PUNJAB, STATE INFORMATION COMMISSION

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Shri Manjinder Singh, President (82830-00236),

Human Rights & Environment Protection Organization,

# 699, Block-I, BRS Nagar, Ludhiana-1410212. ……Complainant

Versus

Public Information Officer,

O/O Secretary, Regional Transport Authority,

Bathinda. …….Respondent.

**COMPLAINT CASE NO. 1352 of 2017**

Present: Shri Manjinder Singh, complainant, in person.

 None on behalf of respondent.

**ORDER:**

 On the last date of hearing on 21-03-2018, as both the parties are absent without any intimation to the Commission, the case had to be adjourned for today.

2. Today, the complainant is present who says that no information has been provided till date.

3. The respondent is absent without any intimation to the Commission. The respondent-PIO is directed to be present in the court on the next date of hearing. In case of non appearance, punitive proceedings will be initiated against the PIO under the provisions of RTI Act. Adjourned.

4. The matter to come up for further hearing on **20-06-2018 at 11.00 AM.**

5. Copy of order be sent to the parties.

 Sd/-

Place: Chandigarh, (Hem Inder Singh )

Dated 08-05-2018. State Information Commissioner

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Shri Manjinder Singh, President (82830-00236),

Human Rights & Environment Protection Organization,

# 699, Block-I, BRS Nagar, Ludhiana-1410212. ……Complainant

Versus

Public Information Officer,

O/O Regional Transport Authority,

Sangrur. …….Respondent.

**COMPLAINT CASE NO. 1353 of 2017**

Present: Shri Manjinder Singh, complainant, in person.

 Shri Jagtar Singh, Clerk on behalf of respondent.

**ORDER:**

 Today, both the parties are present. The complainant says that he has received the sought information and is satisfied with the supplied information. He requests the court to close the case.

2. As the sought information stands supplied, the case is **closed and disposed.**

 3. Copy of order be sent to the parties.

 Sd/-

Place: Chandigarh, (Hem Inder Singh )

Dated 08-05-2018. State Information Commissioner

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Shri Manjinder Singh, President (82830-00236),

Human Rights & Environment Protection Organization,

# 699, Block-I, BRS Nagar, Ludhiana-1410212. ……Complainant

Versus

Public Information Officer,

O/O Regional Transport Authority,

Amritsar. …….Respondent.

**COMPLAINT CASE NO. 1354 of 2017**

Present: Shri Manjinder Singh, complainant, in person.

 None on behalf of respondent.

**ORDER:**

 Last heard on 21-03-2018.

2. The complainant says that the information supplied by the respondent is vague as he has not sought the information which the PIO has supplied to him.

3. The respondent is absent. However, a letter No. 1442 dated 07-05-2018 is received in the Commission office from Shri Kamaljeet Singh, PIO-cum-Secretary, Regional Transport Authority, Amritsar vide which the sought information has been supplied to the complainant.

4. A perusal of the supplied information shows that, the information supplied vide the above-said letter, is not as per the RTI application of the complainant.

5. A photocopy of the RTI application of the complainant is attached with the orders for supplying the information as per RTI application. Adjourned.

6. The matter to come up on **20-06-2018 at 11.00 AM.**

7. Copy of order be sent to the parties.

 Sd/-

Place: Chandigarh, (Hem Inder Singh )

Dated 08-05-2018. State Information Commissioner

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Ms. Geeta Devi d/o Sh. Mukhtiar Singh,

H.No. C-320, Rajiv Gandhi Colony,

Phase-IV, Focal Point, Ludhiana. …..Complainant.

Versus

Public Information Officer,

o/o Punjab State Small Industries & Export Corporation,

Udyog Bhawan, Sector 17, Chandigarh. …..Respondent

**Complaint Case No.1104 of 2017**

Present: None on behalf of complainant.

 Shri Jaswant Singh, Junior Executive, On behalf of respondent.

**ORDER:**

 This case was last heard on 22-03-2018 and was adjourned for today.

2. The representative of respondent submits a copy of letter dated 05-03-2018 from the Manager-cum-APIO, which is retained in the case file, stating therein that the sought information has been supplied to the complainant.

3. The complainant is not present in the court. She is contacted on phone. She says that the supplied information is incomplete and seeks adjournment.

4. Accordingly, the case is adjourned and fixed for further hearing on **19-06-2018 at 12.30 PM.**

5. Copy of order be sent to the parties.

 Sd/-

Place: Chandigarh, (Hem Inder Singh )

Dated 08-05-2018. State Information Commissioner

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Shri Lakhdeep Kumar (86992-98904),

R/o Dogar Basti, St. No. 8-R,

Faridkot Tehsil & District Faridkot. …Appellant Versus

Public Information Officer

O/O Secretary, Regional Transport Authority,

Faridkot.

First Appellate Authority,

O/O Deputy Commissioner,

Faridkot. ….. Respondents

**APPEAL CASE NO. 3509 of 2017**

Present: None on behalf of appellant.

 Shri Neeraj Kumar, Clerk and Shri Jaswinder Singh, Reader, on behalf of respondents.

**ORDER:**

 Last heard on 21-03-2018.

2. The representative of respondents says that the information has already been supplied to the appellant on 09-10-2017.

3. The appellant is not present in the court. He is contacted on phone to know as to whether he has received the supplied information or not. He says that till date no information has been supplied to him.

3. The respondents are directed to send the information again through registered post to the appellant before the next date of hearing. Adjourned.

4. The representative of office of Deputy Commissioner, Faridkot is exempted from appearance on the next date of hearing.

5. To come up for further hearing on **19-06-2018 at 12.30 PM.**

6. Copy of order be sent to the parties.

 Sd/-

Place: Chandigarh, (Hem Inder Singh )

Dated 08-05-2018. State Information Commissioner

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Sh. Surjeet Singh,

s/o Sh. Gokul Singh,

VPO Jarag, Tehsil Payal,

District- Ludhiana. ...Complainant

Versus

Public Information Officer,

O/O Circle Education Officer,

Nabha. …. Respondent.

**COMPLAINT CASE NO. 1868 of 2016**

Present None on behalf of both the parties.

**ORDER**

 Last heard on 13-03-2018.

2. Today both the parties are absent without any intimation to the Commission. The case is ordered to be adjourned and fixed for further hearing on **19-06-2018 at 12.30 PM.**

3. Copy of order be sent to the parties.

 Sd/-

Place: Chandigarh, (Hem Inder Singh )

Dated 08-05-2018. State Information Commissioner

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Sh. Surjeet Singh,

s/o Sh. Gokul Singh,

VPO Jarag, Tehsil Payal,

District- Ludhiana. …..Complainant

Versus

Public Information Officer,

O/O Deputy Director, Elementary Education ,

Education Board Complex, Sector-62, SAS Nagar. …. Respondent.

Public Information Officer,

O/O District Education Officer (EE),

Fatehgarh Sahib.

**COMPLAINT CASE NO. 1867 of 2016.**

Present None on behalf of complainant.

 Shri Didar Singh, Deputy DEO on behalf of respondent.

**ORDER**

 On the last date of hearing on 13-03-2018, the respondent was asked to supply the complete and correct information to the complainant.

2. The representative of respondent says that the information has already been supplied to the complainant by registered post on 04-10-2017. As the complainant is not present in the court, he is directed to be present in the court on the next date of hearing. Adjourned.

3. To come up for further hearing on **19-06-2018 at 12.30 PM.**

4. Copy of order be sent to the parties.

 Sd/-

Place: Chandigarh, (Hem Inder Singh )

Dated 08-05-2018. State Information Commissioner

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Shri Raj Singh s/o Sh. Piara Singh,

VPO: Bhullerian, Distt. Sri Muktsar Sahib.

 Complainant.

Versus

Public Information Officer,

o/o District Development & Panchayat Officer,

Sri Muktsar Sahib. Respondent

**Complaint Case No.282 of 2017**

Present: None on behalf of complainant.

 Shri Arun Kumar, DDPO-cum-PIO, Sri Muktsar Sahib.

**ORDER:**

 As per orders dated 22-03-2018, Shri Arun Kumar, District Development and Panchayat Officer-cum-PIO, Sri Muktsar Sahib is present in the court. He submits a letter from the complainant in which the complainant has written that he has received the information and has requested the court to close the case.

2. However, on the same date i.e.22-03-2018, a show cause notice under Section 20(1) was also issued to the PIO for imposing penalty for not providing the information within the time as prescribed in the RTI Act. Though the sought information stands supplied, but the respondent-PIO has not submitted a duly attested affidavit explaining the reasons for not providing information in time. Therefore, the show cause notice issued to the PIO still stands.

3. The respondent-PIO is directed to be present in the court, along with the duly attested affidavit, on the next date of hearing. Adjourned.

4. To come up on **31-05-2018 at 11.00 AM.**

5. Copy of order be sent to the parties.

 Sd/-

Place: Chandigarh, (Hem Inder Singh )

Dated 08-05-2018. State Information Commissioner

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Shri Manjit Singh (76962-82813),

House No. 388/3, Dhandholian Street,

Patiala. ……Complainant

Versus

Public Information Officer,

O/O Secretary, Regional Transport Authority,

Patiala. …….Respondent.

**COMPLAINT CASE NO. 1347 of 2017**

 Present: Shri Manjit Singh, complainant in person.

 Shri Parmod Kumar, Data Entry Operator, on behalf of respondent.

**ORDER:**

 Last heard on 21-03-2018.

2. The representative of respondent submits a letter dated 07-05-2018 from the PIO-cum- Secretary, RTA, Patiala. It has been written in the said letter that the complainant was asked to deposit the RTI fee for getting the information. But the complainant has not deposited the fee as yet.

3. A perusal of case file shows that the complainant has filed a complaint case under Section 18 of the RTI Act, 2005. He has not availed the channel of first appellate authority. At this juncture, it is relevant to invite the attention of the complainant to the judgment of the Hon'ble Supreme Court of India in its order rendered on 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 the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

 An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case. The matter is remanded to the First Appellate Authority to take appropriate decision after hearing both the parties and examining the record brought on file.

4. In the light of above judgment, the case is remanded to the First Appellate Authority, i.e. State Transport Commissioner, Punjab, Chandigarh for appropriate decision.

5. Copy of order be sent to the parties.

 Sd/-

Place: Chandigarh, (Hem Inder Singh )

Dated 08-05-2018. State Information Commissioner

 CC: State Transport Commissioner-cum-First Appellate Authority, SCO No. 177-78, Sector 17B, Chandigarh.

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Shri Manjit Singh (76962-82813),

House No. 388/3, Dhandholian Street,

Patiala. ……Complainant

Versus

Public Information Officer,

O/O Secretary, Regional Transport Authority,

Patiala. …….Respondent.

**COMPLAINT CASE NO. 1349 of 2017**

 Present: Shri Manjit Singh, complainant in person.

 Shri Parmod Kumar, Data Entry Operator, on behalf of respondent.

**ORDER:**

 Last heard on 21-03-2018.

2. The representative of respondent submits a letter dated 07-05-2018 from the PIO-cum- Secretary, RTA, Patiala. It has been written in the said letter that the complainant was asked to deposit the RTI fee for getting the information. But the complainant has not deposited the fee as yet.

3. A perusal of case file shows that the complainant has filed a complaint case under Section 18 of the RTI Act, 2005. He has not availed the channel of first appellate authority. At this juncture, it is relevant to invite the attention of the complainant to the judgment of the Hon'ble Supreme Court of India in its order rendered on 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 the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

 An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case. The matter is remanded to the First Appellate Authority to take appropriate decision after hearing both the parties and examining the record brought on file.

4. In the light of above judgment, the case is remanded to the First Appellate Authority, i.e. State Transport Commissioner, Punjab, Chandigarh for appropriate decision.

5. Copy of order be sent to the parties.

 Sd/-

Place: Chandigarh, (Hem Inder Singh )

Dated 08-05-2018. State Information Commissioner

 CC: State Transport Commissioner-cum-First Appellate Authority, SCO No. 177-78, Sector 17B, Chandigarh.

STATE INFORMATION COMMISSION, PUNJAB

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Shri Nachhatter Singh s/o Shri. Chaggar Singh,

R/o Niamiwala Road, Sada Patti,

Jaitu, District Faridkot. ……Complainant

Versus

Public Information Officer,

O/O General Manager, Punjab

Roadways, Sri Muktsar Sahib.

First Appellate Authority,

O/O Director State Transport Punjab,

Jeevandeep Building, Sector-17,

Chandigarh. …….Respondents.

**COMPLAINT CASE NO. 1361 of 2017**

Present: Shri Nachhatter Singh, complainant in person.

 Shri Balbir Singh Senior Assistant on behalf of respondents

**ORDER:**

 Last heard on 21-03-2018.

2. Today, the complainant is present who says that no information has been provided till date.

3. The representative of respondent submits a letter dated 07-05-2018 from the PIO seeking adjournment due to official engagements fixed for today.

4. Accordingly, the case is ordered to be adjourned and fixed for further hearing on **20-06-2018 at 11.00 AM.**

5. Copy of order be sent to the parties.

 Sd/-

Place: Chandigarh, (Hem Inder Singh )

Dated 08-05-2018. State Information Commissioner

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Smt. Sandeepika Malhotra w/o-

Shri Subhash Malhotra,

House No. 610/27,St No. 4,

Sham Nagar Ludhiana-141001. ….Appellant

Versus

Public Information Officer,

O/O DPI (Colleges) Punjab,

PSEB, Complex Sector-62, S.A.S. Nagar.

First Appellate Authority,

O/O DPI (Colleges) Punjab,

PSEB, Complex Sector-62, S.A.S. Nagar. …Respondents.

**APPEAL CASE NO. 1446 of 2016**

Present: Shri Rajinder Ghai, Advocate, for the appellant.

Dr. G.S. Brar, Joint Director and Shri Sukhwinder Singh, Senior Assistant, on behalf of respondents.

**ORDER:**

 Last heard on 21-03-2018.

2. The respondent-PIO states in the court that the official deputed by the PIO to attend the court on 06-09-2017, had written on the file that the case has been disposed of. But the respondent did not receive orders to this effect at all. However, on 12-10-2017 the court imposed a penalty of Rs.25,000/- on the then PIO. He further says that the court may please take cognizance of their review petition dated 11.12.2017 submitted in the Commission.

3. The advocate for the appellant submits in the court that the respondent-PIO has supplied the information which he has collected from all the 48 Government Colleges across the State. He further says that his client has sought information from the DPI (Colleges) itself.

4. After hearing both the parties, the respondents are directed to provide a written submission from the Assistant, who attended the court on 06-09-2017 stating that the court has ordered the case to be closed on that day. Further they are directed to submit a duly attested affidavit from the respondent-PIO that the information as available on the record has been supplied to the appellant. Adjourned.

5. The matter to come up on **12-07-2018 at 12.30 PM.**

6. Copy of order be sent to the parties.

 Sd/-

Place: Chandigarh, (Hem Inder Singh )

Dated 08-05-2018. State Information Commissioner

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Shri Gagandeep Singh Janjua, (97806-43243)

Village Turan, P.O. Kumbh,

Tehsil Amloh, District- Fatehgarh Sahib. …Appellant Versus

Public Information Officer

O/O Deputy Commissioner,

Jalandhar.

First Appellate Authority,

O/O Deputy Commissioner,

Jalandhar. ….. Respondents

**APPEAL CASE NO. 3511 of 2017**

Present: Shri Gagandeep Singh Janjua, appellant, in person.

 Shri Des Raj, on behalf of D.C. Shaheed Bhagat Singh Nagar and none on behalf of D.C.Jalandhar.

**ORDER:**

 On the last date of hearing on 21-03-2018, the PIO of office of Deputy Commissioner, SBS Nagar was directed to be present in the court, along with the sought information.

2. Today, the representative of PIO of D.C.office, SBS Nagar is present. He submits a letter dated 04-05-2018 from Assistant Commissioner(G)-cum-PIO, SBS Nagar, which is placed in the case file. The PIO has written that the relevant file relates to the year 1991 before the constitution of SBS Nagar as district. The PIO of D.C.office, Jalandhar has replied to the appellant that the file is very old and is not traceable in the office. Moreover, while transferring the record from Jalandhar to SBS Nagar, the office of D.C.Jalandhar has not made any mention of the sought file. She has requested that the PIO of D.C. Jalandhar may be directed to supply the information.

3. The appellant also admits that the sought information is very old and the record might be in the possession of PIO of office of D.C.Jalandhar. No representative of PIO of D.C. Jalandhar is present in the court.

4. The PIOs of office of Deputy Commissioners Jalandhar and SBS Nagar are directed to be present on the next date of hearing along with the information to be supplied to the appellant in the court. Adjourned.

5. To come up for further hearing on **20-06-2018 at 11.00 AM.**

6. Copy of order be sent to the parties.

 Sd/-

Place: Chandigarh, ( Hem Inder Singh )

Dated: 08-05-2018. State Information Commissioner

 CC: Deputy Commissioner, Jalandhar.

 Deputy Commissioner, SBS Nagar (Nawanshehr).