

Sh. Bhupinder Singh, S/o Sh.Gurjail Singh, Village Bahmna Basti, Tehsil Samana, Distt.Patiala.

...Appellant

Respondent

Versus

Public Information Officer,

O/o DC, Patiala.

First Appellate Authority,

O/o Commissioner, Patiala Division, Patiala

Appeal Case No. 411 of 2019

PRESENT: Sh.Bhupinder Singh as the Appellant Sh.Sh.Bhupinder Singh, Clerk O/o Tehsildar Patiala and Sh.Sukhwinder Singh, Kannogo on behalf of PIO-DC Patiala for the Respondent

ORDER: This order should be read in continuation to the earlier order.

The case has already been heard on 13.03.2019, 29.07.2019, 04.11.2019, 15.01.2020, 28.05.2020, 20.07.2020, 24.09.2020 & 04.11.2020, 01.12.2020, 02.02.2021, 18.05.2021, 31.08.2021, 01.12.2021 & 05.04.2022.

On the date of the hearing on 20.07.2020 and 24.09.2020, the PIO-PWD (B&R) was absent nor had complied with the order of the Commission to send the information to the appellant. The PIO-PWD(B&R), Patiala was issued a **show-cause notice on 24.09.2020 under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit. The** PIO was again directed to provide the information within 10 days of the receipt of the order.

On the date of hearing on 04.11.2020 and 01.12.2020, the PIO-PWD(B&R) was again absent nor had complied with the order of the Commission to file a reply to the show-cause notice and to provide the information. A bailable warrant Under Section 18(3) of the RTI Act of the PIO-PWD(B&R), Patiala was issued through Senior Superintendent of Police, Patiala for his presence before the Commission on **02.02.2021**. **The PIO** was also directed to provide information to the appellant within 10 days of the receipt of this order.

On the date of hearing on **02.02.2021**, the appellant claimed that the PIO has not provided the information. Sh.Naveen Mittal, Xen-cum-PIO PWD(B&R was present and informed that the land for rest house was provided by the Administration in the year 2005-06, however, no formal document is available in their record and the reply was sent to the appellant vide letter dated 17.07.2020. The PIO-PWD(BR) was directed to give this in writing on an affidavit that no letter/document is available in their record regarding the information relating to point-2.

The Commission further observed that the appellant to collect the information had to suffer undue inconvenience, the PIO-PWD(B&R), Patiala was directed to pay an amount of **Rs.2500/-** via demand draft drawn as compensation to the appellant and submit proof of having compensated the appellant. The PIO-PWD(B&R) was also directed to file a reply to the show-cause notice.

On the date of the last hearing on **18.05.2021**, as per the respondent, the compensation amount of Rs.2500/- had been paid to the appellant and an affidavit relating to point-2 had also been provided to the appellant. The appellant had received the same. The appellant, however, informed that the information regarding point-1 has not been provided by the PIO-Director-Land Records.

Appeal Case No. 411 of 2019

However, the Commission observed that in the order darted 28.05.2020, it was recorded that as per letter received in the Commission on 31.01.2020 from the PIO-Director, Land Records, the information had been sent to the appellant vide letter dated 28.01.2020 with a copy to the Commission. Hence, a copy of the information received from the PIO-Land Records was sent to the appellant along with the order.

With the above, the information had been provided and no further arguments to be taken up regarding the information. The PIO-PWD(B&R) however, did not file a reply to the show-cause notice. The PIO-PWD(B&R) was given one last opportunity to file a written reply to the show-cause notice.

On the date of the last hearing on **31.08.2021**, the PIO-PWD(B&R) was again absent nor had filed any reply to the show-cause notice.

The PIO-PWD(B&R) was given one last opportunity to file a reply to the show-cause notice and appear before the Commission personally on the next date of hearing otherwise it will be presumed that the PIO has nothing to say in the matter and the decision will be taken ex-party. In the reply, the PIO must clarify who was the PIO when the first show cause was issued and the PIO when the commission had impleaded the PIO PWD (B&R) in the case.

On the date of the hearing on **01.12.2021**, **both** the parties were present at DAC Patiala. However, the hearing could not take place since there was some other meeting going on in DAC Patiala. As per record, the Commission did not receive any reply to the show-cause notice from the PIO.

On the date of the last hearing on **05.04.2022**, . Sh.Naveen Mittal, PIO appeared at Chandigarh and submitted his reply to the show cause notice by way of an affidavit which was taken on record. In the said affidavit, the PIO mentioned that the available information has been supplied and the compensation amount has been paid to the appellant and that there is no other documents in their record relating to the land on which the rest house is constructed since the land was made available by the District Administration in the year 2005-06. The respondent further informed that an affidavit in this regard has already been provided to the appellant.

