

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Helpline No. 0172-2864100



Sh Kuldip Singh, (M-96536-54508)
S/o Sh Sohan Singh,
R/o VPO Malpur, Nawanshaher,
Distt SBS Nagar

.....Appellant

..Vs

Public Information Officer,
O/o SSP, SBS Nagar
First Appellate Authority,
O/o IGP, Ludhiana Range, Ludhiana

.....Respondent

AC No. 2380 of 2022

Present: (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Amarjit Singh, ASI (9855124888)

ORDER

This order may be read with reference to the previous order dated 31.08.2022, passed by the Commission.

2. The appellant is absent today. He has informed on phone that he has received the information and is satisfied.
3. The respondent states that the information has been sent to the appellant.
4. Since, the appellant has received the information and is satisfied. Hence no further cause of action is left, Therefore, the above said appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated : 19.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Prem Kumar Rattan,
House No. 78/8, Park Road
Navi Mandi, Dhuri, Distt. Sangrur
(8509580002)

.....Appellant

..Vs

Public Information Officer,
O/o Chief Director Vigilance Bureau
Sector 68, Mohali
First Appellate Authority
O/o Chief Director Vigilance Bureau,
Sector 68, Mohali

.....Respondent

AC No. 3249 of 2022

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Smt. Amandeep Kaur, Inspector (805940526)

ORDER

1. The RTI application is dated 14.04.2022 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 11.07.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 19.09.2022 in the Commission.
3. The appellant is absent today.
4. The Respondent has filed their reply mentioning that the information cannot be provided to the Appellant u/s 8(1)(h) of the RTI Act as the matter is pending for enquiry.
5. Hearing the respondent and examining the case file, it is observed that the appellant is absent today. The respondent states that the information cannot be provided to the Appellant u/s 8(1)(h) of the RTI Act as the matter is pending for enquiry. This objection of the respondent is upheld.
6. In view of the foregoing, no cause of action is left, hence the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated : 19.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Prem Kumar Rattan,
House No. 78/8, Park Road
Navi Mandi, Dhuri, Distt. Sangrur
(8509580002)

.....Appellant

..Vs

Public Information Officer,
O/o Addl. Chief Secretary Home Affairs and Justice , Punjab
Main Sectt., Chandigarh
First Appellate Authority
O/o Addl. Chief Secretary Home Affairs and Justice , Punjab
Main Sectt., Chandigarh

.....Respondent

AC No. 3248 of 2022

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Khalid Khan, Sr. Assistant (8872376800), Sh. Gurdeep Singh, Sr. Assistant (9465741205), Smt. Amandeep Kaur, O/o Vigilance Bureau.

ORDER

The RTI application is dated 14.04.2022 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 11.07.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 19.09.2022 in the Commission.
3. The appellant is absent today.
4. The Respondent, o/o Vigilance Bureau, Mohali has filed their reply mentioning therein that the information cannot be provided to the Appellant u/s 8(1)(h) of the RTI Act as the matter is pending for enquiry.
5. The perusal of the file shows that the PIO, o/o Addl. Chief Secretary, Punjab transferred the RTI to the PIO, o/o BOI, Punjab. Further, they have transferred the RTI to PIO, o/o Vigilance Bureau, Punjab. Today Smt. Amandeep Kaur is appearing on behalf of Vigilance Bureau Punjab states that they have already filed their reply stating that the information cannot be provided to the appellant u/s 8(1)(h) of the RTI Act, as the enquiry is pending. This objection of the respondent is upheld.

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AC No. 3248 of 2022

6. In view of the foregoing, no cause of action is left, hence the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated : 19.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

REGISTERED POST:

PIO, o/o Chief Vigilance Bureau, Sector 68, Mohali

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Sh Vikas Chander Sharma, (Advocate)
Chamber No 10A, District Court
Opposite Gyani Tea Stall,
Amritsar-143001

.....Appellant

..Vs

Public Information Officer,
O/o Commissioner, MC, Mohali

First Appellate Authority,
O/o Commissioner, MC, Mohali

PIO, o/o Chief Vigilance Officer,
Municipal Bhawan, Sector 35,
Chandigarh.

