

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

**Ph: 0172-2864116, Email: - [psic26@punjabmail.gov.in](mailto:psic26@punjabmail.gov.in)**

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Smt. Alka Gupta,  
W/o Sh. Manoj Kumar Garg,  
H.No.418, Ward No.12, Ram Piyari,  
Mansa.

...Appellant

Versus

**Public Information Officer,**  
O/o DEO (EE),  
Mansa.

**First Appellate Authority**  
o/o DEO (EE),  
Mansa.

...Respondent

## **APPEAL CASE NO. 4290 OF 2019**

**PRESENT:** None is present on behalf of the appellant.  
Sh. Jaspal Kumar, Accountant on behalf of the respondent.

### **ORDER:**

This order may be read with reference to the previous order dated 22.01.2019.

2. A letter has been received from the appellant in the Commission by email mentioning therein that due to unavoidable circumstances, she cannot attend today's hearing and has also informed that complete information has not been supplied to her by the respondent.

3. The respondent states that he has already supplied the information to the appellant which was available in their office record.

4. After going through the record as available in the file, it is ascertained that the respondent has supplied the complete information to the appellant but she has not pointed out specific point. Moreover, the appellant has not attended any of the hearing in the Commission. The Right to Information Act has been passed to enable a citizen to access information. But the fact remains that RTI act is information sharing forum and not a problem solving mechanism. Under the RTI Act information can be accessed by a citizen but for redressal of her grievance recourse lies somewhere else. This is a case of grievance of the appellant who has attempted to find redressal thereof by filling second appeal in the

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**APPEAL CASE NO. 4290 OF 2019**

Commission. The perception of the appellant that use of RTI Act can be employed as a mechanism for redressal of her grievance is beyond the paradigm of the Act. The Commission advises the appellant to approach the competent forum or Court for redressal of her grievance as it is unable to go outside the jurisdiction stipulated by the RTI Act. In wake of aforementioned, this Appeal Case is hereby devoid of merit and hence **closed and disposed of**. Copies of the order be sent to the parties.

**Chandigarh  
28.02.2019**

Sd/-  
**(Prof. Viney Kapoor Mehra)  
State Information Commissioner**

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Sh. Gorav Gupta,  
H.No.2474, Sector:37/C,  
Chandigarh.

...Complainant

Versus

**Public Information Officer,**  
O/o Environment Engineer,  
Punjab Pollution Control Board,  
Plot No.55, Phase-II, S.A.S.Nagar.

...Respondent

## **COMPLAINT CASE NO. 1217 OF 2018**

**PRESENT:** (i) Sh. Gorav Gupta, the complainant.  
(ii) Sh. Harsimran Singh, AEE is present on behalf of the respondent.

### **ORDER**

This order may be read with reference to the previous order dated 15.01.2019.

2. The complainant states that till today, complete information has not been supplied to him by the PIO.

3.. The respondent files written reply today in the Commission mentioning therein the RTI application of the complainant is dated 29.08.2018 and first reply has been sent to the complainant on 15.10.2018 and finally complete information has been supplied to him on 08.01.2019. He further states that he has joined in the office on 27.11.2018 and area under complaint was shifted to him on 28.11.2018. He further adds that the RTI application of the complainant is not specific and at today's hearing, the complainant states that he will supplied the same today itself. Whenever, he will receive the clarification from the complainant, the information will be supplied to him, within one week, without any delay.

4. 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 titled Chief Information Commissioner and Another Vs. State of Manipur and Another (arising out of SLP © No.32768-32769/2010) wherein it has been 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*

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## COMPLAINT CASE NO. 1217 OF 2018

*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 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 the complaint cases, it is to be seen whether the intention of the respondent-PIO is clear or not. In this case, the complainant has filed RTI on 29.08.2018 and the respondent-PIO has sent the first reply on 15.10.2018 after the delay of one and half month. The respondent is warned to be careful in future while dealing with the RTI applications. Both the parties have mutually agreed that this complaint case may please be closed, as the information will be supplied to the complainant within one week after receiving the clarification from the complainant.

7. On the assurance of the respondent, this complaint case is **closed and disposed off**. Copies of the order be sent to the parties.

Chandigarh  
28.02.2019

Sd/-  
(Prof. Viney Kapoor Mehra)  
State Information Commissioner

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Dr. Shivraj Singh,  
# 38/B, Sarabha Nagar,  
Bhadson Road, Patiala.

...Appellant

Versus

**Public Information Officer,**  
O/o Managing Director,  
National Health Mission,  
5<sup>th</sup> Floor, Paryas Building,  
Sector:38/B, Chandigarh.

**First Appellate Authority**  
o/o Managing Director,  
National Health Mission,  
5<sup>th</sup> Floor, Paryas Building,  
Sector:38/B, Chandigarh.

...Respondent

## APPEAL CASE NO. 4247 OF 2019

### **PRESENT:**

- (i) None is present on behalf of the appellant.
- (ii) Sh. Amit Sharma, Program Assistant-cum-APIO is present on behalf of the respondent.

### **ORDER:**

This order may be read with reference to the previous order dated 22.01.2019.

2. The appellant is absent for today's hearing.
3. The respondent states that as per the directions of the Commission, the attested copy of the information has been sent to the appellant by registered post on 14.02.2019. Copy of the same is taken on record.
4. After hearing the respondent and perusing the record, it is ascertained that the information has been supplied to the appellant by registered post on 14.02.2019. The appellant is absent for today's hearing, it is presumed that he has received the information and is satisfied.
5. In view of the above, no further cause of action is left in the instant Appeal Case, which is hereby, **disposed off and closed**. Copies of the order be sent to the parties.

Sd/-

Chandigarh  
28.02.2019

(Prof. Viney Kapoor Mehra)  
State Information Commissioner

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Smt. Anguri Devi,  
W/o Sh. Baldev Krishan,  
H.No.138, Ward No.17,  
Mahesh Nagar, Dhuri, Distt:Sangrur.

...Appellant

Versus

**Public Information Officer,**  
O/o Senior Medical Officer,  
Punjab Health System Corporation,  
Civil Hospital, Dhuri, Distt:Sangrur.

## First Appellate Authority

o/o Director,  
Health & Family Welfare Deptt.,  
Punjab, Chandigarh.

...Respondent

### Appeal Case No. 4269 of 2018

**PRESENT** : (i) Sh. Pardeep Kumar is present on behalf of the appellant.  
(ii) None is present on behalf of the respondent.

### ORDER

This order may be read with reference to the previous order dated 22.01.2019.

2. The appellant has authorized Sh. Pardeep Kumar to appear on her behalf for today's hearing. The representative of the appellant states that till today, no information has been supplied to him by the respondent.

3. Neither the PIO is present for today's hearing nor has sent any reply, which shows that he has no regard to the orders of the Commission.

4. Looking at the lackadaisical and highly irresponsible attitude of **the PIO o/o SMO, Civil Hospital, Dhuri, Distt: Sangrur** is directed to show cause in writing or through affidavit under Section 20(1) of the RTI Act, as to why penalty be not imposed upon him for willful delay/ denial of the information to the RTI applicant and why the compensation be not awarded to the appellant under Section 19 (8)(b) of the Act for detriment suffered.

5. In addition to his submission, the PIO is also hereby given an opportunity under Section 20(1) proviso, thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may note that in case he does not file his submission and does not avail

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**Appeal Case No. 4269 of 2018**

himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex-parte. The PIO is also directed that what action has been taken by the department for the loss of record. The report be submitted on the next date of hearing.

6. The matter to come up for further hearing now on **10.04.2019 at 11.00AM**. Copies of the order be sent to the parties.

Sd/-

Chandigarh  
28.02.2019

(Prof. Viney Kapoor Mehra)  
State Information Commissioner

**Note:** *After the hearing was over, Dr. Sukhbir Singh, PIO, the respondent appeared. He stated that as per the directions of the Commission, during the last hearing, he has brought the original record. The respondent is directed to bring this record on the next date of hearing again and file an affidavit in response to the show cause notice.*

Sd/-

Chandigarh  
28.02.2019

(Prof. Viney Kapoor Mehra)  
State Information Commissioner

**CC: Dr. Sukhbir Singh, PIO o/o SMO, Civil Hospital, Dhuri, Distt Sangrur. (Regd. Post)**

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Sh. Mukhtiar Singh,  
S/o Sh. Deep Singh,  
Village & Post Office Vallah,  
Tehsil & Distt: Amritsar.

