

Shri Jagdeep Singh, S/o Shri Kulwant Singh, Village Laadpur (Sh), Tehsil Amloh, Distt. Fatehgarh Sahib.

..... Appellant

Vs

Public Information Officer, O/o Block Dev. & Panchayat Officer, Amloh, Distt. Fatehgarh Sahib.

First Appellate Authority, O/o Distt. Dev. & Panchayat Officer, Fatehgarh Sahib.

.....Respondent

# Appeal Case No. 2616 of 2021

# Present:-Shri Jagdeep Singh, appellant is present.<br/>Shri Balkar Singh, Suptd. along with Shri Bhupinder Singh, Panchayat Secretary,<br/>O/o Block Dev. & Panchayat Officer, Amloh, Distt. Fatehgarh Sahib is present.

# ORDER

Shri Jagdeep Singh, appellant filed RTI application dated 29.10.2020 and sought some information from the SPIO, O/o Block Dev. & Panchayat Officer, Amloh, Distt. Fatehgarh Sahib. When no information was provided to the appellant by the SPIO, then he filed First Appeal before the First Appellate Authority on 11.12.2020. Then he filed Second Appeal before the Punjab State Information Commission on 04.06.2021. The case was registered and allocated to the Bench. Notice of hearing was issued to both the parties for today through **CISCO Webex Meetings Software.** 

Both the parties are present today. The appellant stated that no information has been provided to him by the SPIO.

The respondents stated that the information is ready to be provided to the appellant and assured the Commission that the complete information will be provided to the appellant by tomorrow positively.

So, the SPIO is directed that the attested copies of sought for information be provided to the appellant by hand within 2 days and get receipt from the appellant that he has received the information and he is satisfied with the information and send compliance to the Commission. With this observation the present appeal case is **disposed of and closed**.

(Avtar Singh Kaler) State Information Commissioner, Punjab.

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..... Appellant

.....Respondent

Vs

Public Information Officer, O/o Head Master, Govt. High School, Chughe Khurd, Distt. Bathinda.

First Appellate Authority, O/o Distt. Education Officer (SE), Bathinda.

# 1749/5029, Gali No. 4-B,

Nai Basti, Bathinda.

# Appeal Case No. 2634 of 2021

**Present:-** Shri Jai Kishan is present on behalf of Smt. Raj Bala, appellant. Shri Krishan Kumar, Hindi Master is present on behalf of Smt. Sunita, SPIOcum-Head Mistress, Govt. High School, Chughe Khurd, Distt. Bathinda.

# ORDER

Smt. Raj Bala, appellant filed RTI application dated 19.03.2021 and sought some information from the SPIO, O/o Head Master, Govt. High School, Chughe Khurd, Distt. Bathinda. A reply was sent to her by the SPIO vide letter no.592 dated 17.04.2021 and the information sought by her was denied by the SPIO U/s 8(1)(j) of the RTI Act, 2005. But not satisfied with the reply of the SPIO, the appellant filed First Appeal before the First Appellate Authority on 23.04.2021. Then she filed Second Appeal before the Punjab State Information Commission on 04.06.2021. The case was registered and allocated to the Bench. Notice of hearing was issued to both the parties for today through **CISCO Webex Meetings Software**.

Shri Jai Kishan is present on behalf of the appellant and Shri Krishan Kumar, Hindi Master is present on behalf of the respondent SPIO.

The representative of the appellant stated that the sought for information has not been provided to the appellant by the SPIO.

The respondent stated that the information sought by the appellant is personal information of third party and hence cannot be provided to the appellant.

I have gone through the RTI application dated 19.03.2021 and also discussed about the sought for information with both the parties. The appellant sought information regarding salary and property detail of the staff of the school.

The information sought by the appellant has rightly been denied by the SPIO as he has sought personal information of the third party, which is exempted U/s 8(1)(j) of the Right to Information Act, 2005.

