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Sh Gurdeep Singh Dhingi S/o Sh Harnam Singh,

R/o Block No-1, H NO-390, Dharmpura Mohalla,

Tehsil Dhuri, Distt Sangrur. Appellant.

Versus

**Public Information Officer,**

Divisional Forest Officer,

Sangrur.

**First Appellate Authority,**

Conservator of Forest Department,

Patiala Circle, Patiala . ...Respondent

**Appeal Case No. 922 of 2018**

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

 (ii) For the respondent : Sh. Satnam Singh, Clerk, Smt.Manju,PIO

**ORDER**

 This order may be read with reference to the previous order dated 26.04.2018.

2. Smt.Manju, PIO appeared and states that the required information has already been supplied to the appellant . She has submitted a photocopy of the letter showing acknowledgment by the appellant , the same has been taken on record.

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

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 14.05.2018 State Information Commissioner**

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Sh Sukhdev Singh S/o Lt Sh Joginder Singh,

Guru Teg Bahadur Nagar,Handiya Road,

Opposite Courts, Near Ganesh Mandir,

Street No-2, Barnala Appellant

Versus

**Public Information Officer,**

DPI(SE)

P.S.E.B Complex, Mohali.

**First Appellate Authority,**

DPI(SE)

P.S.E.B Complex, Mohali. ...Respondent

**Appeal Case No. 548 of 2018**

Present: (i) Sh. Ujjagar Singh on behalf of the appellant

 (ii) For the respondent: Sh. Baldev Singh, Clerk

**ORDER**

 This order may be read with reference to the previous order dated 24.04.2018.

2. Sh. Ujjagar Singh has appeared on behalf of the appellant.

3. Sh. Baldev Singh appeared on behalf of the respondent and filed their reply. Copy of the same is handed over to Sh. Ujjagar Singh (representative of the appellant) today in the Commission. Sh. Ujjagar Singh has gone through the same and states that he is not satisfied.

4. ***Sh. Baljinder Singh, Additional Director*** is directed to come present on the next date of hearing, failing which action under Section 20 (1) of the RTI Act 2005 will be initiated.

5. To come up on **11.06.2018** **at 11.00 AM**. Copy of the order be sent to the parties ***through registered post.***

 Sd/-

**Chandigarh (Preety Chawla)**

**Dated: 14.05.2018 State Information Commissioner**

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Sh Jasvir Singh, S/o Sh Ram Singh,

Patti Gill Khote, VPO Shaina,

Tehsil Tappa, Distt Barnala. Complainant.

Versus

**Public Information Officer,**

Forest Range officer,

Sangrur.

**Public Information Officer**,

o/o District Forest Officer

Sangrur .

**Remanded back to**

First Appellate Authority\

Chief Conservator of Forests,

Sector 68, Mohali .Respondent

**Complaint Case No. 136 of 2018**

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

(ii) For the respondent : Smt. Manju, PIO, Sh.Satnam Singh, Clerk

**ORDER**

 This order may be read with reference to the previous order dated 25.04.2018

2. Respondent states that the complainant has not deposited documentation fee, therefore information cannot be provided to him. She further states that they have demanded documentation fee within stipulated period under the RTI Act, but the complainant has failed to deposit the same.

3. Today the complainant is absent.

4. On the last date of hearing, Respondent was directed to file an affidavit in response to the order showing cause. Today she has filed reply in response to the show cause notice issued to her, which is taken on record. I have gone through the reply of the Respondent and agree with the reply of the Respondent resultantly, the proceedings under Section 20(1) of the RTI are dropped.

 4. Since the complainant has not deposited documentation fee, no cause of action is left. The complaint filed by the complainant is therefore **disposed off and closed**.

**Complaint Case No. 136 of 2018**

Copy of the order be sent to the parties. Sd/-

**Chandigarh (Preety Chawla)**

**Dated: 14.05.2018 State Information Commissioner**

**Note**: After the order was dictated the Complainant Sh Jasvir Singh, who is a Senior Citizen appeared and requested for Re-open/review of the above said complaint as he is not satisfied.

1. The perusal of the file shows that this is the complaint case and there is 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).*

 *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.*

*2. 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.*

*3. 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.*

4.The case stands **Disposed off.**

 Sd/-

**Chandigarh (Preety Chawla)**

**Dated: 14.05.2018 State Information Commissioner**

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Sh. Sham Lal Singla,

# B-325, Guru Nanak Colony,

Sangrur . Appellant

versus

**Public Information Officer,**

O/o Headmaster,

Prem Sabha High School,

Sangrur

**First Appellate authority**

o/o District Education Office (SE),

Sangrur .Respondent

**Appeal Case No. 2300 of 2016**

Present: (i) Sh. Sham Lal Singla the appellant

(ii) for the respondent : Sh.Amar Nath

**ORDER**

 This order may be read with reference to the previous order dated 25.04.2018

2. The appellant states that he has received the amount of compensation.

3. Respondent states that their school is not covered under the RTI Act as Prem Sabha High School is purely private school.

4. PIO, o/o DPI(SE) and PIO, o/o DEO(SE), Sangrur is directed to come present on the next date of hearing to clarify the matter.

3. To come up on **11.06.2018** **at 11.00 AM.** Copy of the order be sent to the parties.

 Sd/-

**Chandigarh (Preety Chawla)**

**Dated: 14.05.2018 State Information Commissioner**

***Through registered post***

CC: PIO, o/o DPI(SE),Vidya Bhawan (Punjab School Education Board),Block E, 4th Floor, Phase-VIII,Ajitgarh (Mohali)- Punjab 160062

 PIO, o./o DEO(SE), Sangrur

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Sh Sanjeev Kumar,

H O Hindustan Shaurya, Banga Road,

Shiv bari Chowk, Phagwara. Appellant.

Versus

**Public Information Officer,**

SDM, Phagwara.

**First Appellate Authority,**

DC, Kapurthala

**Public Information Officer**

O/o Nagar Nigam, Phagwara ...Respondent

**Appeal Case No. 503 of 2018**

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

(ii) For the respondent : Sh. Kulwinder Singh, Supdt-cum-PIO

**ORDER**

 This order may be read with reference to the previous order dated 25.04.2018.

2. Sh. Avtar Singh, APIO appeared on the behalf of the Respondent and states that the required information has already been supplied to the appellant . He has submitted a photocopy of the letter showing acknowledgment by the appellant , the same has been taken on record.

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: 14.05.2018 State Information Commissioner**

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Sh Gurdeep Singh Dhingi S/o Sh Harnam Singh,

R/o Block No-1, H NO-390, Dharmpura Mohalla,

Tehsil Dhuri, Distt Sangrur. Appellant.

Versus

**Public Information Officer,**

Divisional Forest Officer,

Patiala.

**First Appellate Authority,**

Conservator of Forest Department,

South Circle, Patiala . ...Respondent

**Appeal Case No. 924 of 2018**

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

 (ii) For the respondent : Sh.Devinder Singh, Stenotypist

**ORDER**

This order may be read with reference to the previous order dated 26.04.2018 vide which the appellant was directed to inspect the record.

2. Today the appellant is absent.

3. Respondent states that the appellant has not inspected the record as directed by the Commission. He further states that the appellant has filed RTI on 24.10.2017, which they have received on 27.10.2018. He further adds that they have demanded documentation fee on 02.11.2017.

4. After hearing the respondent and gone through the file, it is observed that the respondent has demanded documentation fee within stipulated time, but the appellant has not deposited the same. Therefore, the appellant is advised to deposit the documentation fee and get the information. Respondent is directed to provide the same to the appellant on receipt of requisite fee.

5. 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: 14.05.2018 State Information Commissioner**

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E-mail Id- psic27@punjabmal.gov.in

Sh. Sham Lal Singla,

# B-325, Guru Nanak Colony,

Sangrur . Complainant

versus

**Public Information Officer,**

O/o Headmaster,

Prem Sabha High School,

Sangrur

**Remanded back to**

First Appellate Authority\

o/o DEO(SE), Sangrur .Respondent

**Complaint Case No. 937 of 2017**

Present: (i) Sh. Sham Lal Singla the complainant

(ii) For the respondent : Sh.Amar Nath

**ORDER**

 This order may be read with reference to the previous order dated 25.04.2018.

2. Respondent states that their school is not covered under the RTI Act.

3. The complainant states that he is not satisfied with the reply of the respondent.

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*

**Complaint Case No. 937 of 2017**

*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.

5. 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.

6. 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.

7.In view of the observations noted above, the instant case is **disposed off.** Copies of this decision be sent to the parties ***through registered post.***

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 14.05.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION,**

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

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Sh. Gurpreet Singh,s/o S. Tarlok Singh

R/o Village Dbwali Rahurianwali,

Tehsil Malout, Distt. Sri Mukatsar Sahib

 Complainant

Versus

**Public Information Officer,**

O/o Divisional Engineer,

Punjab Water Resources Management Development

Lining Division No. 3, Malout

Sri Mukatsar Sahib

 ...Respondent

**Complaint Case No. 286 of 2018**

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

 (ii) for the respondent. Sh. Avtar Singh, APIO

 **ORDER**

 This order may be read with reference to the previous order dated 19.04.2018.

2. Sh. Avtar Singh, APIO appeared on the behalf of the Respondent and states that the required information has already been supplied to the appellant . He has submitted a photocopy of the letter showing acknowledgment by the appellant , the same has been taken on record.

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: 14.05.2018 State Information Commissioner**

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Sh. Amritpal Singh, S/o Shri Sampuran Singh,

r/o Jhuge Jawahar Singh Wale,

Near Shiv Mandir, Jalalabd West,

Distt. Fazilka

 Appellant

Versus

**Public Information Officer,**

O/o Secretary SSS Board, Punjab

Forest Complex, Sector 68,

SAS Nagar, Mohali

**First Appellate Authority**

O/o Secretary SSS Board, Punjab

Forest Complex, Sector 68,

SAS Nagar, Mohali

 ...Respondent

**Appeal Case No. 3370 of 2017**

Present : None for the parties.

**ORDER**

 This order may be read with reference to the previous order dated 16.04.2018

2. Today neither the appellant nor the respondent is present.

3. One last opportunity is given to both the parties to appear before the Commission and state their case.

4. To come up on **12.06.2018 at 11.00 AM**. Copy of the order be sent to the parties.

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 14.05.2018 State Information Commissioner**

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Sh Gaurav Jain,

Mohalla Bogran,Nakodam

Distt Jalandhar Appellant

Versus

**Public Information Officer,**

O/o DC,

Jalandhar.

**First Appellate Authority,**

O/o SDM, Nakodar,

Distt Jalandhar. .Respondent

**Appeal Case No. 373 of 2018**

Present : (i) Sh. Gourav Jain the appellant

 (ii) For the respondent: Sh. Charan Singh,JE, o/o Nagar Nigam

**ORDER**

This order may be read with reference to the previous order dated 19.04.2018.

2. The appellant states that after inspection no record has been given to him so far.

3. Respondent states that the record has been inspected to the appellant.

4. After hearing both the parties, it is observed that the respondent –Sh. Charan Singh, JE. O/o MC is not aware about the facts of the case. The perusal of the file shows that the notice was sent to PIO, o/o DC, Jalandhar but Sh. Charan Singh ,o/o MC has appeared , who is not aware about the facts of the case.

5. Last opportunity is given to PIO, o/o DC, Jalandhar to appear before the Commission, failing which action under Section 20 (1) of the RTI Act 2005 will be initiated.

6. To come up on **11.06.2018 at 11.00AM.** Copy of the order be sent to the parties.

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated:14.05.2018 State Information Commissioner**

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Sh Gurdeep Singh Dhingi, S/o Sh Harnam Sigh,

R/o Block No-1, H No-390, Dharampura Mohalla,

Dhuri Distt Sangrur. Appellant.

Versus

**Public Information Officer,**

Divisional Forest Officer,

Ferozepur.

**First Appellate Authority,**

Conservator, Forest Department,

Ferozepur Circle, Ferozepur ...Respondent

**Appeal Case No. 190 of 2018**

Present : None for the parties.

 **ORDER**

 This order may be read with reference to the previous order dated 19.04.2018

2. Today neither the appellant nor the respondent is present. During the last hearing, the appellant was directed to inspect the record. A letter has been received from the respondent vide Commission diary no. 9283 dated 04.05.2018 mentioning therein that the appellant- Gurdeep Singh has inspected the record and got the information.

3. It is observed that the appellant is absent today. He has not informed the Commission about his absence. It is therefore, presumed that he is satisfied with the information provided.

4. 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: 14.05.2018 State Information Commissioner**

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Sh. Trilochan Singh

R/o Prince Electronics Shop no. 29

Sherpur Main Market, Ludhiana

 Complainant

Versus

**Public Information Officer**

O/o Principal , GMT Public School

Jalandhar Bye Pass, Ludhiana

 .

..Respondent

**Complaint Case No. 1336 of 2017**

Present: None for the parties.

**ORDER**

 This order may be read with reference to the previous order dated 19.04.2018.

2. Today neither the complainant nor the respondent is present.

3. One last opportunity is given to both the parties to appear before the Commission and state their case. DEO(SE), Jalandhar may take note that this is the last opportunity given to him/her to appear before the Commission , failing which action under Section 20 (1) of the RTI Act will be initiated.

4. To come up on **12.06.2018 at 11.00 AM**. Copy of the order be sent to the parties.

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 14.05.2018 State Information Commissioner**

***Through registered post***

CC: DEO(SE), Jalandhar

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Sh Abhishek Bhardwaj, C/o Sh S.N Bhardwaj,

# 7389/2, Durga Puri, Haibowal kalan,

Ludhiana. Appellant

Versus

**Public Information Officer,**

O/o Deputy Commissioner of Police,

Jalandhar.

**First Appellate Authority,**

O/o Deputy Commissioner of Police,

Jalandhar

**Public Information Officer,**

O/o Deputy Commissioner of Police,

Ludhiana

 .Respondent

**Appeal Case No. 350 of 2018**

Present: (i) Sh. Abhishek Bhardwaj, the appellant

(ii) For the respondent : Sh. Balwinder Kumar , ASI on behalf of office of DCP, Jalandhar

**ORDER**

This order may be read with reference to the previous order dated 19.04.2018 .

2. The appellant states that no information has been given to him so far.

3. The perusal of the file shows that during the hearing dated 04.04.2018, PIO, o/o DCP, Ludhiana was impleaded as respondent no. 2 and the appeal was adjourned on 19.04.2018. On 19.04.2018, again neither the PIO, o/o DCP Ludhiana nor their representative was present, therefore, show cause notice was issued to the PIO, o/o DCP, Ludhiana and the appeal was adjourned on 14.05.2018 i.e. for today. Today again neither the PIO, o/o DCP,Ludhiana nor their representative is present, which shows that they have no regard for the orders issued by the Commission. This is indeed a serious matter.

4. The appellant- Sh. Abhishek Bhardwaj has attended three hearings before the Commission. He has, therefore, suffered mental harassment and financial loss in

**Appeal Case No. 350 of 2018**

attending the hearings in the Commission. For this the appellant demands that the Respondent be penalized and he be compensated for the detriment suffered. In this view of the matter, ends of justice would be met by awarding a compensation of **Rs.2500/- (Rupees Two Thousand Five Hundred Only)** to the appellant. The compensation will be paid by the office of DCP, Ludhiana to the appellant within seven days of the receipt of this order, failing which the Commission shall consider enhancement in the amount of compensation.

5. To come up for confirmation of compliance on **11.06.2018 (at 11.00 AM).** Copies of the order be sent to the parties  ***through registered post***.

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 14.05.2018 State Information Commissioner**