.....Respondent

AC No. 2310 of 2022

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

(ii) For the respondent : Sh. Akshay, SDO –cum-APIO O/o Mc Mohali, Sh. Rajiv Saggarr, Suptd-cum-PIO, o/o Chief Vig. Officer (9815315500), Sh. Raminder Singh, APIO, (9888960070) and Sh. Navdeep O/o Chief Vig. Officer (9872275252)

ORDER

This order may be read with reference to the previous order dated 01.07.2022 vide which the appellant was absent and PIO, o/o Chief Vigilance Officer was impleaded as respondent no. 2 regarding point nos. 5 to 8

2. The appellant is absent today.

3. Today Respondent, O/o Chief Vigilance Officer states that the information is lying with the PIO, o/o MC, Mohali. The respondent ,o/o MC, Mohali states that the information has already been provided to the appellant in the Court of Lt. Gen. Ajae Kumar Sharma, SIC in AC:2309 of 2022, which was disposed of on 15.09.2022

4. After hearing the respondent and going through the case file, it is observed that he appellant is absent for second consecutive hearing without any intimation. He has even not informed the Commission about his absence. Further the appellant has received the information pertaining to point no. 5 to 8 in the Court of Lt. Gen. Ajae Kumar Sharma, SIC.

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AC No. 2310 of 2022

5. Since, the appellant has received the information , no cause of action is left, hence the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Dated : 19.09.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
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Sh Tejinder Singh, Advocate (M-9041004313)
Civil Court, Tehsil Complex,
Backside Sanjh Kendra,
Phillaur-144410

.....Appellant

..Vs

Public Information Officer,
O/o DC, Mohali
First Appellate Authority ,
O/o DC, Mohali

.....Respondent

AC No. 3037 of 2022

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Ramandeep Singh, Jr Assistant and Sh. Dapinder Singh,
Clerk

ORDER

This order may be read with reference to the previous order datted 24.08.2022 ,
vide which the appellant was directed to justify in writing as to what larger public interest
is involved in the information demanded by him through his RTI Application.

2. The appellant is absent today. He has sent his submission via mail, which is taken on
record.

3. After hearing the respondent and going through the reply of the appellant, it is
observed that the appellant failed to provide any cogent evidence to show that there
is larger public interest involved in the disclosure of the information. Hence, the objection
of the respondent is upheld.

4. In view of the foregoing, no cause of action is left, hence the above said appeal case
filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated : 19.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh Rajinder Sharma,(M-9888026772)
22, AKS Colony, Zirakpur,
Distt.Mohali -140603

Vs

.....Appellant

Public Information Officer,
O/o ADC (Urban)Development,Mohali

First Appellate Authority
O/o DC,Mohali

Public Information Officer
O/o EO, MC, Zirakpur

.....Respondent

AC No. 793 of 2022

Present : (i) Sh Sat Pal Singh on behalf of the appellant

(ii) For the respondent : Sh. Bohar Singh, Suptd-cum-PIO (8054015113), Sh. Gurbachan Singh, Sr. Assistant (7889071736), Sh. Gulshan Mehta, Advocate (9876468637) and Sh. Harpreet Singh, (9888501398)

ORDER

This order may be read with reference to the previous order dated 31.08.2022, passed by the Commission.

2. Sh. Sat Pal Singh is appearing on behalf of the appellant.
3. The respondent states that he has brought information today in the Commission alongwith the reply of show cause notice issued to him.
4. The representative of the appellant has gone through the same and states that he is satisfied with the same. Keeping in view all the facts mentioned in the reply the show cause notice is hereby is dropped.
5. In view of the foregoing, no cause of action is left, hence the above said appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated :19.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Sukhdev Singh, Office No. 6,
Tricity Plaza, Peer Mushalla, Post Office Dhakoli,
SAS NAgar (8872277782)

.....Appellant

..Vs

Public Information Officer,
O/o Punjab Fire Service , o/o SDM, Dera Bassi,
Distt.Mohali

First Appellate Authority
O/o Punjab Fire Service , o/o SDM, Dera Bassi,
Distt.Mohali

Public Information Officer
O/o EO, Zirakpur

.....Respondent

AC No. 2762 of 2022

Present : (i) Sh . Vinay Kumar , Counsel for the respondent
(ii) For the respondent : Sh. Rajeev Kumar, SFO (9878530247), Sh. Gulshan Mehta,
Advocate (9876468837)

ORDER

This order may be read with reference to the previous order dated 25.07.2022, vide which PIO, o/o EO, Zirakpur was impleaded as respondent no. 2.

2. Sh. Vinay Kumar is appearing on behalf of the appellant.

3. The respondent states that they have already sent their reply to the Commission as well as to the appellant mentioning therein that the information demanded by the appellant is third party. He further states that the so called third-party has also given his consent not to provide his information to anyone

4. Copy of the same is given to the Counsel for the respondent today in the Commission. After hearing both the parties and examining the case file, it is observed that the information demanded by the appellant is third party information. This objection of the respondent is upheld.

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AC No. 2762 of 2022

5. In view of the foregoing, no cause of action is left, hence the above said appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated : 19.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Harpreet Singh, PPS,(DSP)
S/o Sh. Baldev Singh, Office Vigilance Bureau,
Amritsar Range, Amritsar

.....Appellant

..Vs

Public Information Officer,
O/o AIG Personnel -2, O/o Director General of Punjab
Punjab Police Headquarter , Sector 9, Chandigarh

First Appellate Authority,
O/o DIGP/Admn. Punjab
Punjab Police Headquarter, Sector 9
Chandigarh

.....Respondent

AC No. 2016 of 2022

Present : (i) None is present on behalf of the appellant
(ii) For the respondent: Sh. Parshotam Kumar, ASI (9417131510)

ORDER

This order may be read with reference to the previous order dated 17.08.2022.

2. The appellant is not present. The Respondent states that the required information has already been given to the appellant and has sent the acknowledgment given by the appellant in token of having received the information. Copy of the same is taken on record.

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

Sd/-

Dated : 19.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh Raj Kumar Chandana, Advocate
R/o # 121, Sector 4, Haripur, Panchkula
(9541119900)

.....Appellant

..Vs

Public Information Officer,
O/o SSP, Mohali

First Appellate Authority
O/o SSP, Mohali

AC No. 3163 of 2022

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Smt. Rajwinder Kaur, HC (8283060022)

ORDER

This order may be read with reference to the previous order dated 26.08.2022, vide which the appellant was not present.

2. The appellant is absent today.
3. The respondent states that she has brought proper reply today in the Commission.
4. After hearing the respondent and going through the case file, it is observed that the appellant is absent for second consecutive hearing. Respondent states that the reply has been sent to the appellant. She has also submitted the reply in the Commission. Since, the appellant is absent, I am of the considered view that no useful purpose would be served by prolonging this matter any further. *However, copy of the reply as submitted by the respondent be sent to the appellant alongwith these orders.*
5. In view of the foregoing, no further cause of action is left, hence the above said appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated : 19.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Hardev Singh, S/o :Late Sh. Lal Singh
R/o Flat No. B-6, Dolphin Towers, Sector 78, Mohali

.....Complainant

..Vs

Public Information Officer,
O/o SSP, Mohali

.....Respondent

CC No. 444 of 2022

Present : (i) Sh . Hardev Singh the complainant
(ii) For the respondent : Ms. Rajwinder Kaur, HC

ORDER

1. The RTI application is dated 16.12.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 08.07.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 19.09.2022 in the Commission.
3. The respondent states that she has brought information today in the Commission, but the complainant has refused to accept the same.
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. 444 of 2022

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, 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.

6. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) as the first appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to give an early date to hear the complainant and decide the matter. In case the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

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/-

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Dated : 19.09.2022

First Appellate Authority
O/o SSP, Mohali

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Sh. Jiwan Garg, S/o Sh. Om Parkash Garg,
House No. B-1/473A, Ward 23, Opp Old Bombay Palace,
Jakhal Road, Sunam , Distt. Sangrur
(9878138340)

.....Appellant

..Vs

Public Information Officer,
O/o SSP, Sangrur

First Appellate Authority
O/o IGP , Patiala Range, Patiala

.....Respondent

AC No. 3121 of 2022

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Kuldip Singh , ASI (8558010813)

ORDER

This order may be read with reference to the previous order dated 26.08.2022.

2. The appellant is absent today. He has informed on phone that he is unable to attend today's hearing. He has also sent email mentioning therein that "*during the last hearing he was contacted on phone, but his presence through phone call has not been marked. He further adds that now he is more than 64 years of age and is suffering from diabetes and other old age problems as well as after considering that the Covid-19 epidemic & monkey pox also is out breaking IN MANY PARTS OF India in these days can hear this appeal matter through Webex*". The cases of this bench are being heard through personal hearings only. Hence, considering the request of the Appellant and to avoid any inconvenience to him any further the above said appeal case is sent to the Deputy Registrar, to be placed before the Hon'ble CIC for transfer to some other bench holding courts through online modes.

Sd/-

Dated : 19.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Deputy Registrar

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Sh Ajay Nand/ Ajay Kumar Nanda,
#C-118, East Mohan Nagar,
Chamrang Road, Amritsar (9814646309)

.....Appellant

..Vs

Public Information Officer,
O/o Principal Secretary,
Home Affairs & Justice Department, Punjab
Main Civil Sectt. Sector 1, Chandigarh

First Appellate Authority
O/o Chief Secretary, Punjab
Civil Sectt, Punjab,
Sector 1, Chandigarh

.....Respondent

AC No. 5284 of 2021

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Sh.Parshotam Kumar, ASI (9417131510)

ORDER

This order may be read with reference to the previous order dated 26.08.2022 vide which the respondent states that the information demanded by the appellant cannot be supplied as it comes under Section 2(f) of the RTI Act and reply has already been sent to the appellant.

2. The appellant is absent today. He has sent email mentioning therein that Sh. Parshotam Kumar appearing on behalf of the respondent was not authorized and competent for appearing in the said case.

3. Today Sh. Parshotam Kumar , ASI appeared on behalf of the respondent with authority letter where he has been authorized by Assistant Inspector General of Police-2 Punjab. The respondent , o/o DGP Punjab states that the reply has already been sent to the appellant that the information cannot be supplied as it comes under Section 2(f) of the RTI Act.

4. Having heard the respondent and on perusal of the available records, the Commission referred to the definition of information u/s Section 2 (f) of the RTI Act, 2005 which is reproduced below:

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AC No. 5284 of 2021

“information” means any material in any form, including records, documents , memos , email, opinions, advices , press releases, circulars, orders , logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.”

5. At the outset the Commission observed that under the provision of the RTI Act 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided. The PIO is not supposed to create information that is not a part of the record. He is also not required to interpret information or furnish replies to hypothetical questions. The PIO is not supposed to have any material which is not before him; or any information he could have obtained under law. Under Section 6 of the RTI Act, an applicant is entitled to get only such information which can be accessed by the “public authority”.

6. Keeping in view the facts of the case and the submissions made by the respondent, no further intervention of the Commission is required in the matter. The Appeal stands **disposed** accordingly. Copy of the order be sent to the parties.

Sd/-

Dated : 19.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh Rakesh Kumar Jethi, (M-98782-69608)
House No BXI/71774,
Street No 01, Shakti Nagar,
Barnala-148101

.....Appellant

..Vs

Public Information Officer,
O/o EO, Nagar Panchayat, Handiaya, Barnala

First Appellate Authority,
O/o ADC (Urban Development), Barnala

.....Respondent

AC No. 2704 of 2022

Present: (i) Sh. Rakesh Kumar the appellant
(ii) For the respondent : Sh Sunil Dutt Verma, EO (998800924)

ORDER

This order may be read with reference to the previous order dated 31.08.2022.

2. The Appellant states that he has not received the information pertaining to point no.1
3. The Respondent states that the information pertaining to point no.1 is lying ready with them and the same shall be provided to the Appellant within one day.
4. Hence, on the assurance of the Respondent to provide information to the Appellant the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
19.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Shubham Sharma,

S/o Sh Ashok Kumar,
R/o Gali No 12,
Sector 16, Dera Bassi-160507
M-9501112017

.....Appellant

..Vs

Public Information Officer,
O/o MC, Dera Bassi

First Appellate Authority
O/o MC, Dera Bassi

.....Respondent

AC No. 3096 of 2022

PRESENT : None for the parties.

ORDER:

This order may be read with reference to the previous order dated 22.08.2022.

2. Today neither the Appellant nor the Respondent is present. They have neither filed their reply nor informed the Commission about their absence.
3. The perusal of the file shows that no one has appeared on behalf of the parties. However, it is ascertained that the information demanded by the Appellant through his RTI Application is third-party information. Moreover, the third-party has also provided their consent not to provide their information. This objection of the respondent is upheld. Hence, no useful purpose would be served in prolonging this matter any further. Hence, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

Chandigarh
19.09.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab