

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Sh. Amar Nath, House No. 33159,
Street No. 1, Partap Nagar,
Bathinda - 151005

Vs

Public Information Officer,
O/o District Consumer Disputes Redressal Forum,
Faridkot - 151203

.....Complainant

.....Respondent

CC.No. 513 of 2019

_Present: (i) None is present on behalf of the complainant
(ii) For the respondent : Sh.Baj Singh, PIO and Sh. Harinder Singh, Sr. Assistant

ORDER

1. The RTI application is dated 17.04.2018 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 04.06.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 27.08.2019 in the Commission.
3. The complainant is absent. He has sent a letter.
4. Respondent has filed his reply mentioning therein that "*the complainant seeking certain documents in the complaint of Gurdeep Singh. It is pertinent to mention here that for obtaining the documents/ certified copies of documents in respect of a consumer complaint, provisions of Regulation No.21 of the Consumer Protection Regulations 2005 are applicable. The complainant was required to submit the details of documents required by him. Under the RTI application submitted by the complainant, it was not clear as to whether he needed only the copy of complaint or he needed copy of written statement, relied upon documents by the parties to the complaint and copy of final order as well. Thus under these circumstances, the complainant was requested to inspect the concerned consumer complaint file on any working day during office hours and submit the details of documents required vide reply dated 20.05.2019. It is apt to mention here that the information sought by the complainant was never denied to him, whereas he was only requested to comply with Regulation No. 21 of the consumer Protection Regulations, 2005.*

That it is further submitted here that the requisite fee under the RTI could not be assessed, as the requisite fee structure under the Consumer Protection Regulations, 2005 is different from the fee structure under the RTI Act. Under the Punjab Right to information Rules, 2005, the requisite fee is Rs. 2/- for each page in A-4 or A-3 size paper, created or copied; and actual charge or cost price

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CC.No. 513 of 2019

of a copy in large size paper, whereas under Regulation No. 21 of the Consumer Protection Regulations 2005, the prescribed fee for obtaining certified copy of final order is Rs, 20/- irrespective of number of pages; Rs. 20/- per document i.e. complaint, written reply and relied upon documents etc. upto 5 pages and if any such document of which certified copy is sought, is over and above 5 pages, an extra amount of rupee one is chargeable over and above the fee of twenty rupees; and for obtaining certified copy of any miscellaneous order passed by the consumer forum, prescribed fee is Rs. 5/- per copy."

5. I have gone through the reply of the respondent and have agreed with the same. The appellant is directed to visit the office of the respondent on any working day and obtain the information after payment of requisite fee, if he wants so. The respondent is directed to provide the same to the appellant after payment.

6. With these directions, the appeal filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Chandigarh
Dated: 27.08.2019

(Preety Chawla)
State Information Commissioner

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Sh. Sher Singh, S/o Shri Bahal Singh
Village Jang, PO Jhok Tehal Singh
Block Mamdot, Tehsil and Distt. Ferozepur

.....Complainant

Vs

Public Information Officer,
O/o District Food and Civil Supplies Controller
Ferozepur

.....Respondent

CC.No. 505 of 2019

_Present: (i) Sh. Sher Singh alongwith Sh. Gurpreet Singh
(ii) For the respondent : Sh.Mangal Preet Singh, Inspector

ORDER

The RTI application is dated 12.02.2019 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 28.05.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 27.08.2019 in the Commission.
3. Respondent states that the information has been sent to the complainant on 24.08.2019.
4. The complainant states that he has not received any information so far.
5. The respondent has also brought another copy of information. I have gone through the same and not satisfied with the same. Therefore, the complainant is directed to visit the office of the respondent on **03.09.2019 at 11.00 AM** , inspect the record and obtain the information. The respondent is directed to provide the same to the complainant.
6. To come up on **18.09.2019 at 11.00 AM**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 27.08.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Sh. Harvinder Singh, S/o Shri Sarban Singh
House No. M C B Z – 6-01163,
Street No. 34B, Mohali

