

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden  
Sector:16, Chandigarh  
Contact No.0172-2864116, Fax No.0172-2864125

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Smt. Karam Kaur,  
W/o Sh. Jagdish Singh,  
C/o H. S. Baidwan,  
# 872, Phase-11, Sector:65,  
Mohali.

.Appellant

Versus

**Public Information Officer,**  
O/o Director,  
Health & Family Welfare, Punjab,  
Parivar Kalyan Bhawan, Plot No.5,  
Sector:34/A, Chandigarh.

**First Appellate Authority**  
o/o Director,  
Health & Family Welfare, Punjab,  
Parivar Kalyan Bhawan, Plot No.5,  
Sector:34/A, Chandigarh.

.Respondent

## APPEAL CASE NO. 3830 OF 2018

**PRESENT:** Sh. Himmat Singh, on behalf of the appellant.  
Smt. Rupinder, Sr. Assistant and Sh. Jagtar Singh, Sr. Assistant on  
behalf of the respondent.

### ORDER:

The RTI application is dated 21.08.2018 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 24.09.2018 and second appeal was filed in the Commission on 12.11.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 31.01.2019 in the Commission.

3. The appellant has authorized Sh. Himmat Singh to appear on his behalf for today's hearing. The representative of the appellant states that he has received the information but it has been provided to him after the lapse of three months.

4. Sh. Jagtar Singh, Sr. Assistant is appearing on behalf of the o/o DHS, Punjab and states that the RTI application dated 21.08.2018 received in their office on 28.08.2018 and the same was transferred to the Suptd., PMH Branch on 31.08.2018. Copy of same is taken on record. Smt. Rupinder, Sr. Assistant is appearing on behalf of

Contd.p-2

the PMH Branch and states that no such letter has been received in their branch. Only notice of the Commission has been received, after that the action has been taken on the RTI application of the appellant.

5. Looking at the lackadaisical and highly irresponsible attitude of the respondent, **Sh. Narinder Mohan, Suptd., PMH Branch o/o DHS, Punjab** is directed to show cause as to why penalty @ 250/-per day be not imposed upon him under Section 20 (1) of the RTI Act for not sending the information to the appellant within the statutorily period and why the appellant should not be compensated for the harassment suffered by her in getting the information.

6. The respondent-PIO is directed to file a written point-wise reply in this regard, before the next date of hearing with a copy to the appellant and is also directed to bring the dispatch and diary register, on the next date of hearing.

7. 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 complaint 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 **06.03.2019 at 11.30AM**. Copies of the order be sent to the parties.

Sd/-

**Chandigarh  
31.01.2019**

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

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Smt. Karam Kaur,  
W/o Sh. Jagdish Singh,  
C/o H. S. Baidwan,  
# 872, Phase-11, Sector:65,  
Mohali.

.Appellant

Versus

**Public Information Officer,**  
O/o Civil Surgeon,  
SBS Nagar.

**First Appellate Authority**  
o/o Civil Surgeon,  
SBS Nagar.

.Respondent

## APPEAL CASE NO. 3831 OF 2018

**PRESENT:** Sh. Himmat Singh, on behalf of the appellant.  
Dr. Balwinder Singh, PIO on behalf of the respondent.

### ORDER:

The RTI application is dated 21.08.2018 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 24.09.2018 and second appeal was filed in the Commission on 12.11.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 31.01.2019 in the Commission.

3. The appellant has authorized Sh. Himmat Singh to appear on his behalf for today's hearing. The representative of the appellant states, that she has received the information and is satisfied.

4. Dr. Balwinder Singh, PIO states that the complete information has been provided to the appellant on 13.11.2018.

5. After hearing both the parties and perusing the record, it is ascertained that the information which has been sought by the appellant has been provided to her by the respondent with which she is satisfied and has given in writing to close the case. This information has been supplied to the appellant after the lapse of three months, therefore, the respondent is warned to be careful in future while dealing with the RTI applications.

Contd.p-2

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

Sd/-

**Chandigarh  
31.01.2019**

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

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Sh. Dabkesh Kumar,  
S/o Sh. Ganga Ram,  
# 306, Nursing Hostel,  
Phase-2, GMCH-32, Chandigarh.