...Appellant

Versus

**Public Information Officer,**  
O/o SMO, Civil Hospital,  
Lopoke, Amritsar.

**First Appellate Authority**  
o/o Civil Surgeon,  
Amritsar.

...Respondent

## **Appeal Case No. 4276 of 2018**

**PRESENT :** (i) Sh. Shubham Mehta, Advocate alongwith Sh. Mukhtiar Singh, the appellant.  
(ii) Dr. Pankaj Gill, Medical officer on behalf of the respondent.

## **ORDER**

This order may be read with reference to the previous order dated 22.01.2019.

2. The appellant states that till today, complete information has not been supplied to him by the respondent. He further states that the respondent stated that this information is third party information, which cannot be supplied. The appellant has also shown the public interest in writing, today in the Commission that how he has a affected party. Copy of the same is taken on record.

3. Dr. Renu Bhatia, PIO-cum-SMO is directed to appear personally alongwith the original record relating to the RTI application of the appellant, on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

4. The matter to come up for further hearing now on **10.04.2019 at 11.00PM**. Copies of the order be sent to the parties.

**Chandigarh**  
**28.02.2019**

Sd/-  
**(Prof. Viney Kapoor Mehra)**  
**State Information Commissioner**

**CC: Smt. Renu Bhatia, PIO-cum-SMO, Civil Hospital, Lopoke, Distt: Amritsar. (Regd. Post)**



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

...Appellant

Versus

**Public Information Officer,**  
O/o District Attorney,  
Barnala.

**First Appellate Authority**  
o/o District Attorney,  
Barnala.

...Respondent

## Appeal Case No. 4226 of 2018

**PRESENT:** (i) None is present on behalf of the appellant.  
(ii) Sh. Aseem Kumar, DDA is present on behalf of the respondent.

### **ORDER**

This order may be read with reference to the previous order dated 22.01.2019.

2. The appellant is absent for today's hearing.
3. The respondent states that as per the directions of the Commission, complete information has been supplied to the appellant on 13.02.2019 by registered post.
4. After hearing the respondent and perusing the record, it is ascertained that the information which was pointed out by the appellant, during the last hearing, has been supplied to him by registered post on 13.02.2019. The appellant is absent for today's hearing, it is presumed that he has received the information and is satisfied.
5. In view of the above, no further cause of action is left in the instant Appeal Case, which is hereby, **disposed off and closed**. Copies of the order be sent to the parties.

Sd/-

**Chandigarh**  
**28.02.2019**

**(Prof. Viney Kapoor Mehra)**  
**State Information Commissioner**

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Sh. Manpreet Singh,  
H.No.180, Mistrain Wali Gali,  
VPO:Badal, The Malout, Distt:Sri Mukatsar Sahib.

...Appellant

Versus

**Public Information Officer,**  
O/o SMO,  
Civil Hospital, Giddarbaha.

**First Appellate Authority**  
o/o Civil Surgeon,  
Sri Mukatsar Sahib.

...Respondent

## **APPEAL CASE NO. 4236 OF 2018**

**PRESENT:** (i) None is present on behalf of the appellant.  
(ii) Sh. Jashanpreet Singh, M.O and Sh. Sarabjit Singh, Jr. Assistant on behalf of the respondent.

### **ORDER:**

This order may be read with reference to the previous order dated 22.01.2019.

2. The appellant is absent for today's hearing.

3. Sh. Jashanpreet Singh, M.O is appearing on behalf of the respondent and files self declaration stating that the complete information as per the official record has already been supplied to the appellant on 20.09.2018 by registered post. He further adds that he was called by the FAA time and again, but he did not turned up.

4. After hearing the respondent and perusing the record, it is ascertained that the complete information has already been supplied to the appellant and respondent has also fled self declaration in this regard today in the Commission, which is taken on record. The appellant has not attended any of the hearing in the Commission. During the last hearing, the appellant was advised to follow up his case failing which it shall be presumed that he is satisfied with the response of the respondent sent to him vide letter dated 20.09.2018. At today's hearing, he is again absent without any intimation, which shows that he is satisfied with the information and does not want to pursue his case.

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**APPEAL CASE NO. 4236 OF 2018**

5. In view of the above, no further cause of action is left in the instant Appeal Case, which is, hereby, **disposed off and closed**. Copies of the order be sent to the parties.

Sd/-

**Chandigarh  
28.02.2019**

**(Prof. Viney Kapoor Mehra)  
State Information Commissioner**

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Sh. Pawan Kumar Sharma, Adv.  
S/o Late Sh. Bhagwant Kishore,  
Kothi No.585,Phase-2, MOhali..

...Appellant

Versus

**Public Information Officer,**  
O/o DPI (Primary),  
District Project Director,  
Sarv Sikhiya Abhiyan,  
Second Floor, Rood No.362,  
District Administrative Complex,  
Sector:76, SAS Nagar.  
Punjab, Mohali.

**First Appellate Authority**  
o/o DPI (Primary),  
District Project Director,  
Sarv Sikhiya Abhiyan,  
Second Floor, Rood No.362,  
District Administrative Complex,  
Sector:76, SAS Nagar.  
Punjab, Mohali.

...Respondent

## **Appeal Case No. 3184 of 2018**

**PRESENT:** (i) Sh. Pawan Kumar Sharma, the appellant.  
(ii) Smt. Bhupinder kaur, Suptd. On behalf of the respondent.

### **ORDER**

This order may be read with reference to the previous order dated 15.01.2019.

2. The appellant states that the information relating to point nos. 2, 3 and 6 has not been supplied to him by the respondent.

3. The respondent o/o DEO (EE), Mohali files reply today in the Commission stating that the RTI application of the appellant was sent to their office on 06.07.2018 by the DPI(EE), Mohali with the directions to provide the information to the appellant under intimation to the head office and they have supplied the same to the appellant on 26.07.2018 by registered post on point nos. 1,5 and 7.

4. The PIO o/o DPI (EE), Mohali is directed to appear personally on the next date of hearing alongwith the original record relating to the RTI application of the appellant, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

Contd...p-2

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**Appeal Case No. 3184 of 2018**

5. The respondent-PIO o/o DPI(EF), Mohali is directed to file a written point-wise reply in this regard, before the next date of hearing with a copy to the appellant.

6. The matter to come up for further hearing now on **10.04.2019 at 11.00AM**. Copies of the order be sent to the parties.

**Chandigarh  
28.02.2019**

*Sd/-*  
**(Prof. Viney Kapoor Mehra)**  
**State Information Commissioner**

# PUNJAB STATE INFORMATION COMMISSION

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Sh. Jaspal Singh,  
# 2542, Mariwala Town,  
Manimajra.

...Appellant

Versus

**Public Information Officer,**  
O/o Tehsildar,  
Chamkaur Sahib, Distt: Ropar.

**First Appellate Authority**  
o/o Deputy Commissioner,  
Ropar.

**Public Information Officer,**  
O/o BDPO,  
Morinda.

...Respondent

## Appeal Case No. 3347 of 2018

**PRESENT:** (i) None is present on behalf of the appellant.  
(ii) Sh. Sadhu Pal, Suptd., Sh. Sanjeev Kumar, Panchayat Secy., and Sh. Ram Tehsildar, on behalf of the respondent.

## ORDER

This order may be read with reference to the previous order dated 17.01.2019.

2. The appellant is absent for today's hearing.
3. Sh. Sanjeev Kumar, Panchayat Secy., is appearing on the behalf of the BDPO, Morinda and states that the similar Appeal Case No. 3348/2018 has been decided by the Hon'ble SIC, Sh. Yashvir Mahajan. He further states that complete information has been supplied to him.
4. After hearing the respondent and perusing the record, it is ascertained that the appellant has neither attended any of the hearing in the Commission nor any correspondence has been received from him, which shows that he is not interested in pursuing the case. The appellant is advised to visit the office of the respondent on any working day and inspect the record. The respondent is directed to facilitate the inspection to the appellant and supply the documents, free of cost which will be pointed out by him but not more than 50 pages. If the appellant demands more than 50 pages, the documentation fee will be paid by him.
5. With these directions, the instant Appeal Case is hereby, **disposed off and closed**.  
Copies of the order be sent to the parties.

Chandigarh  
28.02.2019

Sd/-  
(Prof. Viney Kapoor Mehra)  
State Information Commissioner

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