.....Complainant

Vs

Public Information Officer,
O/o Additional Chief Secretary Cooperation, Punjab
Punjab Civil Sectt. 2, Sector 9,
Chandigarh

.....Respondent

CC.No. 503 of 2019

_Present: (i) None is present on behalf of the complainant
(ii) For the respondent: Sh. Prem Chand, Sh. Vikram Kumar, Clerk and Smt. Balwinder Kaur, Sr. Assistant

ORDER

The RTI application is dated 06.08.2018 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 29.05.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.08.2019 in the Commission.
3. Smt. Balwinder Kaur, Sr Assistant is appearing on behalf of (Coop 2 Branch) states that the information, as exists, in the record has been provided to the complainant. Regarding remaining information, they have transferred the RTI of the complainant to the PIO, o/o MILKFED. Respondent, o/o MILKFED states that they have also sent information to the complainant. He has also given in writing that nothing is left in their office record.
4. The complainant is absent today.
5. Moreover, the attention of the complainant is drawn to the decision of the Hon'ble Supreme Court of India dated 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010) wherein it has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. As per the above decision of the Hon'ble Supreme Court of India, the Information Commission has a power to receive and enquire into the complaint of any person who has been refused access to any information requested under this Act (section 18 (1)(b)) or has been given incomplete, misleading or false information under the

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CC.No. 503 of 2019

Act (Section 18(1)(e) or has not been given a response to a request for information or access to information within time limits specified under the Act (Section 18(1)(c)).

6. In view of the foregoing, no cause of action is left, the complaint case filed by the complainant is therefore **disposed of and closed**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 27.08.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Sh. Raghvir Singh, # 368,
Block A, Ranjit Avenue,
Amritsar

.....Complainant

Vs

Public Information Officer,
O/o Principal Secretary to Punjab
Government Food Civil Supplies and Consumer Affairs, Punjab
Punjab Civil Sectt-2, Sector 9, Chandigarh

.....Respondent

CC.No. 502 of 2019

_Present: (i) Sh.Raghvir Singh the complainant
(ii) For the respondent : Sh.Surinder Singh, Senior Assistant

ORDER

The RTI application is dated 05.03.2019 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 29.05.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 27.08.2019 in the Commission.
3. Respondent states that he has brought the information today in the Commission which is handed over to the complainant
4. The complainant has gone through the same and states that incomplete information has been given to him so far. The Respondent agrees that the same will be supplied to the complainant
5. The complainant expressed his satisfaction over the same and stated that he had no objection if the case is disposed of accordingly.
6. On the assurance of the respondent, the complaint case filed by the complainant is **disposed of and closed**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
Dated: 27.08.2019

(Preety Chawla)
State Information Commissioner

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Smt.Amandeep Kaur,
D/o Sh. Resham Singh,
House No. 39/3, Saheed Baba Deep Singh Nagar
Jalandhar - 144012

Vs

.....Appellant

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

First Appellate Authority
O/o Director Health and Family Welfare, Punjab
Parivar Kalyan Bhawan, Sector 34
Chandigarh

.....Respondent

AC.No. 2021 of 2019

_Present: (i) Sh.Parminster Singh on behalf of the appellant
(ii) For the respondent : Sh. Vikram Batish, Sr. Assistant, Sh.Gupreet Singh, Sr. Assistant
and Sh.Balbir Singh, Clerk

ORDER

The RTI application 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 03.06.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.08.2019 in the Commission.

3. Sh. Parminder Singh is appearing on behalf of the appellant. He states that the appellant has received incomplete information.

4. After hearing both the parties it is observed that the appellant has demanded personal file and service book of Dr. Ajay Bagga, Retired Civil Surgeon, Shaheed Bhagat Singh Nagar and he has received personal file Sh. Ajay Bagga but not received copy of service book. Respondent has shown consent of third party i.e.Dr. Ajay Bagga that his information should not be disclosed. The appellant may take note that the service book is third party information, hence front page of service book can be provided to the appellant. Therefore, the respondent is directed to provide front page of service book to the appellant. The respondent has agreed to provide the same.

