



Sh Lajpat Rai, S/o Sh Harbans Lal,
R/o Romana Street, Jaito,
Tehsil & Distt Faridkot.

... Appellant

Versus

Public Information Officer,
O/o DSP, Jaito,
Distt Faridkot.

First Appellate Authority,
O/o DIG, Faridkot Range,
Faridkot.

...Respondent

Appeal Case No. 4144 of 2021

PRESENT: Sh.Lajpat Rai as the Appellant
Sh.Prem Singh ASI for the Respondent

ORDER:

The appellant through an RTI application dated 25.08.2021 has sought information 10 points regarding copies of applications, noting/enquiry reports filed against Naib Singh – a copy of the receipt and dispatch register from 1-0.07.2021 onwards –the full record of FIR No.80/2019 PS Jaito including enquiry no.387-4/9/2020 including IG reports – list of applications pending from 01.05.2019 including office noting/enquiry reports and details of pending RTI application – a copy of the RTI letters received from Chandigarh/office, notings and other information as enumerated in the RTI application from the office of DSP Jaito. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 28.08.2021 which took no decision of the appeal.

The case last came up for hearing on 07.03.2022 through video conferencing at DAC Faridkot. As per the respondent and the letter received from the office of SSP Faridkot, DSP Jaito was not the PIO and SSP Faridkot is the PIO. It was further mentioned in the letter that after collecting the information from DSP Jaito, the same has been sent to the appellant.

The appellant was not satisfied with the provided information.

Having gone through the RTI application, it was found that the RTI application has not been reconciled and appropriately replied to. The DSP Jaito was directed to call the appellant to his office by fixing a mutually convenient date and time and provide the information point-wise whatever is available in the record as per the RTI Act before the next date of hearing.

Hearing dated 31.05.2022:

The case has come up for hearing today through video conferencing at DAC Faridkot. As per the respondent, the appellant did not visit their office.

As per the appellant, he was not called by the PIO as per the order of the Commission.

Earlier order stands. The appellant is directed to visit the office of the PIO by fixing a mutually convenient date and time and get the relevant information that is available in the records. The PIO is directed to comply with the earlier order of the Commission which still stands and provide the relevant information as per record.

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

Chandigarh
Dated: 31.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Lajpat Rai, S/o Sh Harbans Lal,
Romana Street, Jaito,
Tehsil & Distt Faridkot.

... Complainant

Versus

Public Information Officer,
O/o DSP, Jaito,
Distt Faridkot.

First Appellate Authority,
O/o SSP,
Faridkot.

...Respondent

Appeal Case No. 1866 of 2021

PRESENT: Sh.Lajpat Rai as the Appellant
Sh. Prem Singh, ASI for the Respondent

ORDER:

The appellant through an RTI application dated 26.09.2020 has sought information regarding the DSP Staff duty list, mobile number including journey order – Receipt/dispatch register /RTI Register, SDM office, DC Office, Human Right Commission SC Commission, SSP Office etc. from 01.05.2019 to 31.09.2020 - list of enquiries done, pending up to date with complete record No.908/PC/8/19 dt.03.06.2019 and other information as enumerated in the RTI application from the office of DSP Jaito. The appellant was not provided with the information provided after which the appellant filed the first appeal before the first appellate authority on 26.12.2020 which took no decision on the appeal. The appellant had filed an appeal under Life & Liberty, however, the Hon'ble CIC has ordered to consider the case under the general category.

The case last came up for hearing on 04.10.2021 through video conferencing at DAC Faridkot. As per the appellant, the PIO did not supply the information.

The respondent pleaded that the information sought by the appellant was not specific and it was not clear what the appellant sought. Thereafter after having discussions with the appellant the sought information had been clarified and the respondent had assured to provide the information within 15 days.

Regarding information on point-5, the commission was in agreement with the respondents' contention that providing the entire logbook will not be in the public interest as it contains information regarding ongoing investigations, secret visits, etc. Since this concern was valid, the commission directed the PIO to not provide the entire logbook, however, allow inspection of the logbook and provide only that information that was relevant to the appellant's reasons for asking for records of the logbook.

On the date of last hearing on **24.01.2022**, the respondent present pleaded that the appellant has not come for inspection of the logbook as well as not specified the information.

During the earlier hearing on 04.10.2021, the appellant had clarified the information and the respondent (Sh.Sanjeev Kumar, DSP) had assured to provide the information. Hence earlier stands. The PIO was given one last opportunity to comply with the earlier order of the Commission and provide complete information to the appellant, failure of which, can attract a show-cause notice to the PIO as per provisions of section 20 of the RTI Act.

Hearing dated 31.05.2022:

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

As per the appellant, the PIO has not supplied the complete information as per the RTI application.

