

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden,**  
**Sector 16, Chandigarh.**  
**Ph: 0172-2864117, Email: - psic27@punjabmail.gov.in**  
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Sh Sham Singh, S/o Shri Dhanna Singh,  
Jail Road, Ajit Nagar Singh, Gali No.2  
Faridkot

.....Complainant

Vs

**Public Information Officer,**  
O/o Managing Director,  
Housefed, Punjab  
***Remanded back to***  
**First Appellate Authority**  
O/o Managing Director,  
Housefed, Punjab

.....Respondent

**CC No. 806 of 2019**

Present: (i) Sh. Sham Singh the complainant  
(ii) For the respondent : Sh. Upkar Singh, APIO

**ORDER**

1. The RTI application is dated 29.07.2019 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 05.09.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 06.11.2019 in the Commission.
3. The Complainant Sh. Sham Singh states that no information has been given to him so far.
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:-

*(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).*

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**CC No. 806 of 2019**

5. 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.

8. 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/-

**(Preety Chawla)**  
**State Information Commissioner**

**Chandigarh**  
**Dated: 06.11.2019**

CC: Copy of the RTI application of the complainant to the First Appellate Authority

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Ms. Gurbinder Kaur,  
D/o S. Chuhra Singh, Sahibzada Fateh Singh Nagar  
Backside Telephone Exchange,  
Kotakpura Distt. Faridkot

-----Appellant

Vs.

**Public Information Officer,**  
O/o Director Health and Family Welfare  
Parivar Kalyan Bhawan, Sector 34, Chandigarh

**First Appellate Authority**  
o/o Secretary Welfare Punjab  
Chandigarh

-----Respondent

**Appeal Case No. 3292 of 2019**

\_Present: (i) None for the Appellant  
(ii) For the respondent : Sh Nachattar Singh, PIO and Sh Jaspreet Singh, Sr. Asstt.

**ORDER**

1. The RTI application is dated 01.06.2019 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 05.09.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 06.11.2019 in the Commission
3. The Appellant is not present today.
4. The Respondent states that the complete information has already been sent to the Appellant on 31.10.2019 by registered post. He has also given in writing that the complete information has been provided to the Appellant and that there is nothing pending in this regard. Further he also files a copy of the information, which is taken on record.

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**Appeal Case No. 3292 of 2019**

5. Since, the complete information has been provided to the Appellant therefore, no further cause of action is left. In view of the same, the appeal case filed by the appellant is therefore **disposed of and closed**. Copy of the order be sent to the parties.

**Chandigarh**  
**Dated: 06.11.2019**

Sd/-  
**(Preety Chawla)**  
**State Information Commissioner**

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Sh. Diyal Singh, S/o Shri Balwant Singh  
R/o Village Chak Bajida, Tehsil Jalalabad  
Distt. Fazilka

-----Complainant

Vs.

**Public Information Officer,**  
O/o Secretary, The Chak Tahli Wala,  
Bahumantavi Govt. Agriculture Sabha Ltd.  
Jalalabad, Distt, Fazilka

-----Respondent

**Complaint Case No. 802 of 2019**

\_Present: (i) Sh Diyal Singh, the Complainant  
(ii) None for the respondent

**ORDER**

The RTI application is dated 30.04.2019 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 04.09.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 06.11.2019 in the Commission
3. No one has appeared on behalf of the Respondent today.
4. The Appellant states that the complete information has not been provided to him so far.

5. The perusal of the file shows that no one has appeared on behalf of the Respondent today. However, the Respondent has sent his reply to the Appellant stating that the "The Chak Tahli Wala, Bahumantavi Govt. Agriculture Sabha Ltd. Jalalabad" is not a 'public authority' within the meaning of Section 2 (h) of RTI Act 2005. Hence, the Complaint case filed by the Complainant is **disposed off and closed**. However the complainant will be at liberty to file fresh RTI application with supported documents to get it declared as a public authority, in case he so wish. Copies of the order be sent to the parties.

Sd/-

**Chandigarh**  
**Dated: 06.11.2019**

**(Preety Chawla)**  
**State Information Commissioner**

*Note: Sh Harbans Sharma, counsel for the Respondent appeared after the hearing was over. He was read-out the above order. He has also filed his reply. Copy of the same is taken on record.*

Sd/-

**Chandigarh**  
**Dated: 06.11.2019**

**(Preety Chawla)**  
**State Information Commissioner**

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Sh Girdhari Lal Goyal,  
#19, Aman Colony,  
Near Phatak No.22, Patiala-147001

-----Complainant

Vs.

**Public Information Officer,**  
O/o Deputy Secretary, Food Civil Supply and Consumer Affairs,  
Mini Sec tt., Sector 9, Chandigarh

-----Respondent

**Complaint Case No. 795 of 2019**

\_Present: (i) Sh Girdhari Lal Goyal, Complainant  
(ii) For the respondent: Sh Mohit kumar, Sr Asstt and Sh Kamal. Supdt.

**ORDER**

The RTI application is dated 14.12.2018 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 23.07.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 06.11.2019 in the Commission

3. The Appellant states that no information has been provided to him so far.

4. The Respondent states that the information sought by the Appellant has not been traced in their official record. Hence, they have filed a DDR in this regard. Copy of the same is handed over to the Appellant.

5. Hence, no further cause of action is left. Hence, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh  
Dated: 06.11.2019

(Preety Chawla)  
State Information Commissioner

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Sh. Ramandeep Singh Ahluwalia,  
RTI Activists, Ward No. 18, Street No. 2,  
Kartar Nagar, Amlah Road,  
Khanna - 141401

-----Appellant

Vs.

**Public Information Officer,**  
O/o Deputy Registrar Cooperative Societies,  
Ludhiana

**First Appellate Authority**  
O/o Deputy Registrar Cooperative Societies,  
Ludhiana

-----Respondent

**Appeal Case No. 3298 of 2019**

Present: (i) None for the Appellant  
(ii) For the respondent : Sh Kamaljit Singh, ARCS and Sh Gurdip Singh, Junior Clerk

**ORDER**

1. The RTI application is dated 20.05.2019 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 05.09.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 06.11.2019 in the Commission
3. The Appellant is not present today. However, he has informed on phone that due to his ill-health he shall not be able to attend the hearing today.
4. The Respondent states that he has got the complete information today to be handed over to the Appellant.

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**Appeal Case No. 3298 of 2019**

5. The perusal of the file shows that the Appellant is not present today. The Respondent has brought the complete information today. Since the Appellant is not present, the Respondent is directed to send the information to the Appellant by registered post.
6. To come up on **28.11.2019 at 11:00AM**. Copy of the orders be sent to the parties.

**Chandigarh**  
**Dated: 06.11.2019**

Sd/-  
**(Preety Chawla)**  
**State Information Commissioner**



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Sh. Navdeep Singh,  
S/o Shri Major Singh, R/o Ward No. 6,  
Patti, Distt. Tarn Taran

-----Complainant

Vs.

**Public Information Officer,**  
O/o Senior Medical Officer,  
Patti, Distt. Tarn Taran

-----Respondent

**Complaint Case No. 785 of 2019**

\_Present: (i) Sh Navdeep Sharma, Complainant  
(ii) for the respondent: Sh Mohit kumar, Sr Asstt and Sh Kamal. Supdt.

**ORDER**

The RTI application is dated 18.04.2019 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 30.08.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 06.11.2019 in the Commission
3. No one has appeared on behalf of the Respondent today.
4. The Appellant states that no information has been provided to him so far.
5. After perusing the record available on file it emerges that PIO has delayed/ denied in providing the information to the complainant. In view of the above, **PIO- O/o Senior Medical Officer, Patti, Tarn Taran is directed** to 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.

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**Complaint Case No. 785 of 2019**

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

6. To come up on **05.12.2019 at 11:00AM through Video-Conferencing facility in the office of DC, Tarn Taran.** Copy of the orders be sent to the parties.

Sd/-

Chandigarh  
Dated: 06.11.2019

(Preety Chawla)  
State Information Commissioner

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Sh. Harmilap Singh Grewal,  
House No. 22173, Street 12/2,  
Power House Road, Bathinda -151001

-----Appellant

Vs.

**Public Information Officer,**  
O/o Deputy Registrar Cooperative Societies,  
Bathinda  
**First Appellate Authority**  
o/o Joint Registrar, Cooperative Societies,  
Ferozepur

-----Respondent

**Appeal Case No. 3288 of 2019**

Present: (i) Sh Harmilap Singh Grewal, Appellant  
(ii) For the respondent : Ms Sandeep Kaur, Inspector

**ORDER**

1. The RTI application is dated 08.03.2019 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 05.09.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 06.11.2019 in the Commission
3. The Appellant states that no information has been provided to him so far.
4. The Respondent states that she has joined newly hence, some time is required to provide the information to the Appellant.
5. In view of the same, some time is granted to the respondent to provide complete information to the Appellant. To come up on **05.12.2019 at 11:00AM through Video-Conferencing facility in the office of DC, Bathinda.** Copy of the orders be sent to the parties.

Sd/-

**Chandigarh**  
**Dated: 06.11.2019**

**(Preety Chawla)**  
**State Information Commissioner**