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AC.No. 2021 of 2019

5. The appellant expressed his satisfaction over the same and stated that he had no objection if the case is disposed of accordingly. Therefore the appeal case filed by the complainant is **disposed of and closed**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 27.08.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Sh. Chaman Lal Jindal,
S/o Shri Tirath Dass Jindal
333, Sector A, Aggar Nagar, Ludhiana

Vs

Public Information Officer,
O/o Registrar Cooperative Societies,
Sector 17, Bays Building, Chandigarh

.....Appellant

.....Respondent

CC.No. 534 of 2019

_Present: (i) Sh.Pankaj Jindal on behalf of the complainant
(ii) for the respondent: Sh.Samuel Masih, Sr. Assistant and Sh. Harshveer Singh,
Inspector

ORDER

The RTI application is dated 08.04.2019 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 10.06.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 27.08.2019 in the Commission.
3. Respondent states that since an enquiry into the complaint is pending, the information cannot be provided.
4. Respondent is directed to file the same on the affidavit on the next date of hearing.
5. To come up on **19.09.2019 at 11.00 AM**. Copy of the order be sent to the parties.

Chandigarh
Dated: 27.08.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Sh. Harkeerat Singh, # 74
Punjab Judges and Officers Enclave,
Sector 77, Mohali

Vs

.....Appellant

Public Information Officer,
O/o Registrar Cooperative Societies, Punjab
Sector 17D, Chandigarh
First Appellate Authority
o/o Secretary
Cooperative Societies
Sector 17D, Chandigarh

.....Respondent

AC.No.584 of 2019

_Present: (i) Sh. Ram Sharan on behalf of the appellant
(ii) For the respondent : Sh.Jasvinder Singh, ARCS,Mohali, Sh. Kanwar Puneet Singh, Inspector and Sh.Jujhar Singh, Inspector

ORDER

This order may be read with reference to the previous order dated 17.07.2019 vide which the appellant was directed to visit the office of the respondent and inspect the record.

2. Sh. Ram Sharan is appearing on behalf of the appellant and states that he is not satisfied with the information.
3. After hearing both the parties, it is ascertained that the representative of the appellant is not satisfied with the information. Hence, on request of him, one more opportunity is given to the appellant to visit the office of the respondent and inspect the record on any working day with prior appointment.
4. PIO is directed to personally appear before the Commission on the next date of hearing.
5. To come up on **18.09.2019 at 11.00 AM**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
Dated: 27.08.2019

(Preety Chawla)
State Information Commissioner

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Sh. Jasbir Singh, Village Bolapur
Jhabewal, Post Office Ramgarh
District Ludhiana

Vs

.....Appellant

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

.....Respondent

AC.No. 2002 of 2019

_Present: (i) None for the Appellant.
(ii) For the Respondent: Sh Parveen Kumar, Sr Asstt.

ORDER

The RTI application is dated 23.02.2019 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 03.06.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.08.2019 in the Commission.
3. The Appellant is not present today.
4. The Respondent states that the complete information has already been sent to the Appellant. He has also brought a copy of the information today, which is taken on record.
5. The perusal of the file shows that the information sent by the Respondent is complete. The appellant can collect the same from the Commission office on any working day. Hence, no further cause of action is left. Therefore, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Chandigarh

Dated: 27.08.2019

Sd/-
(Preety Chawla)

State Information Commissioner

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Sh. Sunil Kumar, S/o Shri Kewal Krishan,
Village Nurpur Bedi, Distt. Ropar

.....Complainant

Vs

Public Information Officer,
O/o SMO, PHC, Singhpur
Nurpurbedi

.....Respondent

CC.No. 514 of 2019

_Present: (i) Sh Sunil Kumar, Complainant
(ii) For the Respondent: Sh Shiv Kumar, SMO

ORDER

The RTI application is dated 01.03.2019 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 31.05.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 27.08.2019 in the Commission.
3. The complainant states that he has not received the information till date.
4. The Respondent states that the information sought by the Complainant is related to a third-party. The Complainant states that he is not satisfied with the same.

