**PUNJAB, STATE INFORMATION COMMISSION**

**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

**Ph No- 0172-864117 Visit** us @ [www.infocommpunjab.com](http://www.infocommpunjab.com)

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Sh. Jasmail Singh, S/o Sh Nachattar Singh,

Village Kot Crore Khurd, Tehsil & Distt Ferozepur,

Hal Abad NIS, Moti Bagh, Patiala. Appellant.

Versus

**Public Information Officer,**

Panchayat Secretary, Gram Panchayat,

Kot Crore Khurd, Block Ghall Kurd,

Distt Ferozepur.

**First Appellate Authority**

BDPO, Block Ghall Kurd,

Distt Ferozepur. ...Respondent

**Appeal Case No. 1149 of 2018**

Present : (i) Sh. Jasmail Singh, the appellant

 (ii) None is present on behalf of the respondent

**ORDER**

This order may be read with reference to the previous order dated 30.08.2018 vide which the appellant was absent and respondent stated that complete information had already been sent to the appellant.

2. Today the appellant is present and states that no information has been given to him so far.

3. One last opportunity is given to the respondent to appear before the Commission and state his case. Respondents to note that in case no one comes present on their behalf on the next date fixed, punitive provisions of the RTI Act, 2005 may be invoked against the erring officer(s).

4. To come up on **20.09.2018 at 11.00 AM.** Copy of the order be sent to the parties.

 Sd/-

**Chandigarh (Preety Chawla)**

 **Dated:30.08.2018 State Information Commissioner**

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Sh.Amarjit Singh, S/o Shri Balwant Singh,

R/o Green Park Colony, Malout,

Bathinda Byepass,

Tehsil and Distt. Sri Mukatsar Sahib ……………….. …Complainant

**Vs**

**Public Information Officer,**

O/o Managing Director,

Markfed,Sector 35, Chandigarh

……………..……………Respondent

**CC No. 688 of 2018**

Present : (i) None for the Appellant

 (ii) For the respondent : Sh Rajinder Kumar, APIO alongwith

 Sh Baldev, S/M

**ORDER**

 This order may be read with reference to the previous order dated 20.08.2018.

2. The Complainant is absent today.

3. The Respondent files his reply which is as under:-

 "ਇਸ ਸੰਬੰਧੀ ਆਪ ਜੀ ਨੂੰ ਦੱਸਿਆ ਗਿਆ ਸੀ ਕਿ ਮਾਰਕਫੈੱਡ ਵਿੱਚ ਕਈ ਅਧਿਕਾਰੀਆਂ/ਕਰਮਚਾਰਾਆਂ ਨੇ ਕੋਰਟ ਦੁਆਰਾ ਆਪਣੀ ਗਰੇਗੂਟੀ ਪ੍ਰਾਪਤ ਕੀਤੀ ਹੈ, ਪ੍ਰੰਤੂ ਕੁਝ ਅਧਿਕਾਰੀਆਂ/ਕਰਮਚਾਰੀ ਜਿਨ੍ਹਾਂ ਵਿਰੁੱਧ ਰਿਕਵਰੀ ਕੇਸ ਚਲੱ ਰਹੇ ਹਨ ਉਨ੍ਹਾਂ ਅਧਿਕਾਰੀਆਂ/ਕਰਮਚਾਰੀਆਂ ਨੂੰ ਗਰੇਜੂਟੀ ਨਹੀਂ ਦਿੱਤੀ ਗਈ ਹੈ। ਇਹ ਵੀ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਸ਼੍ਰੀ ਅਰਮਜੀਤ ਸਿੰਘ ਨੇ ਹੁਣ ਤੱਕ ਨਾ ਕੋਈ ਕੋਰਟ ਕੇਸ ਕੀਤਾ ਹੈ ਅਤੇ ਨਾ ਹੀ ਮਾਰਕਫੈੱਡ ਨੂੰ ਕੋਈ ਪ੍ਰਤੀ-ਬੇਨਤੀ ਭੇਜੀ ਹੈ, ਉਹ ਸਿਰਫ ਸੂਚਨਾ ਅਧਿਕਾਰੀ ਅਧੀਨ ਸੂਚਨਾ ਮੰਗਣਾ ਚਾਹੰਦੇ ਹਨ। ਇੱਥੇ ਇਹ ਵੀ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਸ਼੍ਰੀ ਅਮਰਜੀਤ ਸਿੰਘ ਵਿਰੁੱਧ ਇੱਕ ਰਿਕਵਰੀ ਕੇਸ ਵੀ ਚੱਲ ਰਿਹਾ ਹੈ। ਮਾਰਕਫੈਡ ਵਿੱਚ ਅਜਿਹੇ ਸੈਕੜੇਂ ਕੇਸ ਹਨ ਜਿਨ੍ਹਾਂ ਨੇ ਕੋਰਟ ਰਾਹੀਂ ਆਪਣੀ ਗਰੇਜੂਟੀ ਲਈ ਹੈ। ਇਸ ਲਈ ਇਹ ਸੂਚਨਾ ਬਣਾਉਣੀ ਸੰਭਵ ਨਹੀਂ ਹੈ। ਇਹ ਆਪ ਜੀ ਦੀ ਜਾਣਕਾਰੀ ਅਤੇ ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਹਿੱਤ ਹੈ ਜੀ।

 **CC No. 688 of 2018**

4. Hence,the Respondent is directed to file an affidavit stating the same. To come up for further proceedings on **20.09.2018 at 11:00 AM**. Copy of the orders be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 30.08.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

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E-mail-psic27@punjabmail.gov.in

Sh.Prem Kumar Rattan,

House No. 78/8,Park Road,

New Mandi, Dhuri,

Distt Sangrur …………………………….. …Appellant

**Vs**

**Public Information Officer,**

O/o Tehsildar, Tappa

Barnala

**First Appellate Authority**

O/o SDM,

Tappa, Barnala

 ……………..……………Respondent

**AC .No. 2068 of 2018**

Present : None for the parties

**ORDER**

 This order may be read with reference to the previous order dated 20.08.2018.

2. Today neither the appellant nor the respondent is present. The appellant has sent an email stating that he is unable to appear before the Commission.

3. One more opportunity is given to both the parties to appear before the Commission and state their case.

4. To come up on 20.09.2018 at 11.00 AM. Copy of the order be sent to the parties.

 Sd/-

**Chandigarh (Preety Chawla)**

**Dated: 30.08.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

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Sh.Krishan Gopal Singla,

S/o Sh. Brij Lal, Ward No. 16B/190,

Sangrur Road, Dhuri, Distt. Sangrur …………………………….. …Appellant

**Vs**

**Public Information Officer,**

o/o Assistant Registrar Cooperative Societies

Sangrur

**First Appellate Authority**

o/o Deputy Registrar

Cooperative Societies

Sangrur ……………..……………Respondent

**AC .No. 2074 of 2018**

**Alongwith**

**AC: 2075 of 2018**

Present : (i) None is present on behalf of the appellant

(ii) For the respondent : Sh. Dharmabase, PIO, Sh. Gurmail Singh, Jr. Assistant

**ORDER**

 This order may be read with reference to the previous order dated 20.08.2018.

2. The appellant is absent today. He has sent a letter stating that he is unable to attend today's hearing.

3. Respondent states that they have brought complete information today in the Commission running into 164 pages.

4. Today the appellant is absent and respondent has brought the information today in the commission, which is taken on record. The appellant can collect the same from the Commission on any working day.

5. In view of the foregoing, no cause of action is left, the abovesaid appeals filed by the appellant is therefore, **disposed of and closed.** Copy of the order be sent to the parties.

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 30.08.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

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**Registered post**

Sh Gurmeet Singh Babloo,

C/o Bhagat Singh Youth Front,

Shop no.19, Opp HDFC Bank,

Court Road, Amritsar …. Appellant

. .

Versus

**Public Information Officer,**

O/o District Food supply Office

Ramtirath Road, Near DTO Office

Amritsar -143001

**First Appellate Authority-cum-**

District Manager of PUNGRAIN,

Amritsar ...Respondent

 **AC No. 2272 of 2018**

Present: (i) Sh. Gurmeet Singh Babloo, the appellant

 (ii) None is present on behalf of the respondent

**ORDER**

 This order may be read with reference to the previous order dated 20.08.2018.

2. The appellant states that no information has been given to him so far.

3. The respondent is absent today. He was not even present on the last date of hearing, which shows that he has no regard for the orders issued by the commission.

4. In view of the above, ***PIO- o/o* District Food supply Office, Ramtirath Road, Near DTO Office Amritsar** is directedto 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 complainant under Section 19 (8)(b) of the Act for detriment suffered.

 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 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.

**AC No. 2272 of 2018**

5. To come up on 20.09.2018 at 11.00 AM. Copy of the order be sent to the parties **through registered post.**

 Sd/-

**Chandigarh (Preety Chawla)**

**Dated: 30.08.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

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E-mail-psic27@punjabmail.gov.in

Sh Raju Ambedkar,

#311, Lotus Tower,

Near BMC Chowk,

Jalandhar …. Appellant

 .

Versus

**Public Information Officer,**

O/o Punjab State Commission For Scheduled Castes,

4th Floor, Room No.8,

Pb Civil Sectt,Chandigarh.

**First Appellate Authority-cum-**

Chairman**,**

Punjab State Commission for

Scheduled Castes,

4th Floor, Room No.8,

Pb Civil Sectt,Chandigarh ....Respondent

 **AC No. 2216 of 2018**

Present : (i) Sh Raju Ambedkar, the Appellant

 (ii) for the respondent : Smt Jaswinder Kaur, Clerk alongwith

 Sh Sarbjit Singh, Clerk

**ORDER**

This order may be read with reference to the previous order dated 20.08.2018.

2. The Appellant states that complete information has not been provided to him so far.

3. Smt Jaswinder Kaur, O/o Respondent states that some more time is required to provide complete information to the Appellant.

4. On perusal of the file it is seen that the Respondent has not provided complete information to the Appellant till date. Hence, the Appellant is directed to visit the office of respondent today, **i.e., 30.08.2018**, inspect the relevant records, identify the documents copies whereof are required by him; and the respondent shall provided copies thereof, according to his RTI application, in accordance with the relevant provisions of the RTI Act, 2005.

5. To come up on **20.09.2018 at 11:00 AM**. Copy of the orders be sent to the parties. Sd/-

**Chandigarh (Preety Chawla)**

**Dated: 30.08.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

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Registered post

Sh Surjit Singh Aujla,

Village Aujla Dhank,

PO Lidar Kalan,

Distt Jalandhar144502 …. Complainant

 .

Versus

**Public Information Officer,**

O/o Superintending Engineer,

Water Supply & Sanitation,

Jalandhar ....Respondent

***Remanded back to***

First Appellate Authority

o/o Superintending Engineer,

Water Supply & Sanitation,

Jalandhar

 **CC No. 724 of 2018**

Present : (i) None is present on behalf of the complainant

 (ii) For the respondent : Sh. Gurpreet Singh, SDE

**ORDER**

 This order may be read with reference to the preivous order dated 20.08.2018 vide which the complainant was not satisfied with the information.

2. Today the complainant is absent.

3. Respondent states that complete information has already been sent to the Complainant.

4. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act , 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

**CC No. 724 of 2018**

*(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).*

 As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

5. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order. In case the complainant has any grouse, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.

6. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority , he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

7.In view of the observations noted above, the instant case is **disposed of.** Copies of this decision be sent to the parties ***through registered post.***

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 30.08.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

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E-mail-psic27@punjabmail.gov.in

Sh. Kuldeep Kumar,

S/o Sh. Tej Ram

Ward No. 13, Baran Nohre

Budhlada, Mansa

 Appellant

Versus

**Public Information Officer,**

O/o DPI(SE), Punjab Mohali

**First Appellate Authority**

O/o DPI(SE), Punjab Mohali

 .Respondent

**Appeal Case No. 1614 of 2018**

Present : (i) Sh Kuldip Kumar, Appellant

 (ii) For the respondent : Sh Sudhir Kumar, Sr Assistant,

**ORDER**

 This order may be read with reference to the previous order dated 20.08.2018.

2. The Appellant states that the information pertaining to point 1 to 5 has been provided to him by the Respondent O/o Director, Recruitment Board, Mohali but the same is not attested.

3. The Respondent O/o DPI (SE) Establishment -1 has sought some time to provide information to the Appellant pertaining to point no-6.

4. Hence, some time be granted to the Respondent O/o DPI(SE) Establishment-1, to provide information to the Appellant pertaining to point no.6 and PIO O/o Director, Recruitment Board, Mohali is directed to provide attested copies to the Appellant before the next date of hearing.

5. To come up for further proceedings on **20.09.2018 at 11:00 AM**. Copy of the orders be sent to the parties.

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 30.08.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

**Ph No- 0172-2864117 Visit** us @ [www.infocommpunjab.com](http://www.infocommpunjab.com)

E-mail-psic27@punjabmail.gov.in

Sh Sukhvinder Singh,

SCO60-61, Sector17-A,

Chandigarh …. Appellant

. .

Versus

**Public Information Officer,**

O/o BACKFINCO,

SCO 60-61, Sector 17-A,

Chandigarh

**First Appellate Authority,**

Punjab Welfare Department,

(Special Welfare Cell),

Pb Civil Sectt-2, Sector-9,

Chandigarh ....Respondent

 **AC No. 2245 of 2018**

Present: (i) Sh. Sukhvinder Singh the appellant

(ii) For the respondent : Sh.Amarjit Singh, AGM, Smt.Manjit Kaur, Supdnt ,Sh.Jaswinder, Sr.Assistant, Sh Rakesh Kumar, Sr Assistant

**ORDER**

 This order may be read with reference to the previous order dated 30.08.2018 .

2. Today the Respondent- Sh Amarjit Singh, AGM files his affidavit which is not correct. Hence, it is not accepted and returned.

3. After perusal of the file, Sh Amarjit Singh and Smt Manjit Kaur, O/o Respondent are directed to file affidavit on the next date of hearing for the information not available in the official record of the Respondent.

4. To come up on **20.09.2018 at 11:00 AM**. Copy of the orders be sent to the parties.

 Sd/-

**Chandigarh (Preety Chawla)**

**Dated: 30.08.2018 State Information Commissioner**