

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden  
Sector:16, Chandigarh  
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Sh. Dilawar Singh,  
S/o Sh. Gurdev Singh,  
Village Khurdan, Tehsil: Balachaur,  
P.O: Chaniani Khurd, SBS Nagar.

...Appellant

Versus

**Public Information Officer,**  
O/o S.S.P,  
Nawanshahar.

**First Appellate Authority**  
o/o Inspector General of Police,  
Ludhiana Range, Ludhiana.

...Respondent

## **Appellant CASE NO. 3495 OF 2018**

**PRESENT:** (i) Sh.Dilawar Singh, the appellant.  
(ii)Sh. Amarjit Singh, ASI on behalf of the respondent.

### **ORDER**

The RTI application is dated 11.04.2018 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 12.07.2018 and second appeal was filed in the Commission on 12.10.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of the Commission has been sent to the parties for today's hearing i.e. 29.11.2018.

3. The appellant states that till today, no information has been supplied to him by the respondent.

4. The respondent files reply to the Notice of the Commission mentioning therein that the information regarding point no. 1 and 2 of call details has been asked by the appellant, which cannot be supplied to the appellant as per the Section 8(1) of the RTI Act and information regarding point no. 3 is query, which is also exempted under the RTI Act, 2005.

5. The respondent is directed to bring the original record, in the Commission, on the next date of hearing for the perusal of the Commission. The PIO should personally appear, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

Contd...p-2

6. The matter to come up for further hearing on **19.12.2018 at 11.00AM.**

Copies of the order be sent to the parties.

Sd/-

**Chandigarh  
29.11.2018**

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

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Sh. Sohan Lal,  
S/o SH. Laxman Ram,  
VPO: Jagatpur, Block:Mukandpur,  
Distt: SBS Nagar.

...Appellant

Versus

**Public Information Officer,**  
O/o Civil Surgeon,  
Ludhiana.

**First Appellate Authority**  
o/o Director,  
Health & Family welfare,  
Punjab, Chandigarh.

...Respondent.

## Appeal Case No. 2354 of 2018

**PRESENT:** None for the parties.

### ORDER

This order may be read with reference to the previous order dated 05.10.2018.

2. A letter has been received from the appellant in the Commission vide diary no. 23156 dated 16.11.2018 mentioning therein that till today, satisfactory information has not been supplied to him by the respondent.

3. Neither the PIO is present for today's hearing nor has filed any reply to the notice of the Commission. During the last hearing, the PIO was directed to appear personally but at today's hearing, he is again absent, which shows that he has no regard to the orders of the Commission.

4. Looking at the lackadaisical and highly irresponsible attitude of the respondent-PIO o/o **Civil Surgeon, Ludhiana** is directed to show cause as to why penalty @ 250/-per day be not imposed upon him/her under Section 20 (1) of the RTI Act and why the appellant be not compensated for the harassment suffered by him.

5. The respondent-PIO is directed to file a written point-wise an affidavit in this regard, before the next date of hearing.

6. He may also make use of the next date of hearing for his personal hearing as well under the principles of natural justice and explain his conduct and status of the appeal to enable the Commission to arrive at a reasonable/logical conclusion in the matter.

Contd...p-2

7. The matter to come up for further hearing now on **23.01.2018** at **11.00AM**. Copies of the order be sent to the parties.

Sd/-

**Chandigarh  
29.11.2018**

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

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Sh. Ashok Kumar Joshi,  
S/o Sh. Hari Krishan Joshi,  
R/o Near Baba PUra Ji, Mohalla,  
Sarafa Raho, Distt: SBS Nagar.

...Appellant

Versus

**Public Information Officer,**  
O/o Deputy Commissioner,  
SBS Nagar.

**First Appellate Authority**  
o/o Deputy Commissioner,  
SBS Nagar.

...Respondent

## **Appeal Case No. 3492 of 2018**

**PRESENT:** (i) Sh. Ashok Kumar Joshi, the appellant.  
(ii) Sh. Anil Narayan, Operator on behalf of the respondent.

### **ORDER**

The RTI application is dated 23.07.2018 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 28.08.2018 and second appeal was filed in the Commission on 11.10.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 29.11.2018 in the Commission.

3. The appellant states that till today, no information has been supplied to him by the respondent.

4. The respondent has not filed any reply to the Notice of the Commission and has also not provided the required information within the stipulated time as prescribed under the RTI Act, 2005.

5. Looking at the lackadaisical and highly irresponsible attitude of the respondent-PIO o/o Director, Health and Family welfare, Punjab, Chandigarh is directed to show cause as to why penalty @ 250/-per day be not imposed upon him/her under Section 20 (1) of the RTI Act and why the appellant be not compensated for the harassment suffered by him.

Contd...p-2

6. The respondent-PIO is directed to file a written point-wise an affidavit in this regard, before the next date of hearing.

7. It is observed that the respondents are being represented by very low level officials who are not in a position to satisfy the Commission and the appellant. From the next date of hearing, no person below the PIO or APIO will be allowed to appear. He may also make use of the next date of hearing for his personal hearing as well under the principles of natural justice and explain his conduct and status of the appeal to enable the Commission to arrive at a reasonable/logical conclusion in the matter.

8. The matter to come up for further hearing now on **23.01.2019 at 11.00AM**. Copies of the order be sent to the parties.

**Chandigarh  
29.11.2018**

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

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Sh. Dhiraj Kumar Kutharia,  
# 3-D, Rajguru Nagar, Ludhiana.

...Appellant

Versus

**Public Information Officer,**  
O/o Food Safety Deptt.,  
o/o Civil Surgeon Office,  
Taylor Road, Amritsar.

**First Appellate Authority**  
o/o Food Safety Deptt.,  
o/o Civil Surgeon Office,  
Taylor Road, Amritsar.

...Respondent

## **Appeal Case No. 3472 of 2018**

**PRESENT:** (i) Sh. Dhiraj Kumar Kutharia, the appellant.  
(ii) Smt. Gagandeep Kaur, FSO, on behalf of the respondent.

## **ORDER**

The RTI application is dated 22.06.2018 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 21.08.2018 and second appeal was filed in the Commission on 09.10.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 29.11.2018 in the Commission.

3. The appellant states that he has received the information from the respondent today in the Commission and is satisfied. He has given in writing that this case may please be closed.

4. The respondent files reply to the Notice of the Commission, which is taken on record.

5. After hearing both the parties and perusing the record, it is ascertained that the information which has been sought by the appellant stands supplied to him by the respondent with which, he is satisfied and wants to close the case. No further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed.** Copies of the order be sent to the parties.

Chandigarh  
29.11.2018

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

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Sh. Yogesh Mahajan,  
S/o Sh. Kuldeep Raj Mahajan,  
President of Anti Corruption Council,  
Opposite water Tank, Municipal Market,  
Mission Road, Pathankot.

Appellant

Versus

**Public Information Officer,**  
O/o Civil Surgeon,  
Amritsar.

**First Appellate Authority**  
o/o Deputy Director,  
health & Family Welfare, Punjab,  
Chandigarh.

Respondent

## **Appeal Case No. 2292 of 2018**

**PRESENT:** (i) None is present on behalf of the appellant.  
(ii) Sh. Jagtar Singh, Sr. Assistant and Sh. Amarpal Singh Malhi, Drug Inspector on behalf of the respondent.

### **ORDER**

This order may be read with reference to the previous order dated 05.10.2018.

2. The appellant is absent for today's hearing and was absent on the last hearing also.

3. The respondent states that the RTI application of the appellant was received in their office on 10.05.2018 and information has been sent to the appellant vide letter dated 14.05.2018 by ordinary post and again sent to him by registered post on 22.11.2018.

4. After examining the reply filed by the respondent, it is ascertained that the respondent has not supplied the information on each and every point of the RTI application. The respondent is directed to provide the complete information regarding point no. 1 and 6 also to the appellant within one week and Assistant Civil Surgeon, Amritsar is also directed to appear personally, on the next date of hearing alongwith the written reply in response to the orders of the Commission, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

Contd...p-2



5. The First Appellate authority i.e Deputy Director, Health & Family welfare, Punjab, Chandigarh is also directed to appear personally, on the next date of hearing.

6. Last opportunity is given to the appellant to follow up his case in the Commission, failing which decision shall be taken on merits.

7. The matter to come up for further hearing now on **23.01.2019 at 11.00AM**.  
Copies of the order be sent to the parties.

Sd/-

**Chandigarh  
29.11.2018**

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

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Sh. Avtar Singh,  
S/o Late Sh. Daljit Singh,  
VPO: Chuharwali, Distt:Jalandhar.

Appellant

Versus

**Public Information Officer,**  
O/o Civil Surgeon,  
Jalandhar.

**First Appellate authority**  
o/o Civil Surgeon,  
Jalandhar.

Respondent

## Appeal CASE NO. 2351 OF 2018

**PRESENT:** (i) None is present on behalf of the appellant.  
(ii) Sh. Mandeep Singh, Jr. Assistant and Dr. S.S.Mann, ACS is present on behalf of the respondent.

### ORDER

This order may be read with reference to the previous order dated 05.10.2018.

2. The appellant is absent for today's hearing and was also absent during the last hearing.

3. The PIO files reply to the show cause notice today in the Commission mentioning therein that the information regarding point no. 3 and 4 was provided by the with the Food Safety Officer o/o Civil Surgeon and information regarding point no. 2 was provided by the Suptd. Incharge Health Branch and information regarding point no. 1, was to be supplied by the Suptd. Incharge Establishment Branch. He further submits that complete information has been supplied by all of the officers and has apologized for the delay in supplying the information.

4. The perusal of the record reveals that in this case, the appellant has tried his best to get the information from the PIO who failed to provide the information to the applicant. He has been made to run from pillar to post for getting the information, which he could not get even after the notice was issued by the Commission in the second appeal. He has suffered unnecessary detriments/harassment in getting the information at the hands of the PIO.

Contd..p-2

5. I have also looked into all the facts and circumstances of the case. In my view this is a fit case, where award of compensation under Section 19 (8) (b) is also called for. I have no doubt in my mind that this state of affairs has also come about on account of the absence of adequate machinery for handling the RTI work in the o/o **Civil Surgeon, Jalandhar** is thus, responsible for the inadequate handling of the RTI requests and in the instant case as well. **I, therefore, order that compensation of Rs. 2,000/- (Rs. Two thousand only)** be paid to the appellant for the detriments suffered by him. This amount shall be payable from the funds of the o/o **Civil Surgeon, Jalandhar** by way of Demand Draft to the appellant within one month.

6. The perusal of the record reveals that the department had not implemented the Section 4 of the RTI Act, 2005. According to Section 4, it is mandatory for every public authority shall maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerized, within a reasonable time and subject to availability of resources, computerized and connect through a network all over the country on different systems, so that access to such records is facilitated.

7. The case is adjourned for **23.01.2019 at 11:00 AM**. Copies of the order are sent to the parties.

**Chandigarh  
29.11.2018**

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

**Through registered post**

**CC: Sh. S.S.Mann, Additional Civil Surgeon o/o Civil Surgeon, Jalandhar.**

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Sh. Rakesh Sharma,  
S/o Sh. Bhupinder Sharma,  
# 182/12, Main Bazar Katra,  
Parja, I/s Hathi Gate, Amritsar.

-----Appellant

Vs.

**Public Information Officer**  
o/o Director School Education (EE),  
Mohali.

**First Appellate Authority**  
o/o Secretary Education,  
Deptt Branch, 4, Punjab,  
Chandigarh.

...Respondents

## **Appellant Case No. 2247 of 2018**

**PRESENT:** Sh. Rakesh Sharma, the appellant.  
Smt. Kusum Devi, Sr. Assistant on behalf of the respondent.

### **ORDER:**

This order may be read with reference to the previous order dated  
05.10.2018.

2. The appellant states that till today, no information has been supplied  
to him by the respondent.

3. The PIO has authorized Smt. Kusum Devi, Sr. Assistant to appear on  
her behalf for today's hearing. The respondent files self declaration of the PIO  
mentioning therein that the information as per office rules has been supplied to the  
appellant.

4. During the last hearing, the PIO was directed to appear personally and  
file an affidavit but at today's hearing, neither the PIO is present nor has filed affidavit,  
which shows that she has no regard to the orders of the Commission.