5. After hearing both the parties, 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 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).

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CC.No. 514 of 2019

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.

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 case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Chandigarh
Dated: 27.08.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Smt. Gurmeet Kaur Kwatra, Advocate
E-457, Ground Floor, Greater Kailash-II,
New Delhi- 110048

Vs

Public Information Officer,
O/o Civil Hospital, Pathankot

.....Complainant

.....Respondent

CC.No. 537 of 2019

_Present: (i) Sh Gurmeet Kaur Kwatra, the Complainant.
(ii) For the Respondent: Sh Madhur Mattu, MO and Sh Satish Kumar, Clerk

ORDER

The RTI application dated 23.02.2019 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 03.06.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.08.2019 in the Commission.

3. The Respondent states that the information has already been provided to the Appellant.

4. The complainant states that the information provided to her is not complete and she is not satisfied with the same.

5. The Respondent further states that they have brought the original record today and the complainant may inspect the same. The complainant states that due to her ill-health she shall not be able to inspect the record. She further states that she will visit the office of the Respondent in the second week of September and inspect the record. The Respondent has agreed to the same.

6. Today, both the parties mutually agreed that the complainant shall visit the office of the respondent on **9th or 10th of September, 2019 at 11:00AM** with prior intimation, inspect the relevant records, identify the documents copies whereof are required by her; and the respondent shall provide copies thereof, according to her RTI application, in accordance with the relevant provisions of the RTI Act, 2005.

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CC.No. 537 of 2019

7. To come up on **16.09.2019 at 11:00 AM**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 27.08.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Sh. Prem Kumar, S/o shri Chandu Lal
R/o S/o Chandu Lal, House No. 500/15AB,
Street 3, Jagraon, Distt.Ludhiana

.....Complainant

Vs

Public Information Officer,
O/o DFSC, Food and Civil Supply Department
Corporation Office, BRS Nagar, Ludhiana

.....Respondent

CC.No. 539 of 2019

Present: (i) None for the Complainant.
(ii) For the Respondent: Sh Simrat Singh, Inspector

ORDER

1. The RTI application is dated 04.04.2019 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 12.06.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 27.08.2019 in the Commission.
3. The complainant is not present today.
4. The Respondent files his reply as under:-

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਵੇਖਣੀ ਹੋਈ
ਮੌਜੂਦਾ ਮਿਤੀ 27-08-2019 ਨੂੰ ਫੌਜ ਨੂੰ 539/2019 ਨੰਬਰ
ਪੁੱਛ ਗਿਣਤੀ ਪੁੱਛੇ ਗਏ ਸ਼ਾਮਲ ਫਾਈਲਾਂ ਮਗਰੋਂ ਦੇ ਫੌਜ ਵਿੱਚ
ਵਿਸ਼ਲੇਸ਼ਣ ਹੋਣਾ ਹਾਂ ਜੋ ਉਪਰੋਕਤ ਫੌਜ ਵਿੱਚ ਮੌਜੂਦਾ ਮਿਤੀ
ਮਗਰੋਂ ਮੌਜੂਦਾ ਮਿਤੀ ਨੂੰ ਫੌਜ ਦੇ ਫੌਜ ਵਿੱਚ
ਫੌਜ ਦੇ ਫੌਜੀਆਂ ਜਾਂਦਾ ਹੈ ਜੋ ਮਿਤੀ ਮਗਰੋਂ ਮਗਰੋਂ
ਮਿਤੀ ਮਗਰੋਂ ਮਿਤੀ ਮਗਰੋਂ ਮਿਤੀ ਮਗਰੋਂ ਮਿਤੀ ਮਗਰੋਂ

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CC.No. 539 of 2019

5. Respondent is directed to file the same on affidavit on the next date of hearing.
6. To come up on **18.09.2019 at 11:00AM**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 27.08.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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