.Appellant

Versus

**Public Information Officer,**  
O/o Director,  
Health & Family Welfare, Punjab,  
Parivar Kalyan Bhawan, Plot No.5,  
Sector:34/A, Chandigarh.

**First Appellate Authority**  
o/o Director,  
Health & Family Welfare, Punjab,  
Parivar Kalyan Bhawan, Plot No.5,  
Sector:34/A, Chandigarh.

.Respondent

## **APPEAL CASE NO. 3774 OF 2018**

**PRESENT:** (i) Sh. Dabkesh Kumar, the appellant.  
(ii) Sh. Mandeep Singh, Sr. Assistant and Sh. Jagtar Singh, Sr. Assistant is present on behalf of the respondent.

### **ORDER:**

The RTI application is dated 21.08.2018 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 24.09.2018 and second appeal was filed in the Commission on 12.11.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 31.01.2019 in the Commission.

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

4. The respondent states that some more time be given to provide the complete information to the appellant.

5. Last opportunity is given to the respondent to provide the complete information to the appellant within one week, with a copy to the Commission, failing action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. The matter to come up for further hearing now on **06.03.2019 at 11.30AM**. Copies of the order be sent to the parties.

Sd/-

Chandigarh  
31.01.2019

(Prof. Viney Kapoor Mehra)  
State Information Commissioner

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Sh. Jagdish Singh,  
R/o Plot No.2, Allied Society,  
Anant Nagar, Nagpur.

.Appellant

Versus

**Public Information Officer,**  
O/o M.C,  
Naya Nangal, Distt:Ropar.

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

.Respondent

## Appeal Case No. 3797 of 2018

**PRESENT** : (i)None is present on behalf of the appellant.  
(ii) Sh. Paramjit Singh, ATP on behalf of the respondent.

### ORDER

The RTI application is dated 14.06.2018 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 30.07.2018 and second appeal was filed in the Commission on 12.11.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 31.01.2019 in the Commission.

3. A letter has been received from the appellant in the commission vide diary no. 1331 dated 16.01.2019 mentioning therein that till today, no information has been supplied to him by the respondent.

4. The respondent states that the information as per the official record has been sent to the appellant vide letter dated 16.07.2018 by ordinary post. He further states that he has brought the original record today in the Commission for the inspection of the appellant but he is absent.

5. Copy of the deficiencies dated 12.01.2019 which has been sent by the appellant in the Commission is handed over to the respondent with the directions to remove the same, before the next date of hearing, 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 now on **14.03.2019** at **12.30PM** through video conference at o/o Deputy Commissioner, Ropar. **Both the parties should appear on the above said venue.** Copies of the order be sent to the parties.

**Chandigarh  
31.01.2019**

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

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Smt. Gurdev Kaur,  
W/o Late Sh. Kehar Singh,  
Mohalla Shaheed Bhagat Singh Nagar,  
DUarewana Road, Kotakpura,  
Distt:Faridkot.

.Complainant

Versus

**Public Information Officer,**  
O/o Pradhan The Scheduled  
Caste Land Owning Society,  
Kotakpura, Distt:Faridkot.

.Respondent

## **Complaint Case No. 608 of 2018**

**PRESENT:** None for the parties.

### **ORDER**

This order may be read with reference to the previous order dated 05.12.2018.

2. This case was fixed for today through video conference at o/o Deputy Commissioner, Faridkot but due to technical problem, the same has not been heard by video conference and is fixed for another date.

5. The matter to come up for further hearing now on **14.03.2019 at 12.30PM through video conference at o/o Deputy Commissioner, Faridkot.** Both the parties should appear on the above said venue. Copies of the order be sent to the parties.

**Chandigarh**  
**31.01.2019**

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

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Smt. Veerpal Kaur,  
W/o Late Sh. Gursewak Singh,  
R/o Ladhoka Mandi, Tehsil & Distt: Fazilka,  
Presently Village Dhaba Kokria,  
Tehsil: Abohar, Distt:Fazilka.

.Appellant

Versus

**Public Information Officer,**  
O/o DEO (Primary Education),  
Distt:Fazilka.

**First Appellate Authority**  
o/o DEO (Primary Education),  
Distt:Fazilka.

.Respondent

## Appeal CASE NO. 3829 OF 2018

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

### ORDER

The RTI application is dated 04.07.2018 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 20.08.2018 and second appeal was filed in the Commission on 12.11.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 31.01.2019 in the Commission.