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

Point-1	As per the appellant, the PIO has not supplied a copy of the order of joining& relieving orders. As per the respondent, the information is available in SSP office	Since the PIO of the district police is the SSP, the SSP office to provide the information.
Point-2	As per the respondent, a copy of the dispatch register has been provided. As per the appellant the PIO has not supplied the copy of complaints received from SDM, DC, SSP, and Human Rights Commission.	The PIO to provide complete information.
Point-3		on grounds of not being information as defined in section 2(f) of the RTI Act
Point-4		Provided
Point-5	As per the appellant, the PIO has supplied information only for 3 months but the information from 01.05.2019 to 30.06.2020	The PIO-SSP to allow inspection of record of the log book and provide relevant part of the appellant.

No further interference is required. The case is **disposed of and closed**.

Chandigarh
Dated: 31.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Arun Gupta,
H NO-B-XI/162, Backside Nirankari Bhawan,
Barnala.

... Complainant

Versus

Public Information Officer,
O/o Health & Family Welfare Deptt,
Pb, Sector-34-A, Chandigarh.

...Respondent

Complaint Case No. 494 of 2021

PRESENT: **Sh.Arun Gupta for the Appellant**
 Sh.Salinder Singh, Sr.Assistant for the Respondent

ORDER:

The complainant through an RTI application dated 28.12.2020 has sought information regarding the appointment of laboratory technical grade-2(98 posts) through BFUHS from Aug 2020 till date – total number of posts advertised – total posts reserved for Gen(EWS) category according to notification – clarification regarding less number of posts advertised- a copy of diploma/degree certificate, experience and EWS certificate of candidates appeared in counselling – unfilled posts –backlog of gen(EWS) and other information as enumerated in the RTI application from the office of Health and Family Welfare, Pb Chandigarh. The complainant was not provided with the information provided after which the complainant filed a complaint in the Commission on 20.04.2021.

The case first came up for hearing on 11.10.2021 through video conferencing at DAC Barnala/Mohali. As per the respondent present from the Establishment branch-7, O/o Health & Family Welfare, they received the RTI application on 06.09.2021 and the information was provided to the complainant vide letter dated 22.09.2021.

The complainant claimed that he received the information only on 06.10.2021, which was also incomplete.

However, as per the letter received in the Commission on 09.09.2021 from Dy. Director (RTI) O/o Director, Health & Family Welfare, the RTI was transferred to PIO-cum-Supt.(Establishment-7) vide letter dated 15.01.2021.

As per the letter of Dy. Director, the RTI application was transferred to PIO-Suptd. Establishment-7 on 15.01.2021 but the information was only provided on 22.09.2021, there has been a delay of more than eight months in attending the RTI application, the PIO-Superintendent (Establishment Branch-7) O/o Department of Health & Family Welfare was issued a **show-cause notice under section 20 of the RTI Act 2005 and directed to file reply on an affidavit.**

However, since the appellant had filed a complaint case and not gone to the First Appellate Authority; to hear the appellant's contention regarding incomplete information the case was remanded back to the First Appellate Authority with the direction to consider this as an appeal case and dispose of the same within a period of 30 days as per RTI Act.

On the date of the hearing on **31.01.2022**, the respondent present pleaded that the remaining information has also been provided to the complainant vide letter dated 09.12.2021 except information on point-d which is a 3rd party information.

The PIO however did not file a reply to the show-cause notice. The PIO was given one last opportunity to file a reply to the show-cause notice otherwise it will be presumed that he has nothing to say in the matter and the decision will be taken as per provisions of the RTI Act.

On the date of the last hearing on **16.03.2022**, the respondent present pleaded that the information has already been supplied to the appellant. The Commission also received a reply to the show-cause notice from the PIO on 07.03.2020 which was taken on record. It was mentioned by the PIO in the reply that due to the ongoing covid pandemic, the health department was continuously conducting recruitmen to fill the posts of medical and para-medical staff and the PIO was the only person handling the RTI applications, thus the information was delayed. The PIO requested for condoning the delay due to the above circumstances.

The Commission accepted the plea of the PIO and dropped the show cause.

However, the Commission was of the view that since the complainant had to suffer undue inconvenience to get the information, it was a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

Hence the PIO- Department of Health and Family Welfare, Pb Chandigarh was directed to pay an amount of **Rs.5000/-** via demand draft as compensation to the appellant and submit proof of having compensated the appellant.

Hearing dated 31.05.2022:

As per the respondent, the compensation has been provided to the complainant vide demand draft No.079753 dated 29.03.2022. The complainant has received the same.

The complainant, however, claims that the PIO has not supplied the complete information.

The respondent, however, informed that the information has already been provided to the appellant except for information on point-d which being 3rd party, cannot be provided. The respondent further informed that the first appellate authority after hearing the complainant through video conferencing on 04.02.2022 has also decided that the information relating to point-d being 3rd party information, cannot be provided. The respondent has also submitted a copy of the order of the first appellate authority which has been taken on record.

Having gone through the RTI application and hearing both the parties, I uphold the decision of the First Appellate Authority.

Since the information has been provided and the compensation has been paid to the complainant, no further interference of the Commission is required.

The case is **disposed of and closed**.

Chandigarh
Dated: 31.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Bikramjit Singh,
H NO-8, Phase-3, Swiss City,
Gumtala Mahal, Bypass,
Amritsar.

