

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

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Sh Harjinder Singh, (M: 8146900306)
S/o Sh Narinder Singh,
VPO Bhunder, Tehsil-Maur,
Distt-Bathinda-151103

..... Appellant

Vs

1.Public Information Officer,
o/o Civil Surgeon, Bathinda
First Appellate Authority
o/o Civil Surgeon, Bathinda

.....Respondent

AC.No. 1802 of 2019

Through video conference

Present : Sh. Harjinder Singh the appellant
For the respondent : Dr. Kundan Kumar Paul, Civil Surgeon.

ORDER

This order may be read with reference to the previous order dated 05.08.2019.

2. Respondent states that the reply has already been sent to the appellant. The appellant states that he is not satisfied with the reply.
3. Respondent is directed to again send specific point-wise reply on or before the next date of hearing.
4. To come up on **07.11.2019 (at 11.00 AM)** for further proceedings to be heard through video conference facility in the office of the Deputy Commissioner, Barnala. Copies of the order be sent to the parties **through registered post.**

Chandigarh
Dated: 16.09.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Smt. Tarsem Devi, W/o Late Shri Vakil Singh
R/o Vill. Lahri PO Rattangarh, Tehsil & Distt.PathankotComplainant
Vs

1.Public Information Officer,
O/o District Social Security Officer
Gurdaspur – 143521

Registered post: 2.Public Information Officer
o/o CDPO, Pathankot

.....Respondent

CC.No. 160 of 2019

_Present: (i) None is present on behalf of the complainant
(ii) For the respondent : Sh. Rajinder Singh, DSSO and Smt. Parveen Kumari,
CDPO

ORDER

This order may be read with reference to the previous orders dated 28.08.2019 vide which the complainant was not present.

2. Today, again the complainant is not present.

3. Respondent states that the information as exists in the record has already been sent to the complainant.

4. I have gone through the reply and have agreed with the same. Moreover, this is the complaint case The attention of the complainant is drawn to the decision of the Hon'ble Supreme Court of India dated 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010) wherein it 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. As per the above decision of the Hon'ble Supreme Court of India, the Information Commission has a power to receive and enquire into the complaint of any person who has been refused access to any information requested under this Act (section 18 (1)(b)) or has been given incomplete, misleading or false information under the Act (Section 18(1)(e)*

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CC.No. 160 of 2019

or has not been given a response to a request for information or access to information within time limits specified under the Act (Section 18(1)(c)).

5. In view of the foregoing, no cause of action is left, the complaint case filed by the complainant is, therefore, **disposed of and closed**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 16.09.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Smt. Gurmeet Kaur Kwatra, Advocate
E-457, Ground Floor, Greater Kailash-II,
New Delhi- 110048

.....Complainant

Vs

Public Information Officer,
O/o Civil Hospital, Pathankot
Remanded back to:-

First Appellate Authority-cum
Civil Surgeon, O/o Civil Hospital,
Pathankot

.....Respondent

CC.No. 537 of 2019

_Present: (i).Smt. Gurmeet Kaur Kwatra the complainant
(ii) For the Respondent: Dr. Bhupinder Singh, SMO, Sh. Satish Kumar, Clerk

ORDER

This order may be read with reference to the previous order dated 27.08.2019 vide which the appellant was directed to visit the office of the respondent and inspect the record.

2. Today Smt. Gurmeet Kaur Kwatra the complainant states that her representative Mrs. Sukhbir Kaur had inspected the record. She further states that she is not satisfied.

3. Respondent states that the information, as exists, in their record has been provided. He further states that he has also brought original record today in the Commission. The appellant can go through the same.

4. 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. 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:-

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CC.No. 537 of 2019

(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.

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 about the provided information, 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 time limit 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 of**. Copies of this decision be sent to the parties **through registered post**.

Sd/-

Chandigarh
Dated: 16.09.2019

(Preety Chawla)
State Information Commissioner

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Sh. Gurmukh Singh, S/o Shri Hakam Singh
R/o Village Chak Kadhe Shah, VPO Guruharsahai,
Distt. Ferozepur

.....Complainant

Vs

1. Public Information Officer,
O/o Deputy Commissioner, Ferozepur
Registered post: 2.Public Information Officer
o/o Tehsildar, Guruharsahai
Ferozepur

.....Respondent

CC.No. 380 of 2019

Present: (i) None is present on behalf of the complainant
(ii) For the respondent : Sh. Naresh Handa, Supdt

Through video conference

ORDER

- This order may be read with reference to the previous order dated 01.08.2019.
- Today the complainant is not present.
 - Respondent states that the information is lying with PIO, o/o Tehsildar, Guruharsahai.
 - Respondent no. 1 is directed to file his proper reply on or before the next date of hearing alongwith dates.
 - Since, the information is to be provided by the PIO, o/o Tehsildar, Guruharsahai. I, therefore, order that PIO, o/o Tehsildar, Guruharsahai be impleaded as Respondent No.2. I further direct that PIO, o/o Tehsildar, Guruharsahai should supply the information to the Complainant before the next date of hearing.
 - To come up on **22.10.2019 at 11.00 AM** for further proceedings. Copy of the order be sent to the parties.

Sd/-

Chandigarh
Dated: 16.09.2019

(Preety Chawla)
State Information Commissioner

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Sh. Boota Singh Dhanuala,
Near Govt Elementary School
Maan Patti, Dhanaul, Distt. Barnala - 148105

.....Appellant

Vs

Public Information Officer,
O/o Nagar Council, Dhanaula,
Distt. Barnala
First Appellate Authority
o/o Regional Deputy Director Local Govt.,
Patiala

.....Respondent

AC.No. 1307 of 2019

Through video conference

Present : (i) Sh. Boota Singh the appellant
(ii) For the respondent : Sh. Jeet Pal Singh, Clerk

ORDER

This order may be read with reference to the previous order dated 01.08.2019.

2. Respondent states that the information has been sent to the appellant through registered post.
3. The appellant Sh. Boota Singh states that he has not received any information so far.
4. After hearing both the parties, it is observed that the appellant has not received any information so far. It is observed that the RTI of the appellant is not specific. The appellant 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. Respondent is directed to file point-wise specific reply on or before the next date of hearing. The appellant may take note that the third party information cannot be provided to him.

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AC.No. 1307 of 2019

6. To come up on **07.11.2019 (at 11.00 AM)** for further proceedings to be heard through video conference facility in the office of the Deputy Commissioner, Barnala. Copies of the order be sent to the parties **through registered post.**

Chandigarh
Dated: 16.09.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Sh. Raminderjit Singh
741, Sunny Enclave
Kharar, Mohali

.....Appellant

Vs

Public Information Officer,
O/o Deputy Registrar Cooperative Societies,
Sector 76, Mohali
First Appellate Authority
O/o Deputy Registrar Cooperative Societies,
Sector 76, Mohali

.....Respondent

AC.No. 1950 of 2019

Present: None for the parties.

ORDER

This order may be read with reference to the previous order dated 26.08.2019.

2. Today neither the Appellant nor the Respondent is present. Hence, one opportunity is given to both the parties to appear before the Commission and state their case.
3. To come up on **22.10.2019 at 11:00 AM**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 16.09.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Sh. Arun Garg, S/o Shri Sham Lal
House No. 40-41, Central Town
Village Dad, PO Lalton Kalan
Distt. Ludhiana

.....Appellant

Vs

1. Public Information Officer,
O/o SDM, Ludhiana (WEST)
Ludhiana

First Appellate Authority,
O/o SDM, Ludhiana (WEST)
Ludhiana

.....Respondent

AC .No.373 of 2019

Present: Smt. Aditi Garg on behalf of the appellant
None is present on behalf of the respondent

Through video conference

ORDER

This order may be read with reference to the previous order dated 31.07.2019 vide which neither the appellant nor the respondent was present.

2. Today, the representative of the appellant states that no information has been given to the appellant so far.
3. Respondent is absent today.
4. The perusal of the file shows that the respondent had not attended any hearing before the Commission. This shows that the respondent-PIO has no regard for the orders issued by the Commission.
5. ***Sh. Amrinder Singh Balli, SDM, Ludhiana is directed to take necessary action against the PIO- respondent.***

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AC .No.373 of 2019

6. To come up on **07.11.2019 (at 11.00 AM)** for further proceedings to be heard through video conference facility in the office of the Deputy Commissioner, Barnala. Copies of the order be sent to the parties **through registered post.**

Chandigarh
Dated: 16.09.2019

Sd/-
(Preety Chawla)
State Information Commissioner

Through registered post

CC: Sh. Amrinder Singh Balli, SDM, Ludhiana is directed to take necessary action against the PIO- respondent.

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Sector 16, Chandigarh.

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Sh. Manjit Singh,(M:9855309896)
S/o Late Sh Amar Singh,
R/o 4780, Shiv Ji Nagar,Ludhiana

.....Appellant

Vs

Public Information Officer,
O/o Shri Durga Mata Charitable Dispensary,
Ludhiana

.....Respondent

(Through Video- Conferencing)

CC.No. 477 of 2019

Present: (i) Sh Tejinder Singh on behalf of the Complainant.(*in the Commission office*)
(ii) None for the Respondent

ORDER

This order may be read with reference to the previous order dated 07.08.2019.

2. Sh Tejinder Singh is appearing on behalf of the Complainant with authority letter. He states that no information has been provided to them so far.

3. No one has appeared on behalf of the Respondent today.

4. The perusal of the file shows that no one has appeared on behalf of the Respondent today. They were not present on the previous date of hearing also. Hence, Chairman O/o Shri Durga Mata Charitable Dispensary, Ludhiana is directed to be present personally on the next date of hearing alongwith the complete information.

5. To come up on **07.11.2019 at 11:00AM through Video-Conferencing facility in the office of DC, Ludhiana**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 16.09.2019

Sd/-
(Preety Chawla)
State Information Commissioner

Through registered post

CC: Chairman O/o Shri Durga Mata Charitable Dispensary, Ludhiana

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Sh. Sandeep Kumar Goyal, Advocate
R/o House No.500/15ab, Street 3,
Shastri Nagar, Jagraon, Distt Ludhiana

.....Appellant

Vs

Public Information Officer,
O/o District Food Supply Officer,
Jagraon, Distt.Ludhiana

.....Respondent

CC.No. 449 of 2019
(Through Video-Conferencing Facility)

Present: (i) Sh Sandeep Kumar Goyal, Complainant.
(ii) None for the Respondent

ORDER

This order may be read with reference to the previous order dated 07.08.2019.

2. No one has appeared on behalf of the Respondent today.
3. The Complainant states that he has not received any information till date.
4. The perusal of the file shows that no one has appeared on behalf of the Respondent today. They were not present on the previous date of hearing also. Hence, PIO- Ms Harveen Kaur, DFSO is directed to be present personally on the next date of hearing alongwith the complete information. To come up on **07.11.2019 at 11:00AM through Video-Conferencing facility in the office of DC, Ludhiana.** Copy of the orders be sent to the parties.

Chandigarh
Dated: 16.09.2019

Sd/-
(Preety Chawla)
State Information Commissioner

Through Registered Post

CC: Ms Harveen Kaur, DFSO, Ludhiana

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Sh. Subhash Chander Bajaj,
33, Preet Nagar, Ferozpur Shaher

..... Complainant

Vs

Public Information Officer,
O/o EO,Nagar Council, Ferozpur
Remanded Back to:
First Appellate Authority,
O/o EO,Nagar Council, Ferozpur

.....Respondent

CC.No. 179 of 2019
(through video conference)

Present : (i) Sh Subhash Chander, the Complainant.
(ii) For the respondent: Sh Charanjeet Singh, EO

ORDER

This order may be read with reference to the previous order dated 01.08.2019

2. The Respondent states that as directed in the previous hearing, the information has been provided to the Complainant.

3. The complainant states that he is not satisfied with the information provided to him.

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

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CC.No. 179 of 2019

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.

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 above, the Complaint case filed by the Complainant is **disposed off and closed**. Copy of the orders be sent to the parties.

Chandigarh
Dated: 16.09.2019

Sd/-
(Preety Chawla)
State Information Commissioner

CC: Copy of RTI application

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Sector 16, Chandigarh.

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Ms. Deepti Saluja, D/o Charanjit Singh
R/o Street No.8, House No. 6834/3A,
Mohar Singh Nagar,Ludhiana

..... Appellant

Vs

1.Public Information Officer,
o/o Sewa Kendra, Mini Secretariat
O/o Deputy Commissioner, Ludhiana
First Appellate Authority

o/o Sewa Kendra, Mini Secretariat
O/o Deputy Commissioner, Ludhiana

2.Public Information Officer

o/o Tehsildar (East)
Ludhiana

.....Respondent

AC.No. 3241 of 2018
Through video conference

Present: None for the parties

ORDER

This order may be read with reference to the previous order dated 01.08.2019.

2. Today neither the Appellant nor the Respondent is present. Hence, one opportunity is given to the parties to appear before the Commission and state their case. To come up on **07.11.2019 at 11:00AM through Video-Conferencing facility in the office of DC, Ludhiana.** Copy of the orders be sent to the parties.

Chandigarh
Dated: 16.09.2019

Sd/-
(Preety Chawla)
State Information Commissioner

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Mr Arun Garg,
D/o Sh Sham Lal,
H.No-40-41, Central Town,
Village Dad, PO Lalton Kalan,
Distt Ludhiana

.....Appellant

Vs

Public Information Officer,
O/o District Magistrate –cum-DC,
Ludhiana
First Appellate Authority-cum-
ADC, Ludhiana

.....Respondent

AC. No. 1313 of 2019
Through video conference

Present: (i) Ms Aditi Garg, on behalf of the Appellant.
(ii) For the Respondent: Sh Paramjot Singh, Clerk

ORDER

This order may be read with reference to the previous order dated 01.08.2019.

- Ms Aditi Garg is appearing on behalf of the Appellant. She states that the information has not been provided to them so far.
- The Respondent states that the information sought by the Appellant is not traceable in their official record.
- To clarify the matter, PIO-Ms Savita, DRO is directed to be present personally on the next date of hearing and file an affidavit in this regard.
- To come up on **07.11.2019 at 11:00AM through Video-Conferencing facility in the office of DC, Ludhiana**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
Dated: 16.09.2019

(Preety Chawla)
State Information Commissioner

Through registered post

CC: Ms. Savita, DRO, O/o Deputy Commissioner, Ludhiana