5. Last opportunity is given to the PIO to appear personally and file an  
affidavit duly attested by the higher authorities, on the next date of hearing, failing which  
action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. The case is adjourned for **23.01.2019 at 11:00 AM**. Copies of the  
order are sent to the parties.

Chandigarh  
29.11.2018

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

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Col. F.S.Dehal (Retd),  
# 491, Phase-1-B, Shivalik Avenue,  
Naya Nangal, Distt:Ropar.

Appellant

Versus

**Public Information Officer,**  
O/o Municipal Council,  
Naya Nangal, Distt: Ropar.

**First Appellate authority**  
o/o Deputy Director,  
Urban Local Bodies, Ludhiana.

Respondent

## Appeal Case No. 2224 of 2018

**PRESENT:** (i) Col F.S.Dehal, the appellant.  
(ii) Sh. Paramjit Singh, ATP and Dr. S.S.Dhaliwal, Advocate on behalf of the respondent.

## ORDER

This order may be read with reference to the previous order dated 05.10.2018.

2. The appellant states that till today, no information has been supplied to him by the respondent.

3. Dr. S.S.Dhaliwal, Advocate is appearing alongwith Sh. Paramjit Singh, ATP and files reply in response to the show cause notice but not on the affidavit.

4. After going through the record, as available in the file, it is ascertained that the RTI application is dated 08.12.2017 and first reply has been sent to the appellant vide letter dated 02.05.2018, after the delay of five months, which has been admitted by the respondent with which the appellant is not satisfied with the reply of the respondent.

5. The perusal of the record reveals that in this case, the appellant has tried his best to get the information from the PIO who failed to provide the information to the applicant. He has been made to run from pillar to post for getting the information, which he could not get even after the notice was issued by the Commission in the second appeal. He has suffered unnecessary detriments/harassment in getting the information at the hands of the PIO.

Contd..p-2

6. I have also looked into all the facts and circumstances of the case. In my view this is a fit case, where award of compensation under Section 19 (8) (b) is also called for. I have no doubt in my mind that this state of affairs has also come about on account of the absence of adequate machinery for handling the RTI work in the o/o **Municipal Council, Naya Nangal, Distt: Ropar** is thus, responsible for the inadequate handling of the RTI requests and in the instant case as well. **I, therefore, order that compensation of Rs. 5,000/- (Rs. Five thousand only) be paid to the appellant for the detriments suffered by him. This amount shall be payable from the funds of the o/o Municipal Council, Naya Nangal, Distt: Ropar by way of Demand Draft to the appellant within one month. Both the parties have mutually sought the next date of hearing i.e. 20.12.2018, as the similar case is pending before the same Bench on the same date.**

7. The PIO is also directed to file an affidavit in response to the show cause notice on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

8. On the request of both the parties, the case is adjourned for **20.12.2018 at 11:00 AM**. Copies of the order be sent to the parties.

**Chandigarh  
29.11.2018**

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

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Sh.Narinder Kumar Bitta,  
S/o SH. Rai Sahib, H.No.2438-A,  
Street No.2, Shri Guru Nanak Nagar,  
Near 16 Acre, Barnala.

Appellant

Versus

**Public Information Officer,**  
O/o Deputy Commissioner,  
Barnala.

**First Appellate Authority**  
o/o Additional Deputy Commissioner,(G)  
Barnala.

Respondent

## Appeal CASE NO. 1863 OF 2018

**PRESENT :** Sh. Narinder Kumar Bitta, the appellant.  
Sh. Sukhwant Singh, Clerk on behalf of the respondent.

### **ORDER:**

This order may be read with reference to the previous order dated 05.10.2018.

2. The appellant states that till today, no information has been supplied to him by the respondent.

3. The respondent files self declaration of Sh. Karamjit Singh, PCS, Assistant Commissioner, General-cum- PIO o/o Deputy Commissioner, Barnala, which is taken on record.

4. After going through the record as available in the file, it is ascertained that the RTI application dated 12.02.2018 received in o/o Deputy Commissioner, Barnala on 13.02.2018 and RTI application has been sent to the concerned branch on 16.02.2018. The reply has been received from the concerned branch on 07.03.2018 and the same has been sent to the appellant on 09.03.2018 that the information which has been sought by him does not available in their office.

5. After received the reply of the respondent, the appellant file second appeal before the First Appellate Authority i.e. ADC, Barnala on 21.03.2018 and decision has been given by the FAA on 18.04.2018 that the information on point no. 1 is not available in their record and information regarding point no. 2 is related with

Contd....p-2

the SDM, Barnala and the same has been transferred to them under Section 6(3) of the RTI Act, on 09.05.2018. Copy of the decision of FAA has been sent to the appellant on 20.04.2018.

6. The PIO o/o SDM, Barnala has also sent the reply to the Commission on 20.08.2018, which has been received on 27.08.2018 mentioning therein that the reply to the appellant has been sent to him vide letter dated 07.06.2018 that the information regarding point no. 2 has already been supplied to him on 25.04.2018 that no such information is available in their office, the same may be at the level of Deputy Commissioner, Sangrur.

7. The perusal of the record reveals that the RTI application has not been dealt properly. The Deputy Commissioner, Barnala is directed to conduct the inquiry against the erring officials who are responsible for the loss of the record. Sh. Karamjit Singh, PCS, Assistant Commissioner, General-cum- PIO is directed to appear personally alongwith an affidavit, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated. The PIO is also directed to retrieve the information on point no. 2 from the o/o SDM, Barnala and provide the same to the appellant, before the next date of hearing. The copy of the original self declaration is handed over to the appellant, today in the Commission.

8. The case is adjourned for **23.01.2019 at 11:00 AM**. Copies of the order be sent to the parties.

**Chandigarh  
29.11.2018**

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

**Through registered post**

**CC:** Sh. Karamjit Singh, PCS, Assistant Commissioner, General-cum- PIO o/o Deputy Commissioner, Barnala,



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Sh.Narinder Kumar Bitta,  
S/o SH. Rai Sahib, H.No.2438-A,  
Street No.2, Shri Guru Nanak Nagar,  
Near 16 Acre, Barnala.

Appellant

Versus

**Public Information Officer,**  
O/o Deputy Commissioner,  
Barnala.

**First Appellate Authority**  
o/o Additional Deputy Commissioner,(G)  
Barnala.

Respondent

## **Appeal CASE NO. 1868 OF 2018**

**PRESENT :** Sh. Narinder Kumar Bitta, the appellant.  
Sh. Sukhwant Singh, Clerk on behalf of the respondent.

### **ORDER:**

This order may be read with reference to the previous order dated 05.10.2018.

2. The appellant states that till today, no information has been supplied to him by the respondent.

3. The respondent files self declaration of Sh. Karamjit Singh, PCS, Assistant Commissioner, General-cum- PIO o/o Deputy Commissioner, Barnala, which is taken on record.

4. After going through the record as available in the file, it is ascertained that the RTI application dated 12.03.2018 received in o/o Deputy Commissioner, Barnala on 14.03.2018 and RTI application has been sent to the concerned branch on 15.03.2018. The reply has been received from the concerned branch on 05.04.2018 and the same has been sent to the appellant on 09.04.2018 that the information which has been sought by him on two points does not available in their office.

5. After received the reply of the respondent, the appellant file second appeal before the First Appellate Authority i.e. ADC, Barnala on 13.04.2018 and decision has been given by the FAA on 09.05.2018 that the information which has been sought by him on two points does not available in their office. Copy of the decision of FAA has been sent to the appellant on 18.05.2018.

Contd...p-2

6. The perusal of the record reveals that the RTI application has not been dealt properly. The Deputy Commissioner, Barnala is directed to conduct the inquiry against the erring officials who are responsible for the loss of the record and send the report to the Commission, on the next date of hearing. Sh. Karamjit Singh, PCS, Assistant Commissioner, General-cum- PIO is directed to appear personally alongwith an affidavit, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated. The copy of the original self declaration is handed over to the appellant, today in the Commission.
7. The case is adjourned for **23.01.2019 at 11:00 AM**. Copies of the order be sent to the parties.

Chandigarh  
29.11.2018

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

**Through registered post**

**CC:** Sh. Karamjit Singh, PCS, Assistant Commissioner, General-cum- PIO o/o  
Deputy Commissioner, Barnala,

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Sh.Narinder Kumar Bitta,  
S/o SH. Rai Sahib, H.No.2438-A,  
Street No.2, Shri Guru Nanak Nagar,  
Near 16 Acre, Barnala.

Appellant

Versus

**Public Information Officer,**  
O/o Tehsildar,  
Barnala.

**First Appellate Authority**  
o/o S.D.M,  
Barnala.

Respondent

## **Appeal CASE NO. 1867 OF 2018**

**PRESENT :** Sh. Narinder Kumar Bitta, the appellant.  
Sh. Parvesh Garg, Patwari on behalf of the respondent.

### **ORDER:**

This order may be read with reference to the previous order dated 05.10.2018.

2. The appellant states that till today no information has been provided to him by the respondent.

3. The respondent files self declaration of Sh. Balkaran Singh, Tehsildar-cum-PIO which is taken on record.

4. After going through the record as available in the file, it is ascertained that the RTI application dated 12.02.2018 received in o/o Tehsildar, Barnala on 15.02.2018 and RTI application has been sent to the concerned branch and reply has been received from the concerned branch on 28.02.2018 and the same has been sent to the appellant on 21.03.2018 that the information which has been sought by him does not available in their office.

5. The perusal of the record reveals that the RTI application has not been dealt properly. The Deputy Commissioner, Barnala is directed to conduct the inquiry against the erring officials who are responsible for the loss of the record and send the report to the Commission, on the next date of hearing. Sh. Balkaran Singh, Tehsildar-cum-PIO is directed to appear personally alongwith an affidavit, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

Contd...p-2

7. The case is adjourned for **23.01.2019 at 11:00 AM**. Copies of the order be sent to the parties.

**Chandigarh  
29.11.2018**

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

**Through registered post**

**CC:** Deputy Commissioner, Barnala. (By Name)  
Sh. Balkaran Singh, Tehsildar-cum-PIO o/o Tehsildar, Barnala.

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden  
Sector:16, Chandigarh  
Contact No.0172-2864116, Fax No.0172-2864125  
Visit us @ [www.infocommpunjab.com](http://www.infocommpunjab.com); Email. [psic26@punjabmail.gov.in](mailto:psic26@punjabmail.gov.in)

Sh. Sunil Handa,  
# 407, GHS 33, Sector:20,  
Panchkula.

Complainant.

Versus

**Public Information Officer,**  
O/o Director,  
Food Civil Supplies and Consumer Affairs,  
Punjab, Chandigarh

...Respondent

## **Complaint Case No. 491 of 2018**

**PRESENT:** (i) Sh. Sunil Handa, the complainant.  
(ii) Smt. Balwinder Kaur, Suptd., and Sh. Naib Chand, Sr. Assistant  
is present on behalf of the respondent.

### **ORDER:**

This order may be read with reference to the previous order dated  
05.10.2018.

2. The complainant states that he has pointed out the deficiencies but till  
today, complete information has not been supplied to him by the respondent.

3. The respondent files reply to the show cause notice today in the  
Commission mentioning therein that RTI application received on 20.11.2017 and  
from 20.11.2017 to 22.02.2018, the most of the dealing clerks were transferred that  
is why the RTI application has not been dealt within a time. On 23.02.2018, Sh.  
Naib Chand, Sr. Assistant joined and provided the information to the complainant on  
02.04.2018, which was returned back to the department. In the meantime, the  
complainant filed complaint in the Commission and first hearing was held on  
05.07.2018, which was postponed and the information was again sent to the  
complainant on 09.07.2018 by registered post.

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*

*Contd..p-2*

*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 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)).*

5. After examining the case file, it reveals that this is a complaint case and first reply has been sent by the department to the complainant after the lapse of three months. Therefore, the Director, Food Civil Supplies and Consumer Affairs, Punjab, Chandigarh is directed to conduct an inquiry against the erring officials who are responsible for the delay in supplying the reply to the complainant and submit the report on the next date of hearing.

6. The case is adjourned for **23.01.2019 at 11:00 AM**. Copies of the order be sent to the parties.

**Chandigarh  
29.11.2018**

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

**Through registered post**

**CC: Director, Food Civil Supplies and Consumer Affairs, Punjab,  
Chandigarh. (By Name)**