... Complainant

Versus

Public Information Officer,
O/o SGPC,
Amritsar.

...Respondent

Complaint Case No. 221 of 2021

PRESENT: None for the Complainant
Sh.Simarjit Singh for the Respondent

ORDER:

The complainant through the RTI application dated 09.01.2021 has sought information regarding the inspection of the file related to a letter emailed to Shri Akal Takhat Sahib on 10.10.2020 and 02.01.2021 with letter No.792 and 1093 as enumerated in the RTI application concerning the office of SGPC Amritsar. The complainant was not provided with the information after which the complainant a complaint in the Commission on 17.02.2021.

The case first came up for hearing on 07.07.2021 through video conferencing at DAC Amritsar. The complainant informed that earlier the PIO vide letter dated 05.04.2021 had informed that the enquiry is pending and the information cannot be provided. Thereafter, the PIO vide letter dated 21.06.2021 informed that the enquiry has been completed, the report has been received and the decision has been taken but the PIO did not supply a copy of a final decision as per the RTI application.

The complainant further informed that he was allowed inspection only on 6th July 2021 but during the inspection, he was not allowed to note down any letter numbers nor provided photocopies of the required information.

The respondent was absent and vide email has sought exemption.

The Commission observed that the PIO has not attended to the RTI application within a period of 30 days, the time prescribed under the RTI Act. As per the record on the file, the RTI application was filed on 09.01.2021 but the reply was sent only on 05.04.2021. The PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

On the date of hearing on **09.02.2022**, Shri Simarjit Singh-PIO appeared and informed that since the appellant's enquiry is pending with Shri Akal Takht, a letter was sent to the office of Shri Akal Takht Sahib on 15.01.2021 asking for the status of the enquiry and the reply was received on 23.03.2021. The reply was sent to the appellant vide letter dated 05.04.2021 stating therein that the enquiry was still pending.

The PIO also sent a reply to the show-cause notice through email which was taken on the file of the Commission.

On the date of the last hearing on 09.03.2022, both the parties were absent. The case was adjourned.

Hearing dated 31.05.2022:

The case has come up for hearing today. As per the respondent, since the enquiry is pending with the Jathedar of Shri Akal Takht Sahib, the information cannot be provided and the reply has already been sent to the complainant vide letter dated 15.01.2021.

The complainant is continuously absent on the 4th hearing.

Since it is a complaint 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 reply has already been sent by the PIO, if the complainant is not satisfied and still wants information, the complainant is directed to go to the First Appellate Authority.

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-Secretary SGPC Amritsar with a copy of 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:31.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to First Appellate Authority-cum-
Secretary, SGPC, Amritsar.

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

... Appellant

Versus

Public Information Officer,
O/o Director Chemical Examiner,
Kharar, Distt.Mohali.

First Appellate Authority,
O/o Chief Chemical Examiner,
Kharar, Distt.Mohali.

...Respondent

Appeal Case No.4261 of 2021

PRESENT: None for the Appellant
Mrs.Saroj, Sr.Assistant and Dr.Bhavish Parkash for the Respondent

ORDER:

The appellant through an RTI application dated 27.07.2021 has sought information on 06 points regarding examination report No.3847 dated 01.08.2019 having MLR No.NB/MLR/21/19 dated 31.05.2019 for FIR No.76 dated 31.05.2019 PS Shimlapuri- sample received on 03.06.2019 from Dr.Neelam Bhatia through constable Sushma Rani 1619 – DNA profile against MLR LM Hospital Ludhiana and other information as enumerated in the RTI application from the office of Director Chemical Examiner, Kharar. The appellant was not satisfied with the reply of the PIO dated 10.02.2021 after which the appellant filed the first appeal before the First Appellate Authority on 29.07.2021 which took no decision of the appeal.

The case first came up for hearing on 28.02.2022. The respondent present pleaded that the information has already been provided to the appellant vide letter dated 10.02.2021, 16.03.2021, 23.08.2021 & 11.01.2022.

The appellant was absent and vide email has informed that the PIO has not provided the complete information even after pointing out the discrepancies to the PIO on 15.01.2022.

The respondent was directed to bring the entire record relating to this RTI application to the Commission on the next date of hearing at Chandigarh. The appellant was given one more opportunity to appear before the Commission on the next date of hearing to reconcile the information.

Hearing dated 31.05.2022:

The appellant is absent and vide email has informed that the PIO has not sorted out the discrepancies as pointed out on 15.01.2022.

The respondent present pleaded that the available information has already been provided to the appellant vide letter dated 10.02.2021, 16.03.2021, 23.08.2021 & 11.01.2022. Further, since there is no facility for conducting DNA tests in the institution, and also no requisition was made by the concerned Inspecting Officer for conducting DNA test while sending sample, there is information available regarding the DNA tests as sought by the appellant. cannot be provided. The reply has already been sent to the appellant vide letter dated 11.01.2022.

Appeal Case No.4261 of 2021

The PIO is directed to give this in writing on an affidavit to the appellant with a copy to the Commission.

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

Chandigarh
Dated: 31.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner