**PUNJAB, STATE INFORMATION COMMISSION**

**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

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Registered post

Sh. Rajbir Singh, S/o S. Balwinder Singh

VPO Rukhna Begu

T/d Ferzepur - 152004

 Appellant

Versus

**Public Information Officer,**

o/o SSP Ferozepur

**First Appellate Authority**

o/o DIG, Ferozepur ...Respondent

**Appeal Case No. 1966 of 2018**

Present: (i) Sh. Rajbir Singh alongwith Sh.Manjinder singh

 (ii) None is present on behalf of the respondent

**ORDER**

 This order may be read with reference to the previous order dated 28.08.2018.

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

3. Respondent is absent today.

4. The perusal of the file shows that during the last hearing the appellant had pointed out specific information and the respondent was directed to provide him the same. But today neither the respondent nor his representative is appearing before the Commission to attend the hearing, which shows that they have no regard for the orders issued by the Commission. This is indeed a serious matter.

5. The appellant has attended three hearings before the Commission. He has, therefore, suffered mental harassment and financial loss in attending the hearings in the Commission.

6. 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 Respondent to the appellant within seven days of the receipt of this order.

**Appeal Case No. 1966 of 2018**

7. To come up for confirmation of compliance on **18.10.2018 (at 11.00 AM).** Copies of the order be sent to the parties through registered post.

Sd/-

**Chandigarh (Preety Chawla)**

**Dated: 17.09.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

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Sh. Gulshan Rai Sanger,

Mohalla Vaid Hem Raj

Nawanshahr

 …..Complainant.

Versus

**Public Information Officer,**

O/o Punjab Education Board Complex,

7th floor, Phase 8, Mohali

...Respondent

**Complaint Case No. 325 of 2018**

Present : None is present on behalf of the complainant

 For the respondent : Sh. Jai Singh Rana,Sr. Assistant

**ORDER**

 This order may be read with reference to the previous order dated 28.08.2018.

2. Sh. Jai Singh Rana is appearing on behalf of the respondent and has not filed reply of show cause notice issued to the PIO. The complainant is absent today.

3. Last opportunity is given to the respondent-PIO to appear before the Commission. He may take note that this is the last opportunity given to him to appear before the Commission, failing which action under Section 20 (1) of the RTI Act 2005 will be initiated.

4. To come up on **16.10.2018 at 11.00 AM.** Copy of the order be sent to the parties.

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 17.09.2018 State Information Commissioner**

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Sh Kuldip Singh Walia,

S/O Late Sh Harjit Singh IRS(Retd),

R/o Flat No.1506, 2nd Floor,

Housefed Complex,Banur ……. Appellant .

Versus

**Public Information Officer,**

O/o Deputy Registrar,

Cooperative societies, Mohali Secretariat

Room No. 450, District complex, Mohali (Punjab)

**First Appellate Authority,**

O/o Deputy Registrar,

Cooperative societies, Mohali Secretariat

Room No. 450, District complex, Mohali (Punjab) …....Respondent

  **Appeal Case No. 2016 of 2018**

Present : (i) Sh.Kuldip Singh Walia the Appellant

 (ii) For the respondent: Sh. Prem, Suptd.

**ORDER**

 This order may be read with reference to the previous order dated 28.08.2018

2. Respondent states that the information has already been sent to the appellant.

3. The perusal of the file shows that during the last hearing, a show cause notice was issued to the respondent-PIO. But today the PIO is absent. Last opportunity is given to the PIO to appear before the Commission and file his reply in response to the show cause notice. He is also directed to provide complete information to the appellant before the next date of hearing.

4. To come up on **27.09.2018 at 11.00 AM**. Copy of the order be sent to the parties.

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 17.09.2018 State Information Commissioner**

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Sh. Ram Pal Chaudhary, S/o Lt Sh Dhani Rani Chaudhary,

12-A, Ajit Nagar, Tanda Road, Backside KMV College,

Jalandhar City-1. Appellant.

Versus

**Public Information Officer,**

Commissioner, MC,

Jalandhar.

**First Appellate Authority**

Commissioner, MC,

Jalandhar. ...Respondent

**Appeal Case No. 1133 of 2018**

Present : (i) Sh.Kailash Thukral on behalf of the appellant

(ii) None is present on behalf of the respondent

**ORDER**

 This order may be read with reference to the previous order dated 08.08.2018.

2. Sh.Kailash Thukral is appearing on behalf of the appellant and states that he has not received information pertaining to point nos. 3 and 6.

3. Respondent is absent today.

4. The perusal of the file shows that during the last hearing Smt. Gurinder Kaur, Joint commissioner was directed to look into the matter and sent relevant person to attend the hearing. But today it is observed that the respondent is again absent. This is indeed a serious matter.

5. Taking a lenient view, one last opportunity is given to Smt. Gurinder Kaur Randhawa, Joint Commissioner, o/o MC, Jalandhar to look into the matter and sent relevant person to the Commission.

6. To come up on **16.10.2018 at 11.00 AM.** Copy of the order be sent to the parties through registered post.

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 17.09.2018 State Information Commissioner**

***Through registered post***

CC: Smt.Gurinder Kaur Randhawa, Joint Commissioner, MC, Jalandhar

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

# 7389/2, Durga Puri, Haibowal kalan,

Ludhiana. Appellant

Versus

**1.Public Information Officer,**

O/o Deputy Commissioner of Police,

Jalandhar.

**First Appellate Authority,**

O/o Deputy Commissioner of Police,

Jalandhar

**2.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. Dev Raj, o/o DC, Ludhiana, Sh. Balwinder Kumar, O/o DC, Jalandhar

**ORDER**

 This order may be read with reference to the previous order dated 02.08.2018 vide which both the respondents were directed to file their reply.

2. Today both the respondents have filed their reply. I have gone through the replies and found that the respondents were directed to file their replies on oath paper. But the respondents have not filed their replies on oath paper. Therefore, both the PIOs are again directed to file their replies on oath paper on the next date of hearing with a copy to the appellant.

3. To come up on **27.09.2018 at 11.00 AM**. Copy of the order be sent to the parties.

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 17.09.2018 State Information Commissioner**

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Sh Darshan Singh Kang,

Anti Corruption Wing,

Samrala, Distt Ludhiana . Appellant.

Versus

**Public Information Officer,**

DEO (S),

Ludhiana.

**First Appellate Authority,**

DEO (S),

Ludhiana . ...Respondent

**Appeal Case No. 865 of 2018**

Present : (i) Sh. Darshan Singh Kang, Appellant

 (ii) For the Respondent : Sh. Ashish Kumar Sharma, Deputy DEO(SE)

**ORDER**

This order may be read with reference to the previous order dated 08.08.2018.

2. The Respondent states that he has brought the complete information to be handed over to the Appellant. A copy of the same is handed over to the Appellant.

3. The Appellant has gone through the same and states that he is satisfied with the information provided to him.

4. In the foregoing, no 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 (Preety Chawla)**

**Dated: 17.09.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

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Sh Darshan Singh Kang,

Anti Corruption Wing,

Samrala, Distt Ludhiana . Appellant.

Versus

**Public Information Officer,**

DEO (S),

Ludhiana.

**First Appellate Authority,**

DEO (S),

Ludhiana . ...Respondent

**Appeal Case No. 864 of 2018**

Present : (i) Sh. Darshan Singh Kang, Appellant

 (ii) For the Respondent : Sh. Ashish Kumar Sharma, Deputy DEO(SE)

**ORDER**

 This order may be read with reference to the previous order dated 08.08.2018.

2. The Respondent states that he has brought the information today. A copy of the same is handed over to the Appellant. The Appellant has gone through the same and states that the information is incomplete.

3. After hearing both the parties, it is ascertained that the complete information has not been provided. Hence, the Respondent is again directed to provide complete information to the Appellant before the next date of hearing and in case the information is not available then to file an affidavit for the same on the next date of hearing.

4. To come up on **18.10.2018 at 11:00AM**. Copy of the orders be sent to the parties.

 **Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 17.09.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

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Sh Jagdish Goyal,

S/o Late Sh Amar Nath,

R/o House No.57, Tipri,

Distt Patiala …. Complainant

. .

Versus

**Public Information Officer,**

O/o Deputy Economical and

Statistical Advisor,

Patiala

***Remanded back***

**First Appellate Authority**

O/o Deputy Economical and

Statistical Advisor,

Patiala

 ..Respondent

 **CC No. 712 of 2018**

Present : (i) Sh. Ashok Verma on behalf of the complainant

(ii) For the Respondent: Sh.Narinder Kumar, Accountant

**ORDER**

This order may be read with reference to the previous order dated 22.08.2018.

2. Respondent- Sh. Narinder Kumar states that the information has already been sent to the Complainant. Sh. Ashok Verma, representative of the Complainant states that he is not satisfied with the information provided.

3. 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*

**CC No. 712 of 2018**

 *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.

4. 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.

5. 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.

6.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 (Preety Chawla)**

**Dated: 17.09.2018 State Information Commissioner**

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Sh Jagdish Goyal,

S/o Late Sh Amar Nath,

R/o House No.57, Tipri,

Distt Patiala …. Complainant

. .

Versus

**Public Information Officer,**

O/o Deputy Economical and

Statistical Advisor,

Patiala ..Respondent

 **CC No. 711 of 2018**

Present : (i) Sh. Ashok Verma on behalf of the complainant

(ii) For the Respondent: Sh.Narinder Kumar, Accountant

**ORDER**

This order may be read with reference to the previous order dated 22.08.2018.

2. Sh. Ashok Verma is appearing on behalf of the complainant. He states that incomplete information has been given to the complainant so far by the respondents.

3. After hearing both the parties, it is ascertained that the Complainant has raised many questions in his RTI application 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. Regarding remaining information, respondent has already been provided the information to the Complainant. He has also brought another copy of information today in the Commission.

4. I have gone through the information and have agreed with it; therefore, the complaint case filed by the complainant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

**Chandigarh (Preety Chawla)**

**Dated: 17.09.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

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Sh.Rakesh Kumar,

S/o Shri Jagan Nath, R/o H.no. B III/453,

Janda Wala Road, Barnala

 ……………………………..…Appellant

**Vs**

**Public Information Officer,**

o/o SSP,Barnala

**First Appellate Authority**

o/o IGP, Patiala Range,

Patiala

 ……………..……………Respondent

**AC .No. 2158 of 2018**

Present : (i) Sh. Rakesh Kumar the appellant

 (ii) For the Respondent: Sh. Tarsem, ASI

**ORDER**

 This order may be read with reference to the previous order dated 22.08.2018.

2. As directed during the last hearing, the respondent has filed an affidavit today in the Commission stating that :-

*" ਇਹ ਕਿ ਇਸ ਰਿਕਾਰਡ ਸਬੰਧੀ ਸ਼੍ਰੀ ਰਾਕੇਸ਼ ਕੁਮਾਰ ਛਿੱਬਰ, ਪੀ.ਪੀ.ਐਸ ਉਪ ਕਪਤਾਨ ਪੁਲਿਸ ਸਬ ਡਵੀਜਨ ਬਰਨਾਲਾ ਕਮ ਸਹਾ ਪਬਲਿਕ ਇੰਨਫਰਮੇਸ਼ਨ ਅਫਸਰ ਪਾਸੋਂ ਵੀ ਰਿਕਾਰਡ ਦੀ ਡੂੰਘਾਈ ਨਾਲ ਪੜਤਾਲ ਕਰਵਾਈ ਗਈ ਹੈ। ਜਿੰਨ੍ਹਾਂ ਦੀ ਰਿਪੋਰਟ ਅਨੁਸਾਰ ਵੀ ਇਹ ਰਿਕਾਰਡ/ਦਰਖਾਸਤ ਨੰਬਰ 146/ਐਲ.ਪੀ.ਸੀ ਮਿਤੀ 28-05-14 ਸਿਟੀ ਬਰਨਾਲਾ, ਥਾਣਾ ਸਿਟੀ-1, ਬਰਨਾਲਾ ਦੇ ਰਿਕਾਰਡ ਵਿੱਚ ਮੌਜੂਦ ਨਹੀ ਹੈ।*

3. Original affidavit is handed over to the appellant today in the Commission. Copy is taken on record. I have gone through the reply of the Respondent and have agreed with the same.

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: 17.09.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

**Ph No- 0172-2864117 Visit** us @ [www.infocommpunjab.com](http://www.infocommpunjab.com)

E-mail-psic27@punjabmail.gov.in**.**

Sh.Vikram Singh,

S/o Shri Balwinder, r/o House No. 179,

Street No. 3, Dashmesh Colony, Mohali

 …….Complainant

. .

Versus

**Public Information Officer,**

O/o Assistant Labour Commissioner,

Mohali …....Respondent

 **CC .No. 617 of 2018**

Present : (i) Sh Vikram Singh, Complainant

 (ii) For the respondent : Sh Barinder Singh, Sr. Asstt.

**ORDER**

 This order may be read with reference to the previous order dated 22.08.2018.

2. The Complainant states that no information has been provided. to him so far.

3. The Respondent files his reply which is taken on record.

4. Today, both the parties mutually agreed that the applicant shall visit the office of respondent on **21.09.2018 at 11:00 AM**, inspect the relevant records, identify the documents copies whereof are required by him; and the respondent shall provided copies thereof, in accordance with the relevant provisions of the RTI Act, 2005

5. To come up on **04.10.2018 at 11:00 AM**. Copy of the orders be sent to the parties.

 Sd/-

**Chandigarh (Preety Chawla)**

**Dated: 17.09.2018 State Information Commissioner**

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Sh.Rakesh Kumar,

S/o Shri Jagan Nath, R/o H.no. B III/453,

Janda Wala Road, Barnala

 ……………………………..…Appellant

**Vs**

**Public Information Officer,**

o/o SSP,Barnala

**First Appellate Authority**

o/o IGP, Patiala Range,

Patiala

 ……………..……………Respondent

**AC .No. 2119 of 2018**

Present : (i) Sh. Rakesh Kumar the appellant

 (ii) For the Respondent: Sh. Tarsem, ASI

**ORDER**

 This order may be read with reference to the previous order dated 22.08.2018.

2. As directed during the last hearing, the respondent has filed an affidavit today in the Commission stating that :-

*"ਇਹ ਕਿ ਮਿਤੀ 31-07-18 ਨੂੰ ਇਸ ਦਫਤਰ ਦੇ ਨੁਮਇੰਦੇ ਵੱਲੋਂ ਰਾਜ ਸੂਚਨਾ ਕਮਿਸ਼ਨਰ ਪੰਜਾਬ ਚੰਡੀਗੜ ਜੀ ਪਾਸ ਇਸ ਦਫਤਰ ਦਾ ਪਖੱ ਸਮੇਤ ਰਿਕਾਡ ਪੇਸ਼ ਕੀਤਾ ਗਿਆ ਕਿ, ਇਸ ਦਰਖਾਸਤ ਦਾ ਅਸਲ ਰਿਕਾਰਡ ਮੌਜੂਦ ਨਹੀ ਹੈ। ਅਗਰ ਕਿਸੇ ਕੇਸ ਵਿੱਚ ਦੋਨੋ ਧਿਰਾ ਦਾ ਰਾਜੀਨਾਮਾ ਹੋ ਜਾਵੇ ਅਤੇ ਦਰਖਾਸਤੀ ਵੱਲੋ ਰਾਜੀਨਾਮੇ ਦੀ ਕਾਪੀ ਪੜਤਾਲੀਆ ਅਫਸਰ ਨੂੰ ਦੇਣੀ ਜਰੂਰੀ ਨਹੀ ਹੁੰਦੀ।"*

3. Original affidavit is handed over to the appellant today in the Commission. Copy is taken on record. I have gone through the reply of the Respondent and have agreed with the same.

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: 17.09.2018 State Information Commissioner**

**PUNJAB, STATE INFORMATION COMMISSION**

**Sector-16, Madhya Marg, Near Rose Garden, Chandigarh**

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Sh.Chander Partap,

S/o Shri Swami Ji

Ward No. 2, Kala Manj Kothi, G.T. Road

Mukheria, Distt. Hoshiarpur …………………………….. …Appellant/

**Vs**

**Public Information Officer,**

o/o Addl. Chief Secretary, Punjab

(Co-operation), Chandigarh

**First Appellate Authority**

o/o Addl. Chief Secretary, Punjab

(Co-operation), Chandigarh ……………..……………Respondent

**AC .No. 2122 of 2018**

Present : (i) Sh. Chander Partap the appellant

(ii) For the Respondent: Sh. Ashwani Prashar, Advocate on behalf of the Housefed Office, Sh. Sandeep Vashisht, Sr. Assistant

**ORDER**

 This order may be read with reference to the previous order dated 22.08.2018 vide which the appellant was directed to inspect the record.

2. After hearing both the parties, it is ascertained that the information demanded by the appellant is lying with PIO, o/o Housefed.

3. Sh. Ashwani Prashar, Advocate is appearing on behalf of the office of Housefed and files his reply stating that the State Information Commission Punjab has declared 'HOUSEFED' as public authority vide order dated 20.05.2015.

4. Hon'ble Justice Ajay Tewari of Hon'ble Punjab and Haryana High Court while taking up C.W.P. 13580 of 2015, order dated 10.07.2015 has stayed the operation of the order of the Commission dated 20.05.2015.

5. The appellant Sh. Chander Pratap also could not produce anything, which could show that stay has been vacated.

6. In view of the above, the case stands **Sine die.** Copies of the order be sent to the parties.

Sd/-

**Chandigarh (Preety Chawla)**

**Dated: 17.09.2018 State Information Commissioner**