**STATE INFORMATION COMMISSION, PUNJAB**

**Red Cross Building, Sector-16, Chandigarh**

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Ms Manjeet Kaur, D/o Sh Bal Krishan,

Town Bhadson, Tehsil Nabha,

Distt Patiala. Complainant

Versus

**Public Information Officer,**

O/o C T, Educational Society,

Maqsudan, Jalandhar.. ...Respondent

**Complaint Case No. 914 of 2017**

Present : (i) Ms. Manjeet Kaur, the complainant

 (ii) For the respondent : Sh. Kanwaljit Singh, Assistant Registrar

**ORDER**

1. The RTI application is dated 31.03.2017 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 28.08.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 02.11.2017 in the Commission.

3. Respondent states that the information is ready; therefore, the complainant can collect the same any time.

4. Respondent is directed to send the information to the complainant through registered post. Ms. Manjeet Kaur- the complainant expressed his satisfaction over the same and stated that she has no objection, if the case is disposed of accordingly.

5. On the assurance of the respondent, the case is **disposed of and closed**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 02.11.2017 State Information Commissioner**

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Sh Vivek Baghla,

H No-B-2857, Bank Colony, Badha Road,

Fazilka . Complainant

Versus

**Public Information Officer,**

O/o District Education Officer (S).

Fazilka..

**First Appellate Authority,**

District Education Officer (S).

Fazilka ...Respondent

**Complaint Case No. 885 of 2017**

Present : None for the parties.

**ORDER**

 Neither the Complainant nor the respondent is present today. This is the first date of hearing, therefore, one more opportunity is given to both the parties to appear before the Commission and state their case.

2. To come up on **27.11.2017 at 11.00 AM.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 02.11.2017 State Information Commissioner**

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Sh Ankit Dhir, S/o Surinder Kumar Dhir,

H No-7/3002, Mohalla Gouns, Behind New Janta Model High School,

Nakodar , Distt Jalandhar. Complainant

Versus

**Public Information Officer,**

O/o District Education Officer,

Jalandhar.

**First Appellate Authority,**

District Education Officer,

Jalandhar ...Respondent

**Complaint Case No. 907 of 2017**

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

 (ii) For the respondent : Smt. Kusum Dhir, Principal

**ORDER**

1. The RTI application is dated 25.04.2017 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 24.08.20174 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 02.11.2017 in the Commission.
3. Complainant is absent today. Respondent states that complete information has been sent to the Complainant. She has also brought original copy of information today in the Commission.
4. I have gone through the record and found satisfactory. Copy of the information is taken on record. The complainant can collect the same from the Commission office on any working day.
5. Since, the information has been sent to the Complainant, no cause of action is left. The complaint case filed by the Complainant is, therefore, **disposed of and closed**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 02.11.2017 State Information Commissioner**

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Sh Darshan Singh Kang,

Anti Corruption Trust (Regd),

Samrala, Distt Ludhiana. Appellant

Versus

**Public Information Officer,**

O/o Director Primary Instructor (S),

Phase-8, Mohali.

**First Appellate Authority,**

Director Primary Instructor (S),

Phase-8, Mohali. ...Respondent

**Appeal Case No. 2429 of 2017**

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

 (ii) for the respondent : Sh. Sandeep Singh, Sr. Assistant

**ORDER**

The RTI application is dated 24.06.2017 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 31.08.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 02.11.2017 in the Commission.

3. The appellant is absent today. He has sent a letter that he is unable to attend the hearing.

4.

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Sh Lakhvir Singh S/o Sh Teja Singh,

Dreams Home, ITI Chownk, Opposite Diamond Car Wash,

Jakhal Road, Sunam, Distt Sangrur. Complainant

Versus

**Public Information Officer,**

O/o P.S.E.B,

Phase-8, Mohali ...Respondent

**Complaint Case No. 892 of 2017**

Present : (i) Sh. Mahesh Inder Singh the complainant

(ii) For the respondent: Smt. Manjit Kaur, APIO, Sh. Rampal Singh, Sr. Assistant

**ORDER**

 The RTI application is dated 29.03.2017 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 18.08.2017 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 01.07.2014 in the Commission.

3. Complainant has authorized Sh. Mahesh Inder Singh to appear on his behalf.

4. Respondent files his reply that the information demanded by the complainant cannot be provided under Section 8(1)(d) and Section 11 of RTI Act 2001 as the information is a third party information.

5. I have gone through the RTI of the complainant and see no reason, why it should be denied; therefore I overrule the objection of the respondent and direct them to provide the information to the complainant.

6. Respondent states that they have brought today copy of the rule, which the complainant was demanded. The same is handed over to the representative of the complainant. The complainant expressed his satisfaction over the same and states that he has no objection, if the case is disposed of. Accordingly, the case is **disposed of and closed.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 02.11.2017 State Information Commissioner**

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Sh Nirbhey Singh, Sh Rallu Singh,

Village and Post Office Kheri,

Distt Sangrur. Appellant.

Versus

**Public Information Officer,**

O/o DPI(S), Education Department,

Phase-8, Mohali.

**First Appellate Authority**

O/o DPI(S), Education Department,

Phase-8, Mohali . ...Respondent

**Appeal Case No. 1701 of 2017**

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

 (ii) for the respondent : Sh. Ranjodh Singh, clerk

**ORDER**

This order may be read with reference to the previous order dated 27.09.2017.

2. The appellant is absent today. Respondent states that complete information has been sent to the appellant.

3. A perusal of the file shows that the appellant is absent today without any intimation. He was not even present on the last date of hearing. Even the orders sent to him has not been returned undelivered which makes it clear that the same has been duly received by him. It is therefore presumed that the appellant is satisfied.

4. In view of the foregoing, no cause of action is left, therefore the appeal is hereby ordered to be **closed and disposed of.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 02.11.2017 State Information Commissioner**

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Sh Gagan Deep Singh,Janjua

Village Tura,Post Office Kumbh, Tehsil Amloh

District Fatehgarh Sahib Appellant.

 Versus

**Public Information Officer,**

O/o SDM, Phagwara,

**First Appellate Authority**

O/o SDM, Phagwara ...Respondent

**Appeal Case No. 1751 of 2017**

Present : (i) Sh. Gagandeep Singh Janjua, the appellant

 (ii) For the respondent :- Sh. Shingara Singh, Kanugo

**ORDER**

 This order may be read with reference to the previous order dated 27.09.2017.

2. The appellant states that he has received information regarding point no. 2. But he has not received the information pertaining to point no. 1.

3. Respondent states that the information regarding point no. 1 will be provided to the appellant as soon as possible.

4. The respondent is directed to ensure that the information in respect of the point no. 1 is furnished to the appellant. However, if this information is not available on record, the PIO shall file an affidavit on oath stating the same.

5. To come up on **09.11.2017 at 11.00 AM.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 02.11.2017 State Information Commissioner**

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Sh Darshan Singh Kang,

Anti Corruption Trust (Regd),

Samrala, Distt Ludhiana. Appellant

Versus

**Public Information Officer,**

O/o Director Primary Instructor (S),

Phase-8, Mohali.

**First Appellate Authority,**

Director Primary Instructor (S),

Phase-8, Mohali. ...Respondent

**Appeal Case No. 2429 of 2017**

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

 (ii) For the respondent : Sh. Sandeep Singh, Sr. Assistant

**ORDER**

The RTI application is dated 26.06.2017 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 31.08.2017 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 02.11.2017 in the Commission.

3. The appellant is absent. He has sent a letter that he is unable to attend the hearing.

4. Respondent states that the information demanded by the appellant is third party information, therefore, cannot be provided.

5. After hearing the respondent, it is observed that the information demanded by the appellant is third party information. The furnishing of the information asked for, if provided, would cause unwarranted invasion of privacy of the individual under Section 8(1)(j) of the RTI Act and may also lead to intimidation of such officials

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

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 02.11.2017 State Information Commissioner**

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Ms Rajni, W/o Sh Sukhwinder Singh,

Quarter No-286, Power Colony, G H T P,

Lehra Mohabbat, Distt Bathinda. Complainant

Versus

**Public Information Officer,**

O/o District Primary Instructions (S),

Phase-8, Mohali

***REMANDED BACK TO***

**First Appellate Authority**

**o/o DPI (SE), Vidya Bhawan (PSEB)**

**Block E, 4th Floor, Phase-VIII,**

**Mohali (Punjab)**  ...Respondent

**Complaint Case No. 895 of 2017**

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

 (ii) For the respondent: Smt. Savita Sahi, Sr. Assistant

**ORDER**

 The RTI application is dated 17.07.2017 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 28.08.2017 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 02.11.2017 in the Commission.

3. The Respondent states that Complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such the FAA has not been able to address the grievances of the Complainant.

4. It must be noted that there is an alternate and efficacious remedy of First Appeal available under Section 19(1) of the RTI Act. It appears that the Complainant has failed to avail the same in the instant case. Consequently, the First Appellate Authority (FAA) has not had the chance to review the PIO’s decision as envisaged under the RTI Act.

5. 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

**Complaint Case No. 895 of 2017**

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:-

*(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.

6. 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.

7. 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.

8In 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: 02.11.2017 State Information Commissioner**

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Sh Gagan Deep Singh,Janjua

Village Tura,Post Office Kumbh, Tehsil Amloh

District Fatehgarh Sahib Appellant.

Versus

**Public Information Officer,**

O/o Tehsildar, Phagwara

**First Appellate Authority**

O/o SDM, Phagwara ...Respondent

**Appeal Case No. 1752 of 2017**

Present : (i) Sh. Gagandeep Singh Janjua, the appellant

 (ii) For the respondent :- Sh. Pala Singh, Kanugo, Phagwara

**ORDER**

 This order may be read with reference to the previous order dated 27.09.2017 vide which the respondent was directed to file an affidavit.

2. Today the respondent has filed an affidavit. Original copy of the affidavit is handed over to the appellant. Copy of the same is taken on record. The appellant has gone through the same and expressed his satisfaction.

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

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 02.11.2017 State Information Commissioner**

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Sh Gagan Deep Singh,Janjua

Village Tura,Post Office Kumbh, Tehsil Amloh

District Fatehgarh Sahib Appellant.

 Versus

**Public Information Officer,**

O/o Naib Tehsildar, Phagwara,

**First Appellate Authority**

O/o SDM, Phagwara ...Respondent

**Appeal Case No. 1750 of 2017**

Present : (i) Sh. Gagandeep Singh Janjua, the appellant

 (ii) For the respondent :- Sh. Pala Singh, Kanugo, Phagwara

**ORDER**

 This order may be read with reference to the previous order dated 27.09.2017 vide which the respondent was directed to file an affidavit.

2. Today the respondent has filed an affidavit. Original copy of the affidavit is handed over to the appellant. Copy of the same is taken on record. The appellant has gone through the same and expressed his satisfaction.

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

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 02.11.2017 State Information Commissioner**

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Sh Gagan Deep Singh,Janjua

Village Tura,Post Office Kumbh, Tehsil Amloh

District Fatehgarh Sahib Appellant.

Versus

**Public Information Officer,**

O/o Tehsildar, Phagwara,

**First Appellate Authority**

O/o SDM, Phagwara ...Respondent

**Appeal Case No. 1749 of 2017**

Present : (i) Sh. Gagandeep Singh Janjua, the appellant

 (ii) For the respondent :- Sh. Pala Singh, Kanugo, Phagwara

**ORDER**

 This order may be read with reference to the previous order dated 27.09.2017 vide which the respondent was directed to file an affidavit.

2. Today the respondent has filed an affidavit. Original copy of the affidavit is handed over to the appellant. Copy of the same is taken on record. The appellant has gone through the same and expressed his satisfaction.

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

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 02.11.2017 State Information Commissioner**

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Sh Kamaldeep Singh, S/o Sh Sukhdev Singh,

4-F, Preet Nagar, Ambala Cantt Complainant

Versus

**Public Information Officer,**

O/o Principal Govt Sr. Sec. School,

Jarot, Distt SAS Nagar.

**Public Information Officer**

 o/o Government Middle School,

Complex GSSS Handersa, Nagla (SAS Nagar) Respondent

**Complaint Case No. 908 of 2017**

Present : (i) Sh. Sukhdev Singh on behalf the complainant

 (ii) for the respondent : Sh. Rakesh Kumar, Lecturer

**ORDER**

 The complainant states that no information has been given to him so far. Sh. Rakesh Kumar the respondent states that they have brought reply to the RTI of the complainant today in the Commission. The same is handed over to the complainant.

2. I have gone through the reply of the respondent and found that some information is concerned with the PIO, o/o Government Middle School, Complex GSSS Handersa, Nagla (SAS Nagar). Respondent is directed to transfer the RTI of the complainant to the concerned department.

3. Since, the information is to be provided by the PIO, o/o Government Middle School, Complex GSSS Handersa, Nagla (SAS Nagar). I, therefore, order that PIO, o/o Government Middle School, Complex GSSS Handersa, Nagla (SAS Nagar) be impleaded as Respondent No.2. I further direct that PIO, o/o Government Middle School, Complex GSSS Handersa, Nagla (SAS Nagar) should supply the information to the Complainant before the next date of hearing.

4. Sh. Rakesh Kumar, the respondent is directed that the information pertaining to their department will be sent to the complainant as early as possible with a copy to the Commission. A perusal of the RTI application of the Complainant shows that he has raised many queries for which no information can be supplied, as the information which only exists in the record can be supplied, and the queries are not to be replied.

5. To come up on **27.11.2017 at 11.00 AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 02.11.2017 State Information Commissioner**