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

4. The respondent files reply to the Notice of the Commission mentioning therein that the appellant has sought the third party information which is exempted under Section 8(1)(j) of the RTI Act, 2005 and third party has denied in supplying the information to anybody else. The reply has been sent to the appellant vide letter dated 03.10.2018. He further states that he has recently joined on this post as this post was vacant from the last three years.

5. Looking at the lackadaisical and highly irresponsible attitude of the respondent, **PIO Sh. Kulwant Singh, DEO (Primary Education), Fazilka o/o DEO (Primary Education), Fazilka** is directed to show cause as to why penalty @ 250/-

Contd.p-2

per day be not imposed upon him under Section 20 (1) of the RTI Act for not sending the information to the appellant within the statutorily period and why the appellant should not be compensated for the harassment suffered by her in getting the information.

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

7. 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 complaint to enable the Commission to arrive at a reasonable/logical conclusion in the matter. The PIO is also directed to bring the original record relating to the RTI application of the appellant, on the next date of hearing.

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

9. The matter is adjourned for **06.03.2019 at 11.30AM**. Copies of the order be sent to the parties.

**Chandigarh  
31.01.2019**

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

**Through registered post**

**CC: Sh. Kulwant Singh, DEO (Primary Education), o/o DEO, (Primary Education, Fazilka.**

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Sh. Prabjot Singh,  
S/o Sh. Harbaksh Singh,  
# 1748/17-C, Shakti Nagar,  
Jagraon, Distt:Ludhiana.

.Appellant

Versus

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

**First Appellate authority**  
o/o DPI (EE),  
Mohali.

.Respondent

## APPEAL CASE NO. 3798 OF 2018

**PRESENT:** None for the parties.

### ORDER

The RTI application is dated 19.07.2018 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 27.08.2018 and second appeal was filed in the Commission on 12.11.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 31.01.2019 in the Commission.
3. The appellant is absent for today's hearing.
4. A letter has been received from the respondent in the Commission vide diary no. 2429 dated 30.01.2019 mentioning therein that the information has already been supplied to the appellant vide letter dated 02.08.2018.
5. The appellant is advised to go through the information and point out the deficiency, if any, in the information provided to the respondent within one week with a copy to the Commission and respondent is directed to remove the same, before the next date of hearing.

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

7. The matter is adjourned for **06.03.2019 at 11.30AM**. Copies of the order be sent to the parties.

**Chandigarh  
31.01.2019**

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

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Sh. Harish Chander Gandhi,  
H.No.1400/50, Street No.13,  
Guru Nanak Nagar, Patiala.

Appellant

Versus

**Public Information Officer,**  
o/o Civil Surgeon,  
(Birth and Death Record Office),  
Near Head Post Office, Distt: Patiala.

**First Appellate Authority**  
o/o Civil Surgeon,  
(Birth and Death Record Office),  
Near Head Post Office, Distt: Patiala.

Respondent

## Appeal CASE NO. 3811 OF 2018

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

### ORDER:

The RTI application is dated 06.08.2018 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 20.09.2018 and second appeal was filed in the Commission on 13.11.2018 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 31.01.2019 in the Commission.

3. A letter has been received from the appellant in the Commission by email mentioning therein that he is unable to attend the case and Civil Surgeon, Patiala has not supplied the information till today.

4. The respondent states that the appellant has sought the similar information and the same matter has already been disposed off by the Hon'ble SIC Sh. Nirdharak Singh Brar in AC No. 1876/2018 and is also ready to provide the same to the appellant again.

5. The respondent is directed to bring all the record relating to the RTI application which was filed by the appellant in the Court of SIC Sh. Nirdharak Singh Brar and also related to this RTI application dated 06.08.2018, which is filed before

Contd..p-2

the undersigned, on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. The appellant is also advised to follow up his case in the Commission, failing which decision shall be taken on merit.

7. The matter is adjourned for **06.03.2019 at 11.30AM**. Copies of the order be sent to the parties.

**Chandigarh  
31.01.2019**

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

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Sh. Dalbir Singh,  
S/o Sh. Hakam Singh,  
H.No.3330, Sector:46/C,  
Chandigarh.