So, the present appeal case is disposed of and closed with the direction to the SPIO that only the information regarding Basic pay + D.A. be sent to the appellant through registered post within 2 days and compliance report be sent back to the Commission. With this observation the present appeal case is **disposed of and closed**.

Shri Rawinder Sharma, H.No. 919, Street No.4, Harkrishan Nagar, Chhehrata, Amritsar.



..... Appellant

Vs

Public Information Officer, O/o Distt. Education Officer (SE), Patiala.

First Appellate Authority, O/o Distt. Education Officer (SE), Patiala.

# .....Respondent

# Appeal Case No. 2641 of 2021

**Present:-** Shri Rawinder Sharma, appellant is present. Ms. Sarabjit Kaur, Jr. Asstt. is present on behalf of Shri Tara, Singh, SPIO-cum-Suptd., O/o Distt. Education Officer (SE), Patiala.

#### ORDER

Shri Rawinder Sharma, appellant filed RTI application dated 24.02.2021 and sought some information from the SPIO, O/o Distt. Education Officer (SE), Patiala. A reply was sent to him by the SPIO vide letter no.124 dated 18.03.2021 and the information sought by him was denied by the SPIO U/s 8(2)(f) of the RTI Act, 2005 being third party information. But not satisfied with the reply of the SPIO, the appellant filed First Appeal before the First Appellate Authority on 05.04.2021. Then he filed Second Appeal before the Punjab State Information Commission on 07.06.2021. The case was registered and allocated to the Bench. Notice of hearing was issued to both the parties for today through **CISCO Webex Meetings Software.** 

Both the parties are present today.

The appellant stated that the sought for information has not been provided to him by the SPIO.

The respondent stated that the information sought by the appellant is related with the third party and hence cannot be provided to the appellant.

The appellant requested that he requires this information for his employment and he will be satisfied if only the information regarding the category certificates of the candidates named Shri Balwinder Singh and Shri Jatinder Singh Parmar as mentioned in his RTI application be provided to him.

So, the SPIO is directed that the information regarding the category certificates of the candidates named Shri Balwinder Singh and Shri Jatinder Singh Parmar as mentioned by the appellant in his RTI application dated 24.02.2021 be sent to the appellant through registered post today itself and compliance report be sent back to the Commission. With this observation the present appeal case is **disposed of and closed**.

PUNJAB STATE INFORMATION COMMISSION Red Cross Building, Near Rose Garden, Sector 16, Chandigarh. Ph: 0172-2864119, Email: - psic29@punjabmail.gov.in Visit us: - www.infocommpunjab.com Shri Bittu, S/o Om Kumar, Village Bholapur, Jhabewal,



..... Appellant

Vs

Public Information Officer, O/o Commissioner of Police, Ludhiana.

P.O. Ramgarh, Distt. Ludhiana.

First Appellate Authority, O/o Commissioner of Police, Ludhiana

.....Respondent

#### Appeal Case No. 2645 of 2021

Present:- Shri Bittu, appellant is absent. ASI Tarsem Lal-1689/LDH is present on behalf of the SPIO, O/o Commissioner of Police, Ludhiana.

# ORDER

Shri Bittu, appellant filed RTI application dated 10.12.2020 and sought some information from the SPIO, O/o Commissioner of Police, Ludhiana. When no information was provided to him by the SPIO, then he filed First Appeal before the First Appellate Authority on 23.02.2021. A reply was sent to him by the SPIO vide letter dated 10.03.2021 and the information sought by him was denied by the SPIO U/s 8(1)(h) of the RTI Act, 2005. Then he filed Second Appeal before the Punjab State Information Commission on 07.06.2021. The case was registered and allocated to the Bench. Notice of hearing was issued to both the parties for today through **CISCO Webex Meetings Software.** 

The appellant is absent today, whereas the respondent is present on behalf of the SPIO and he stated that the appellant was contacted to collect the sought for information and he has sent Shri Jasbir Singh on his behalf, who collected the information on 14.09.2021.

The Commission has received an e-mail sent by the SPIO, which is copy of letter no. AC-2645 dated 28.09.2021 along with a copy of duly signed receiving executed by Shri Jasbir Singh, the representative of the appellant.

I have gone through letter no. AC-2645 dated 28.09.2021 and it is submitted by the SPIO that the appellant was contacted to collect the sought for information and he has sent Shri Jasbir Singh on his behalf, who collected the information on 14.09.2021. I have also gone through the duly signed receiving executed by Shri Jasbir Singh, who has received the information on behalf of the appellant.

As the SPIO has provided the sought for information to the appellant and resolved the matter involved in the RTI application, so the present appeal case is **disposed of and closed.** 

Shri Ramesh Kumar, S/o Shri Dyal Chand, # 1749/5029, Gali No. 4-B, Nai Basti, Bathinda.



..... Appellant

Vs

Public Information Officer, O/o Head Master, Govt. High School, Chughe Khurd, Distt. Bathinda.

First Appellate Authority, O/o Distt. Education Officer (SE), Bathinda.

.....Respondent

# Appeal Case No. 2655 of 2021

Present:- Shri Jai Kishan is present on behalf of Ramesh Kumar, appellant. Shri Krishan Kumar, Hindi Master is present on behalf of Smt. Sunita, SPIOcum-Head Mistress, Govt. High School, Chughe Khurd, Distt. Bathinda.

ORDER

Shri Ramesh Kumar, appellant filed RTI application dated 15.03.2021 and sought some information from the SPIO, O/o Head Master, Govt. High School, Chughe Khurd, Distt. Bathinda. A reply was sent to him by the SPIO vide letter no.593 dated 17.04.2021 and the information sought by him was denied by the SPIO U/s 8(1)(j) of the RTI Act, 2005. But not satisfied with the reply of the SPIO, the appellant filed First Appeal before the First Appellate Authority on 23.04.2021. Then he filed Second Appeal before the Punjab State Information Commission on 04.06.2021. The case was registered and allocated to the Bench. Notice of hearing was issued to both the parties for today through **CISCO Webex Meetings Software.** 

Shri Jai Kishan is present on behalf of the appellant and Shri Krishan Kumar, Hindi Master is present on behalf of the respondent SPIO.

The representative of the appellant stated that the sought for information has not been provided to the appellant by the SPIO.

The respondent stated that the information sought by the appellant is personal information of third party and hence cannot be provided to the appellant.

I have gone through the RTI application dated 15.03.2021 and also discussed about the sought for information with both the parties. The appellant sought information regarding the staff of the school.

So, the present appeal case is **disposed of and closed** with the direction to the SPIO that the reply/information be sent to the appellant through registered post within 2 days and compliance report be sent back to the Commission. With this observation the present appeal case is **disposed of and closed**.

PUNJAB STATE INFORMATION COMMISSION Red Cross Building, Near Rose Garden, Sector 16, Chandigarh. Ph: 0172-2864119, Email: - psic29@punjabmail.gov.in Visit us: - www.infocommpunjab.com Shri Ajay Kumar, S/o Late Shri Ram Rakha, H.No. 1346, Gali No.1, Radha Swami Colony, Fazilka.



..... Appellant

Public Information Officer, O/o Secretary, Punjab School Education Board, SAS Nagar.

First Appellate Authority, O/o Secretary,Punjab School Education Board, SAS Nagar.

.....Respondent

#### Appeal Case No. 1851 of 2021

**Present:-** Shri Ajay Kumar, appellant is present. Smt. Rakesh Khullar, Suptd. is present on behalf of the SPIO, O/o Secretary, Punjab School Education Board, SAS Nagar.