With the above, the matter relating to point-2 stands settled.

The appellant, however, pleaded that matter relating to khasra No.208 regarding point-1 is still unresolved since neither the department of land record nor DC office has supplied the information.

Having gone through the RTI application and hearing both the parties, the PIO-DC Patiala was again impleaded in the case and directed to relook at the RTI application and sort out the matter relating to point-1 of the RTI application.

Hearing dated 30.05.2022:

The case has come up for hearing today through video conferencing at DAC Patiala. The appellant pleaded that the information relating to khasra No.208 regarding point-1 has still not be provided by the PIO.

The respondents present pleaded that the available information has already been provided and no further information is available in the record.

The PIO is to give in writing on an affidavit that the information that has been provided is true, and complete and no further information is available in the record relating to point-1.

No further interference of the commission is required in the matter. The case is closed.

Sd/-(Khushwant Singh) State Information Commissioner

Chandigarh Dated:30.05.2022



Sh Kashmir Chand, S/o Sh Mukhtiar Ram, R/o VPO Behru, Tehsil & Distt Patiala.

... Complainant

Versus

Public Information Officer, O/o CMO, Patiala.

...Respondent

Complaint Case No. 1060 of 2021

PRESENT: None for the Appellant Ms.Karuna Gupta, Drug Inspector for the Respondent

ORDER:

The complainant through an RTI application dated 17.06.2021 has sought information on 03 points regarding a copy of the complaint dated 19.05.2021- the statement of both the parties and the enquiry report and other information as enumerated in the RTI application from the office of SMO-Patiala. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 17.08.2021.

The case last came up for hearing on 15.02.2022 through video conferencing at DAC Patiala. As per the appellant, the information was not supplied.

The respondent present informed that since the information relates to Drug Controller, the RTI application was sent to them with the direction to provide information to the complainant.

However, the PIO did not transfer the RTI application to the concerned officer. The PIO was directed to procure the information from the concerned officer and provide to the appellant.

Hearing dated 30.05.2022:

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent present pleaded that on the complaint received from the complainant on 19.05.2021 against M/s Sandhu Medical Hall, Devigarh, an inspection was conducted and the report was sent to the higher authorities for final action. The reply was sent to the complainant vide letter dated 23.07.2021 and a copy of the letter is being sent to the Commission through email.

The complainant is absent nor is represented.

Having gone through the record, the Commission observes that since this is a complainant case and the complainant has come to the Commission under the provision of Section 18 of the RTI Act, 2005 in which no directions for providing further information can be given by the Commission.

The Hon'ble Supreme Court of India in its Order dated 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 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.

If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he/she 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 observations noted above, the instant case is remanded back to the concerned First Appellate Authority-cum-Civil Surgeon, Patiala with a copy of the RTI application for their ready reference and is also directed to call the complainant within 15 days of the receipt of the order, provide the information/reply pertaining to this RTI application. A compliance report of the same be sent to the Commission.

With the above observation and order, the case is **disposed of and closed**.

Chandigarh Dated: 30.05.2022 Sd/-(Khushwant Singh) State Information Commissioner

CC to First Appellate Authority-cum-Civil Surgeon, Patiala.



Sh Sukhdev Singh, S/o Sh Ram Chand, R/o H No-736/26, Street NO-7, Aadras Colony, Patiala.

Versus

Public Information Officer, O/o District Social Security Officer, Patiala.

First Appellate Authority, O/o Director, Social Security Women and Child Welfare, Sector-34, Punjab, Chandigarh. ... Appellant

...Respondent

Appeal Case No. 3630 of 2021

PRESENT: Sh.Sukhdev Singh for the Appellant Sh.Satnam Singh, Sr.Assistant for the Respondent

ORDER:

The appellant through an RTI application dated 27.01.2021 has sought information on 06 points regarding PLA number and complete file of pensioners Sh.Hans Raj, Smt.Savitri Devi-Smt.Pinki-Sh.Surinder Singh- names of pensioners bearing PLA No.80117231/ 8022475/ 7055131/9011134/8024932/7014303 – a copy of the dispatch register of the DSSO office as enumerated in the RTI application from the office of DSSO Patiala. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 07.06.2021 which took no decision on the appeal.

The case first came up for hearing on 15.02.2022 through video conferencing at DAC Patiala. The respondent present informed that as per the enquiry report of the concerned DSSO, Sh.Hans Raj and Smt.Savitri Devi are availing the pension, whereas, Smt.Pinki and Sh.Surinder Singh are not availing the same and an enquiry report conducted in this regard has been supplied to the appellant vide letter dated 03.02.2022. The remaining information being 3rd party information, cannot be provided.

Having gone through the RTI application and hearing both the parties, the following was concluded:

- Po	pint-1 to 4	-	Provided
- Po	pint-5	-	3 rd party –not to be provided
- Po	pint-6	-	To provide information
- Po	pint-7	-	To provide the list of pensioners only.

Hearing dated 30.05.2022:

The case has come up for hearing today through video conferencing at DAC Patiala. The respondent present informed that in compliance with the order of the Commission, the remaining information has been provided to the appellant.

Sh.Sukhdev Singh is present at Chandigarh and informed that the PIO has only provided the list of pensioners relating to point-7 but the information on point-6 has not been provided.

The respondent has assured to provide the information relating to point-6 today itself.

The PIO is given one last opportunity to provide information on point-6 immediately with a copy to the Commission.

With the above order, the case is **disposed of and closed**.

Chandigarh Dated: 30.05.2022 Sd/-(Khushwant Singh) State Information Commissioner



Sh Nitin Kumar Garg, C/o Police Public Dairy 15 A, Shastri Nagar, Model Town, Ludhiana.

... Appellant

Versus

Public Information Officer, O/o Civil Surgeon, Pathankot.

First Appellate Authority, O/o Deputy Director, Health, Punjab, Chandigarh.

...Respondent

Appeal Case No. 3550 of 2021

PRESENT: Sh.Satish Kumar, Clerk O/o Civil Hospital Pathankot for the Respondent

ORDER:

The appellant through an RTI application dated 15.04.2020 has sought information regarding the list of medicines for sale by Jan Aushadhi Store approved by Govt of India in Civil Hospital, Pathankot – the name of contractors of Jan Aushadhi Store as enumerated in the RTI application from the office of Civil Surgeon, Pathankot. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 23.05.2021 which took no decision on the appeal.

The case last came up for hearing on 14.02.2022 through video conferencing at DAC Ludhiana/Chandigarh. The respondents were present at Chandigarh and informed that the information has been supplied to the appellant vide letter dated 11.02.2022 with a copy to the Commission.

The appellant claimed that the PIO has not supplied the information even after directions of the First appellate authority dated 30.07.2021 to provide information within 5 days.

Having gone through the RTI application and the copy of the information received from the PIO on 11.02.2022, the Commission observed that the information/list attached with the letter pertains to point-1 only, whereas the respondent on behalf of the respondent is misleading the court by stating that complete information has been supplied, which is a serious matter. Further, there has been an enormous delay in providing the information.

The Commission having taken a serious view of this, issued a **show cause notice to** the PIO under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time as well as for misleading the court and directed to file reply on an affidavit.

The PIO was again directed to send complete information to the appellant within five days of the receipt of the order.

Hearing dated 30.05.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Pathankot. As per the respondent, the information has been supplied to the appellant with a copy to the Commission through email.

Due to some other urgent VC relating to the CM office in DAC Ludhiana, the appellant was not heard.

However, the appellant vide email has informed that he has received the complete information.

Since there has been a huge pressure on the health staff due to the Covid-19 epidemic, and working of the offices with 50% staff during the last two years, the delay in providing the information is condoned and the show cause is dropped.

Information stands provided. No further course of action is required. The case is **disposed of and closed**.

Sd/-(Khushwant Singh) State Information Commissioner

Chandigarh Dated: 30.05.2022



Sh Ramesh Kumar S/o Sh Lt Sh Amarnath, H NO-U-1652, Sardar Nagar, Opp Old Central Jail, Ajnala Road, Amritsar.

... Appellant

Versus

Public Information Officer, O/o SSP, Rural, Amritsar.

First Appellate Authority, O/o SSP, Rural, Amritsar.

...Respondent

Appeal Case No. 2977 of 2021

PRESENT: Sh.Ramesh Kumar as the Appellant Sh.Rashminder Singh, ASI for the Respondent

ORDER:

The appellant through an RTI application dated 12.03.2021 has sought information regarding copy of application No.IGP-2326 dated 10.12.2019 as mentioned in para No.3 of the SSP Amritsar Memo No.2302 dated 18.09.2020 - copy of application No.1840 NHRC dated 06.08.2020 from Jyoti Parkash Sharma in reference to SP Amritsar(Rural) Memo No.128-5 AP dt.15.09.2020 and other information as enumerated in the RTI application concerning the office of SSP(Rural), Amritsar. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 19.04.2021 which took no decision on the appeal.

The case last came up for hearing on 11.01.2022 through video conferencing at DAC Amritsar. The appellant claimed that the PIO has not supplied the information.

The respondent was absent and vide email has informed that the information has already been supplied to the appellant on 06.08.2020 in appeal case No.2041/21 which has been disposed of.

As per the appellant, the information sought in this appeal case was different of that appeal case No.2041/21.

The Commission was not in agreement with the reply of the PIO since the appellant had asked for specific documents and the reply of the PIO was not in tandem with the sought information. The PIO was directed to relook at the RTI application and provide information to the appellant within 15 days of the receipt of the order and send a compliance report to the Commission.

Hearing dated 30.05.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. As per the respondent, the information has been supplied to the appellant.

The appellant has received the information and is satisfied with the provided information.

Since the information has been provided, no further course of action is required. The case is **disposed of and closed**.

Chandigarh Dated: 30.05.2022 Sd/-(Khushwant Singh) State Information Commission



Sh Ramesh Kumar S/o Sh Lt Sh Amarnath, H NO-U-1652, Sardar Nagar, Opp Old Central Jail, Ajnala Road, Amritsar.

... Appellant

Versus

Public Information Officer, O/o SSP, Rural, Amritsar.

First Appellate Authority, O/o SSP, Rural, Amritsar.

...Respondent

Appeal Case No. 3004 of 2021

PRESENT: Sh.Ramesh Kumar as the Appellant Sh.Rashminder Singh, ASI for the Respondent

ORDER:

The appellant through an RTI application dated 19.04.2021 has sought information regarding reply forwarded through email to PSIC in reference to appeal cases No.3585/20, 3588/20, 3589/20 & 3607/20 heard on 24.03.2021 – photocopy of dak dispatch register containing the details of dispatch of reply and other information as enumerated in the RTI application concerning the office of SSP (Rural), Amritsar. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 18.06.2021 which took no decision on the appeal.

The case last came up for hearing on 11.01.2022 today through video conferencing at DAC Amritsar. The appellant claimed that the PIO has not provided the information.

The respondent was absent.

The PIO was directed to provide information to the appellant within 15 days of the receipt of the order and send a compliance report to the Commission.

Hearing dated 30.05.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. As per the respondent, the information has been supplied to the appellant.

The appellant has received the information and is satisfied with the received information.

Since the information has been provided, no further course of action is required. The case is **disposed of and closed**.

Sd/-(Khushwant Singh) State Information Commission

Chandigarh Dated: 30.05.2022



Sh Suman Kumar, S/o Sh Madan Lal, H No-386, Gali No-3, Vijay Nagar, Batlala Road, Amritsar.

... Appellant

Versus

Public Information Officer, O/o District Manager, Punjab State Civil Supplies Corp Ltd, SCF-47, Block-c, Ranjit Avenue, Amritsar.

First Appellate Authority, O/o District Manager, Punjab State Civil Supplies Corp Ltd, SCF-47, Block-c, Ranjit Avenue, Amritsar.

...Respondent

Appeal Case No. 2988 of 2021

PRESENT: Sh.Suman Kumar as the Appellant Ms.Ravinder Kaur, PIO for the Respondent

ORDER:

The appellant through an RTI application dated 09.02.2021 has sought information on 33 points regarding service matter – posting orders alongwith stay for the period from 04/2013 to 03/2018 at Amritsar of District Managers, deputy managers and field officers – copy of office notings and material sent to Head office Punsup for fact finding enquiry by District Office Punsup Amritsar against Suman Kumar, Inspector-II – copy of letter dated 11.07.1985 to all DMs filing civil action on behalf of Punsup – inspections/tours conducted by district managers, filed officers and other information as enumerated in the RTI application concerning the office of Punjab State Civil Supplies Corporation Amritsar. The appellant was not provided the information after which the appellant filed a first appeal before the First Appellate Authority on 25.03.2021 which took no decision on the appeal. After filing first appeal, the PIO sent reply to the appellant on 01.04.2021 to which the appellant was satisfied and filed 2nd appeal in the Commission.

The case first came up for hearing on 11.01.2022 through video conferencing at DAC Amritsar. The respondent present pleaded that the available information has already been provided to the appellant vide letter dated 01.04.2021 and no further information is available in their record. Further the information relating to point No.15 relates to Head office.

The appellant was not satisfied with the provided information and pointed out discrepancies vide letter received in the Commission on 31.12.2021 which was taken on record.

The PIO was directed to remove the discrepancies as pointed out by the appellant and provide whatever information is available in the record. If no further information is available, the PIO to give in writing on an affidavit that the information that has been provided, is true, and complete and no further information is available in the record relating to this RTI application. A copy of the reply submitted by the appellant was sent alongwith the order for the PIO.

The PIO was also directed to transfer the RTI application relating to point-5 to the head office u/s 6(3) of the RTI Act.

Hearing dated 30.05.2022:

As per the appellant, the PIO has not sorted out the discrepancies as pointed out vide letter dated 31.12.2021.

The respondent present pleaded that some of the discrepancies have been sorted out and the available information has been provided to the appellant. Respondent has, however, asked for some more time to provide the remaining information on the plea that some of the information has to be collected from other departments.

Earlier order stands. The PIO is given one last opportunity to comply with the earlier order of the Commission and sort out the discrepancies. The information be provided within 30 days of the receipt of the order with a copy to the Commission.

No further interference of the commission is required. The case is **closed**.

Chandigarh Dated: 30.05.2022 Sd/-(Khushwant Singh) State Information Commission



Sh Raghvir Singh, s/o Sh Karam Singh, R/o Village Hardaspur, Tehsil & Distt Patiala.

... Appellant

Versus

Public Information Officer,

O/o Chief Electoral Officer, Pb, SCO-29-32, Sector-17-E, Chandigarh.

First Appellate Authority, O/o Chief Electoral Officer,

Pb, SCO-29-32, Sector-17-E, Chandigarh.

...Respondent

Appeal Case No. 3128 of 2021

PRESENT: Sh.Raghvir Singh as the Appellant Ms.Sukhvinder Kaur, Clerk for the Respondent

ORDER:

The appellant through an RTI application dated 24.02.2021 has sought information regarding notification regulating the reservation of posts of Sarpanch in Punjab pertaining to the rotation of the post of sarpanch i.e. general and reserve category –list of candidates elected as Sarpanch of village Hardaspur, Distt.Patiala from 1990 to 2018 alongwith their category – whether the post of Sarpanch in village Hardaspur was ever reserved for SC candidates since 1990 and other information as enumerated in the RTI application concerning the office of Chief Electoral Officer, Pb Chandigarh. The appellant was not provided with the information after which the appellant filed a first appeal before the First Appellate Authority on 01.04.2021 which took no decision on the appeal.

The case last came up for hearing on 11.01.2022 through video conferencing at DAC Patiala. The respondent present pleaded that since the information did not relate to this office, the RTI application was transferred to State Election Commission Punjab vide letter dated 01.03.2021 with a copy to the appellant. The PIO State Election Commission further transferred the RTI application to the PIO-Director-Rural Development and Panchayat Department, Punjab Mohali vide letter dated 12.04.2021 with a copy to the Commission.

The PIO-Director-Department of Rural Development and Panchayat was absent.

The PIO-State Election Commission, Punjab and the PIO- Department of Rural Development and Panchayat, Pb Mohali were impleaded in the case as Respondent No.1 & Respondent No.2 and directed to look at the RTI application transferred by PIO-Chief Electoral Officer on 01.03.2021 and provide information under whose custody the information exists. A copy of the RTI application was again attached with the order for both the PIOs.

Hearing dated 30.05.2022:

The case has come up for hearing today through video conferencing at DAC Patiala/Mohali. The respondent present from the office of Chief Electoral Officer, Pb Chandigarh informed that they have already transferred the RTI application to State Election Commission on 01.03.2021.

Appeal Case No. 3128 of 2021

The appellant informed that he filed an RTI application in the office of Chief Electoral Officer, Pb which they transferred it to the Department of Rural Development and Panchayat Pb Mohali. The Department of Rural Development and Panchayat transferred it to the office of DC Patiala on 06.04.2021 and the DC office further transferred the RTI application to PIO-O/o Tehsildar (Election) Patiala.

The appellant further informed that he has received the information on point-1 & 2 but the PIO has not supplied the information on point-3.

Having gone through the RTI application, the Commission observes that the appellant through point-3 wants a copy of the notification, vide which, the seat for the post of Sarpanch in village Hardaspur (Patiala District) was reserved for an SC candidate (since 1990)? The PIO is directed to provide the sought notification, as and when it was issued, to reserve the Sarpanch's post for an SC candidate. A copy of the same be sent to the Commission.

With the above order, the case is **disposed of and closed**.

	Sd/-		
Chandigarh	(Khushwant Singh)		
Dated: 30.05.2022	State Information Commission		
CC to 1. PIO-State Election Commission, Pb			
SCO No.49, Sector 17-E, Chandigarh.	– Respondent No.1		
2. PIO-Director-Department of Rural Development and Panchayat, Pb			
Sector 62, Mohali.	 Respondent No.2 		
3. PIO-DC Patiala	- Respondent No.3		
4.PIO-Tehsildar (Election), Patiala	- Respondent No.4		