Complainant

Versus

**Public Information Officer,**  
o/o S.S.P,  
Ropar.

Respondent

## **Complaint CASE NO. 1165 OF 2018**

**PRESENT:** (i) Sh. Dalbir Singh, the complainant.  
(ii) Sh. Inderjit Singh, ASI is present on behalf of the respondent.

### **ORDER:**

The RTI application is dated 20.03.2018 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 05.11.2018 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 31.01.2019 in the Commission.

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

4. The respondent files written reply today in the Commission that the complete record relating to the complaint No. 4188 dated 07.10.2017 has already been supplied to the complainant but he is habitual to file the same RTI applications on the same matter again and again.

5. The attention of the complainant is drawn to the decision of the Hon'ble Supreme Court of India dated 12.12.2011 in Civil Appeal Nos.10787–10788 of 2011 titled Chief Information Commissioner and Another Vs. State of Manipur and Another (arising out of SLP © No.32768-32769/2010) wherein it has been held that *while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the*

Contd...p-2

*information. As per the above decision of the Hon'ble Supreme Court of India, the Information Commission has a power to receive and enquire into the complaint of any person who has been refused access to any information requested under this Act (section 18 (1)(b)) or has been given incomplete, misleading or false information under the Act (Section 18(1)(e) or has not been given a response to a request for information or access to information within time limits specified under the Act (Section 18(1)(c)).*

6. In the complaint cases, it is to be seen whether the intention of the respondent-PIO is clear or not. In this case, the complainant has filed RTI on 20.03.2018 which was received in the department on 23.06.2018 and information has been supplied to the complainant on 27.07.2018. The Commission, has to adjudicate as per provisions mandated by RTI Act, 2005. This is a case of grievance of the appellant who has attempted to find redressal thereof by filling second appeal in the Commission. The perception of the appellant that use of RTI Act can be employed as a mechanism for redressal of his grievance is beyond the paradigm of the Act. The Commission advises the appellant to approach the competent forum or Court for redressal of his grievance as it is unable to go outside the jurisdiction stipulated by the RTI Act. In wake of aforementioned, this Complaint Case is hereby devoid of merit and hence **closed and disposed of**. Copies of the order be sent to the parties.

Sd/-

**Chandigarh  
31.01.2019**

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

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Sh. Rakesh Kumar Gupta,  
8/237, Jagraon Road, Mandi Mullanpur,  
Distt: Ludhiana.

Appellant

Versus

**Public Information Officer,**  
District Election Officer,  
o/o Deputy Commissioner,  
Ludhiana.

**First Appellate Authority**  
o/o State Election Commission, Punjab,  
SCO:49, Sector:17/E, Chandigarh.

**Public Information Officer,**  
o/o Sub Divisional Magistrate,  
Ludhiana, West.

Respondent

## **Appeal CASE NO. 143 OF 2018**

**PRESENT:** (i) None is present on behalf of the appellant.  
(ii) Sh. Gurcharan Singh, Sr. Assistant, o/o SEC and Sh. Keemti Lal,  
Clerk o/o SDM, Ludhiana (West) on behalf of the respondent.

### **ORDER:**

This order may be read with reference to the previous order dated  
04.12.2018.

2. A letter has been received from the appellant in the Commission by  
email mentioning therein that he has visited the office of the respondent on  
05.12.2018 but no inspection has been facilitated to him by the respondent.

3. Sh. Keemti Lal, Clerk is appearing on behalf of the O/o SDM,  
Ludhiana (West) and files written reply mentioning therein that as per the directions  
of the Commission, the appellant has not visited their office from 05.12.2018 to  
14.01.2019. He further adds that the information as per the office record has  
already been provided to him vide letter dated 03.04.2018 and an affidavit has been  
filed in this regard on 27.09.2018 by the PIO o/o SDM, Ludhiana.

4. After hearing the respondent and perusing the record, it is ascertained  
that an opportunity was given to the appellant for the inspection but he has not  
visited the office of the respondent and has also not attended today's hearing.  
Information which was available with the respondent has been provided to the

Contd.p-2

appellant and an affidavit was also handed over to the appellant on 04.12.2018, during the hearing. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The Commission advises to the appellant to seek the specific information from the respondent department by filling afresh RTI application.

5. In view of the above, 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.

Sd/-

**Chandigarh  
15.01.2019**

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

**Through registered post**

**CC: PIO o/o SDM (West), Ludhiana.**