Vs

#### ORDER

Shri Ajay Kumar, appellant filed RTI application dated 18.11.2020 and sought some information from the SPIO, O/o Secretary, Punjab School Education Board, SAS Nagar. When no information was provided to the appellant by the SPIO, then he filed First Appeal before the First Appellate Authority on 31.12.2020. A reply was sent to him by the SPIO vide letter dated 19.02.2021. But not satisfied with the reply of the SPIO, the appellant filed Second Appeal before the Punjab State Information Commission on 09.04.2021. The case was registered and allocated to the Bench. Notice of hearing was issued to both the parties for today through **CISCO Webex Meetings Software.** 

Both the parties are present today. The appellant stated that the sought for information has not been provided to him by the SPIO.

The respondent stated that the appellant sought information from the office of the Secretary, Punjab School Education Board regarding the appointment letter and salary register of the Principal of a particular school, which is not available with this office as the concerned school was not affiliated with the Board since 1998, rather it was affiliated up to middle standard in the year 2001-02 and up to matriculation in the year 2007-08, so the information cannot be provided to the appellant. She further stated that the said reply has already been sent to the appellant vide dispatch no.96 dated 05.05.2021. The respondent further submitted that the information sought by the appellant relates with the office of the Distt. Education Officer, Fazilka.

The Commission has received an e-mail sent by the SPIO, which is a copy of reply sent by the SPIO. I have gone through the said reply and the above mentioned facts have been submitted by the SPIO.

So, the present appeal case is **disposed of and closed** with the observation that the appellant is at liberty to file fresh RTI application with the office of District Education Officer, Fazilka to get the sought for information.

#### (Avtar Singh Kaler) State Information Commissioner, Punjab.



Smt. Kiran Sharma, S/o Late Shri Jagdish Sharma, Street No. 42, Preet Nagar, Shimlapuri, Ludhiana.

..... Complainant

Vs

Public Information Officer, O/o S.H.O., Police Station, Shimlapuri, Ludhiana. ....

.....Respondent

#### Complaint Case No. 454 of 2021

**Present:-** Shri Sushil Kumar is present on behalf of Smt. Kiran Sharma, complainant / applicant. ASI Jarnail Singh, O/o S.H.O., Police Station, Shimlapuri, Ludhiana is present.

# ORDER

Smt. Kiran Sharma, complainant/applicant filed RTI application dated 06.03.2021 and sought some information from the SPIO, O/o S.H.O., Police Station, Shimlapuri, Ludhiana. When no information was provided to him by the SPIO, then he filed complaint against the SPIO before the Punjab State Information Commission on 09.04.2021. The case was registered and allocated to the Bench. Notice of hearing was issued to both the parties for today through **CISCO Webex Meetings Software.** 

Shri Sushil Kumar is present on behalf of the complainant/applicant and ASI Jarnail Singh, O/o S.H.O., Police Station, Shimlapuri, Ludhiana is also present.

The respondent stated that the information has been sent to the applicant on 22.09.2021 through registered post.

On the other hand the representative of the complainant-applicant stated that the sought for information has not been provided.

The Hon'ble Supreme Court of India in its Order rendered on 12.12.2011 in Civil Appeal Nos. 10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010) 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. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case. The matter is remanded to the First Appellate Authority to take appropriate decision after hearing both the parties and examining the record brought on file.

The parties shall appear before the First Appellate Authority-cum-Commissioner of Police, Ludhiana on 26.10.2021 at 11:00 A.M. who will decide the matter in accordance with the provisions of the RTI Act within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order.

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The complainant has filed complaint and he stated that he has filed RTI application for seeking information and no information has been provided to him by the SPIO and he requested that he has filed complaint just to get the information and now he requires the information.

So, as per the circumstances, the complaint does not lie and is **disposed of** with the direction that the applicant will appear before the First Appellate Authority-cum-Commissioner of Police, Ludhiana on 26.10.2021 and the First Appellate Authority should resolve the matter preferable within 15 days and pass a speaking order.

Dated: 29.09.2021

(Avtar Singh Kaler) State Information Commissioner, Punjab

(Regd.) : Copy to : Commissioner of Police, Ludhiana.

- for taking further necessary action.

Encl: Copy of RTI application.



Shri Sushil Kumar, H.No. 1410, Phase-1, Urban Estate, Dugri Road, Ludhiana.

..... Complainant

Vs

Public Information Officer, O/o S.H.O., Police Station, Shimlapuri, Ludhiana.

.....Respondent

#### Complaint Case No. 455 of 2021

Present:- Shri Sushil Kumar, complainant/applicant is present.

ASI Jarnail Singh, O/o S.H.O., Police Station, Shimlapuri, Ludhiana is present.

#### ORDER

Shri Sushil Kumar, complainant/applicant filed RTI application dated 19.02.2021 and sought some information from the SPIO, O/o S.H.O., Police Station, Shimlapuri, Ludhiana. When no information was provided to him by the SPIO, then he filed complaint against the SPIO before the Punjab State Information Commission on 09.04.2021. The case was registered and allocated to the Bench. Notice of hearing was issued to both the parties for today through **CISCO Webex Meetings Software.** 

Both the parties are present.

The respondent stated that the information has been sent to the applicant on 22.09.2021 through registered post.

On the other hand the complainant-applicant stated that the sought for information has not been provided.

The Hon'ble Supreme Court of India in its Order rendered on 12.12.2011 in Civil Appeal Nos. 10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010) 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. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case. The matter is remanded to the First Appellate Authority to take appropriate decision after hearing both the parties and examining the record brought on file.

The parties shall appear before the First Appellate Authority-cum-Commissioner of Police, Ludhiana on 26.10.2021 at 11:00 A.M. who will decide the matter in accordance with the provisions of the RTI Act within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order.

The complainant has filed complaint and he stated that he has filed RTI application for seeking information and no information has been provided to him by the SPIO and he requested that he has filed complaint just to get the information and now he requires the information.

So, as per the circumstances, the complaint does not lie and is **disposed of** with the direction that the applicant will appear before the First Appellate Authority-cum-Commissioner of Police, Ludhiana on 26.10.2021 and the First Appellate Authority should resolve the matter preferable within 15 days and pass a speaking order.

Dated: 29.09.2021

(Avtar Singh Kaler) State Information Commissioner, Punjab

(Regd.) : Copy to : Commissioner of Police, Ludhiana.

- for taking further necessary action.

Encl: Copy of RTI application.

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Shri Gurpreet Singh, JE (PSPCL), C/o 66 KV Grid Bhalaiana, Tehsil Gidderbaha, Distt. Sri Muktsar Sahib-152010.

..... Appellant

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Public Information Officer, O/o Secretary, School Education, Punjab, Mohali.

First Appellate Authority, O/ Secretary, School Education, Punjab, Mohali.

.....Respondent

# Appeal Case No. 1466 of 2021

**Present:-** Shri Gurpreet Singh, appellant is absent. Shri Subhash Kumar, Sr. Asstt. O/o Distt. Education Officer (SE), Fazilka is present.

# ORDER

Shri Gurpreet Singh, appellant filed RTI application dated 14.08.2020 and sought some information from the SPIO, O/o Secretary, School Education, Punjab, Mohali.

# Today the case is heard through CISCO Webex Meetings Software.

The appellant is absent today, whereas Shri Subhash Kumar, Sr. Asstt. O/o Distt. Education Officer (SE), Fazilka is present and he stated that in compliance to the Order dated 31.08.2021, the sought for information has been sent to the appellant by concerned schools through registered post vide memo no. 173/2021 dated 04.09.2021, Memo no. 300 dated 04.09.2021 and Memo No. 8 dated 06.09.2021.

The Commission has received an e-mail sent by the SPIO, O/o District Education Officer (SE), Fazilka which is a copy of letter no. 317651 dated 15.09.2021 along with copy of memo no. 173/2021 dated 04.09.2021, copy of memo no. 8 dated 06.09.2021 and copy of memo no. 300 dated 04.09.2021.

As the SPIO has complied with the Order of the Commission and sent the sought for information to the appellant vide the above referred memo numbers and resolved the matter involved in the RTI application, so the present appeal case is **disposed of and closed**.

> (Avtar Singh Kaler) State Information Commissioner, Punjab.



Shri Sukhpal Singh Gill, Village Sehjaad, P.O. Jodha, Tehsil & Distt. Ludhiana.

Vs

..... Complainant

Public Information Officer, O/o Director, Rural Development & Panchayat Deptt., Punjab, Mohali.

.....Respondent

# Complaint Case No. 569 of 2021

Present:- Shri Sukhpal Singh Gill, complainant/applicant is absent. None present on behalf of the SPIO, O/o, Director, Rural Development & Panchayat Deptt., Punjab, Mohali.

#### ORDER

Shri Sukhpal Singh Gill, complainant/applicant filed RTI application dated 15.03.2021 and sought some information from the SPIO, O/o Director, Rural Development & Panchayat Deptt., Punjab, Mohali.

# Today the case was heard through CISCO WEBEX SOFTWARE.

Both the parties are absent today.

The SPIO though is absent today, but he has sent an e-mail to the Commission, which is a copy of letter no. 193-94 dated 23.09.2021 addressed to Sh. Sukhpal Singh Gill, applicant.

I have gone through the said letter vide which the SPIO has sent the information to the applicant regarding point no. 2 to 6 of the RTI application and regarding information related with point no. 1 of the RTI application the SPIO stated that whenever the information will be traced out the same will be provided to the applicant.

So, the present complaint case is **disposed of and closed** with the observation that in case the applicant is not satisfied with the information sent by the SPIO, then he is at liberty to appear before the **First Appellate Authority**-cum-Director, Rural Development & Panchayat Deptt., Punjab, Mohali on **26.10.2021** and the First Appellate Authority would hear both the parties and resolve the matter involved in the RTI application and pass a speaking order accordingly.

Dated: 29.09.2021

(Avtar Singh Kaler) State Information Commissioner, Punjab.

(Regd.) : Copy to : Director, Rural Development & Panchayat Deptt., Punjab, Mohali.

- for taking further necessary action.

Encl: Copy of RTI application.

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Shri Sukhpal Singh Gill, Village Sehjaad, P.O. Jodha, Tehsil & Distt. Ludhiana.

Vs

..... Complainant

Public Information Officer, O/o Director, Rural Development & Panchayat Deptt., Punjab, Mohali.

.....Respondent

# Complaint Case No. 571 of 2021

**Present:-** Shri Sukhpal Singh Gill, complainant/applicant is absent. Shri Kuldeep Singh, Patwari, O/o BDPO, Raikot is personally present.

#### ORDER

Shri Sukhpal Singh Gill, complainant/applicant filed RTI application dated 15.03.2021 and sought some information from the SPIO, O/o Director, Rural Development & Panchayat Deptt., Punjab, Mohali.

# Today the case is heard through CISCO WEBEX SOFTWARE.

The applicant is absent today, whereas the respondent is personally present along with the attested copies of information.

I have gone through the Order dated 01.09.2021. The complainant/applicant was absent on that date, whereas the respondent was present and he stated that the information sought by the complainant-applicant relates with the office of the SPIO-cum-E.O., Panchayat Samiti, Pakhowal and the SPIO-cum-E.O., Panchayat Samiti, Raikot. He further stated that the SPIO-cum-E.O., Panchayat Samiti, Pakhowal has sent the sought for information to the applicant, but the information related with the office of the SPIO-cum-E.O., Panchayat Samiti, Raikot is still pending. So, the SPIO was directed that the attested copies of remaining information be sent to the applicant within 10 days and compliance be sent to the Commission.

Today the complainant-applicant is absent without any intimation to the Commission whereas the respondent O/o BDPO, Raikot has come present along with the sought for information.

As the applicant is absent today, so the respondent is directed that the attested copies of sought for information be sent to the applicant through registered post within 2 days and compliance report be sent to the Commission. With this observation the present complaint case is **disposed of and closed**.