeal was filed in the Commission on 27.12.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.02.2020 in the Commission.
3. The respondent states that the information, as exists, in the record has already been sent to the appellant.
4. The appellant is not present today.
5. Since, the appellant is not present and this is the first date of hearing, hence one more opportunity is given to the appellant to appear before the Commission and state his case.
6. To come up on **17.03.2020 at 11.00 AM** for further proceedings. Copy of the order be sent to the parties.

Dated : 27.02.2020

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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Sh. Rajinder Kumar, S/o Sh. Bhagwan Dass,
r/o VPO Gobindgarh, Tehsil Abohar,
Distt. Fazilka

.....Appellant

..Vs

Public Information Officer,
O/o District Food and civil Supplies Officer,
Fazilka

First Appellate Authority
o/o Deputy Director, Food and Civil supplies Department
Fazilka

.....Respondent

AC No. 04 of 2019

Present: (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Pawan Kumar, Inspector

ORDER

The RTI application is dated 20.08.2019 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 10.10.2019 and second appeal was filed in the Commission on 18.12.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.02.2020 in the Commission.

3. The appellant is not present today . The Respondent states that the required information has already been given to the appellant and has shown the acknowledgment given by the appellant in token of having received the information. Copy of the same is taken on record.

4. 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 order be sent to the parties.

Sd/-

Dated : 27.02.2020

(Preety Chawla)
State Information Commissioner
Punjab

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Sh.Sukhwant Singh,
House No. 113 Dhanas, Chandigarh

.....Appellant

..Vs

Public Information Officer,
O/o Director Food and Civil Supplies, Punjab
Annaj Mandi, Sector 39, Chandigarh

First Appellate Authority
O/o Director Food and Civil Supplies, Punjab
Annaj Mandi, Sector 39, Chandigarh

.....Respondent

AC No. 4266 of 2019

Present: (i) Sh. Sukhwant Singh the appellant
(ii) For the respondent: Sh. Kamal Sharma, Supdt-cum-PIO and Sh. Jagdish Kumar, Clerk

ORDER

This order may be read with reference to the previous order dated 06.02.2020 vide which the respondent had sought some time.

2. Today, Sh. Kamal Sharma , Supdt-cum-PIO is appearing and states that he has brought reply in the Commission, the same is as under:-

"the brief facts of this case are that the appellant had sent an application dated 01.04.2019 to the answering department, in which he had requested to supply him some information about Sh. Sarvesh Kumar. The subject of the application of the appellant dated 01.04.2019 was "Notice Under 80 CPC". Section 79 of the Code of Civil Procedure reads as under:-

"Section 79 of Code of Civil Procedure 1908 "Suits By or Against government" In a suit by or against the Government, the authority to be named as plaintiff or defendant, as the case may be, shall be-In the case of a suit by or against the Central government, the union of India, and b) In the case of a suit by or against a State Government, the state."

From the provisions of CPC, it is not mandatory to reply to such notice under 80 CPC . However he has been asked to indicate his cause of action for such notice vide this office letter no. 01/10/2019-11/1551878/1-dated 19.08.2019.3)That it is mentioned here that the application dated 01.04.2019 was not filed by him under the RTI Act. 4) that on 08.07.2019 an application under Right to Information Act, 2005 was received from the appellant vide which he had requested to inform him about the status report of notice served by him upon the officers of this Department under Section 80 CPC. 5) Under this provision of RTI Act, the available information on record is to be supplied and the authorities can't be forced to take a decision. However against his notice u/s 80 CPC

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AC No. 4266 of 2019

asking for information in respect of a third person, he was asked to indicate his cause of action vide letter dated 19.08.2019. 6) that this department has already supplied the information to the appellant as sought by him. Therefore his appeal dated 26.08.2019 was filed by the competent authority. 7) That the appellant vide his appeal has mentioned that he has not received the information sought by him. In this regard it is submitted that the department has already given him reply vide letter dated 21.08.2019 8) that it is further submitted that letter dated 21.01.2019 of the appellant has not been received in the office of answering respondent as per the office record. 9) that the answering respondent has not malafidely denied any information sought by the appellant. The information sought by the appellant has already been supplied to him by the answering respondent vide letter dated 21.08.2019. In such a position, when the information sought by the appellant has already been supplied to the appellant, the appellant is not entitled to invoke the jurisdiction of this Hon'ble Commission. Therefore the appeal preferred by the appellant is liable to be rejected outrightly.

3. Original affidavit is taken on record and the copy of the same is handed over to the appellant. The appellant is directed to go through the same and point out deficiencies on or before the next date of hearing.
4. To come up on **30.03.2020 at 11.00 AM** for further proceedings. Copy of the order be sent to the parties.

Dated : 27.02.2020

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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Sector 16, Chandigarh.

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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

Present : (i) Sh Sarvjeet Singh, Appellant.

(ii) For the respondent : Dr. Sumeet Singh, Medical Officer.

ORDER

This order may be read with reference to the previous order dated 17.02.2020.

2. The appellant Sh. Sarvjeet Singh states that no information has been given to him so far.

3. Respondent states that the information demanded by the appellant is third party information.

4. Respondent is directed to bring complete record in the Commission office on the next date of hearing, thereafter the Commission will decide whether the information will be provided to the appellant or not.

5. **Dr. BeerInder Kaur, SMO is directed to come present on the next date of hearing, failing which action under Section 20 (1) of the RTI act will be initiated.**

6. To come up on **03.03.2020 at 11.00 AM** for further proceedings. Copy of the order be sent to the parties.

Dated : 27.02.2020

Sd/-

(Preety Chawla)

State Information Commissioner
Punjab

Through registered post

CC: Dr. BeerInder Kaur, SMO O/o SMO, Patti, Distt Tarn Taran

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Sector 16, Chandigarh.

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Sh. Satwantbir Singh, S/o S. Kartar Singh
R/o House No. B-7/1131, Near Newe Ashoka Model School
Bathinda Road, Kotakpura

.....Appellant

..Vs

Public Information Officer,
O/o DC, Ferozepur

First Appellate Authority
ADC (G), Ferozepur

.....Respondent

AC No. 169 of 2019

Present: None for the parties.

ORDER

The RTI application is dated 19.07.2019 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 30.08.2019 and second appeal was filed in the Commission on 31.12.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.02.2020 in the Commission.
3. Today neither the appellant nor the respondent is present. This is the first date of hearing, hence one more opportunity is given to both the parties to appear before the Commission and state their case.
4. To come up on **17.03.2020 at 11.00 AM** for further proceedings. Copy of the order be sent to the parties.

Dated : 27.02.2020

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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Sh. Subhash Singhal, R/o 18A,
Kairon Market, Hall Bazar, Amritsar - 143006

.....Appellant

..Vs

Public Information Officer,
O/o Civil Surgeon, Amritsar

First Appellate Authority
O/o Civil Surgeon, Amritsar

.....Respondent

AC No.49 of 2020

Present: (i) Sh. Subhash Singhal the appellant alongwith Sh. Nitesh Singhal
(ii) None is present on behalf of the respondent

ORDER

The RTI application is dated NIL 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 13.05.2019 and second appeal was filed in the Commission on 23.12.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.02.2020 in the Commission.
3. The appellant states that no information has been given to him so far.
4. Respondent is absent today. He has sent a letter that he is unable to attend today's hearing.
5. This is the first date of hearing, hence one more is given to the respondents to appear before the Commission and state their case.
6. To come up on **19.03.2020 at 11.00 AM** through video conference facility in the office of Deputy Commissioner, Amritsar. Copy of the order be sent to the parties.

Dated : 27.02.2020

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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Sector 16, Chandigarh.

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Sh. Naresh Kumar, S/o Sh. Hari Krishan,
House No. NH 318, Mohalla Neela Mahal
PO New Green Market, New Dana Mandi
Jalandhar - 144008

.....Appellant

..Vs

Public Information Officer,
O/o Jalandhar Central Cooperative Bank Ltd.
Jalandhar
First Appellate Authority
O/o Jalandhar Central Cooperative Bank Ltd.
Jalandhar

.....Respondent

AC No. 08 of 2020

Present: (i) Sh. Naresh Kumar the appellant
(ii) None is present on behalf of the respondent

ORDER

The RTI application is dated NIL 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 10.12.2019 and second appeal was filed in the Commission on 14.02.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.02.2020 in the Commission.
3. The appellant states that no information has been given to him so far.
4. The preliminary objection taken by the Respondent is that The Jalandhar Central Cooperative Bank Ltd. is not a 'public authority' within the meaning of Section 2 (h) of RTI Act 2005 and, therefore, is under no obligation to provide the information demanded by the Appellant.
3. It has been brought to my notice that the issue "whether Cooperative Banks are public authorities" is pending adjudication before the Hon'ble Punjab and Haryana High Court, 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/-

Dated : 27.02.2020

(Preety Chawla)
State Information Commissioner
Punjab

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Smt. Kamlesh Rani, W/o Late Shri Jaidarth
R/o Village Banwala, Hanwanta,
Tehsil and Distt. Fazilka

.....Appellant

..Vs

Public Information Officer,
O/o SMO, PHC, Jandwala
Bhim shah, Tehsil and Distt. Fazilka

First Appellate Authority
o/o Civil Surgeon, Fazilka

.....Respondent

AC No. 41 of 2020

Present: (i) Smt. Kamlesh Rani the appellant
(ii) None is present on behalf of the respondent

ORDER

The RTI application is dated NIL 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 20.12.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.02.2020 in the Commission.
3. The appellant states that no information has been given to her so far.
4. Respondent is absent today. He has sent a letter that he is unable to attend today's hearing.
5. This is the first date of hearing, hence one more is given to the respondents to appear before the Commission and state their case.
6. To come up on **19.03.2020 at 11.00 AM** through video conference facility in the office of Deputy Commissioner, Fazilka. Copy of the order be sent to the parties.

Dated : 27.02.2020

(Preety Chawla)
State Information Commissioner
Punjab

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Sh. Lajpat Rai, S/o shri Harbans Sharma
House No. B-3/287, Romana Street
Jaito, Distt. Faridkot

.....Appellant

..Vs

Public Information Officer,
O/o IGP, Ferozepur Range, Ferozepur
First Appellate Authority
O/o IGP, Ferozepur Range, Ferozepur

.....Respondent

AC No. 63 of 2020

Present: (i) Sh. Lajpat Rai the appellant
(ii) For the respondent : Sh. Davinder Singh, ASI-cum-APIO

ORDER

The RTI application is dated 28.09.2019 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 24.12.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.02.2020 in the Commission.

3. The appellant states that wrong information has been given to him so far.

4. Respondent states that the information, as exists, in their record has been provided to the appellant.

5. After hearing both the parties and examining the case file, it is observed that the appellant is not satisfied with the information. Hence, respondent The PIO is directed to ensure that the information is furnished to the appellant. However, if this information is not available on record, the PIO shall file an affidavit on oath stating the same.

6. To come up on **19.03.2020 at 11.00 AM** through video conference in the office of Deputy Commissioner, Faridkot. Copy of the order be sent to the parties.

Sd/-

Dated : 27.02.2020

(Preety Chawla)
State Information Commissioner
Punjab