

PUNJAB STATE INFORMATION COMMISSION
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Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



Ramesh Kumar S/o Sh. Amarnath,
H. No. U-1652, Sardar Nagar,
Opp. Old Central Jail,
Amritsar - 143008 (Punjab)
(98558-33536)

....Appellant

V/s

Public Information Officer,
O/o The Director General of Police, Punjab
Punjab Police Head Quarter,
Sector 9, Chandigarh

First Appellate Authority,
O/o The Director General of Police, Punjab
Punjab Police Head Quarter,
Sector 9, Chandigarh

...Respondents

Appeal Case No. 1771 of 2022

Present : None on behalf of the appellant.
i) Sh. Purshotam Kumar, A. S. I. (94171-31510), - DGP, Chd
ii) Sh. Ram Parsad, Senior Assistant (M.-9855464748) O/o B.O.I., Punjab,
on behalf of the respondent.

ORDER

Heard in the Commission.

2. The RTI request is dated 06.01.2022. First appeal is dated 20.02.2022. Second appeal has been received in the Commission on 11.04.2022.
3. This case was last heard on 02.12.2022 and the respondent office of S. S. P., Amritsar(Rural) intimated the Commission that the requisite information was already supplied to the appellant vide letter dated 29.10.2022
4. The appellant, Sh. Ramesh Kumar, is not present in today's hearing.
5. Sh. Purshotam Kumar, A. S. I. office of D.G.P., Punjab, Chandigarh and Sh. Ram Parsad, Senior Assistant office of B.O.I., Punjab, who appeared in today's hearing, submit a reply vide letter no. 1728 dated 22.12.2022, showing that that the requisite information has already been supplied to the appellant vide letter no. 486 dated 22.12.2022 by the office of S. S. P., Amritsar(Rural) , appended to which is a note signed by the appellant with the remarks to close the case. It, alongwith annexure is taken on record.

Contd...2/-

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Appeal Case No. 1771 of 2022

-2-

Since complete information has been supplied by the respondent PIO and the appellant has also acknowledged that he has received the required information and has also given his consent to close the case, hence, the instant appeal-case is announced as **disposed of and closed.**

Copies of the orders be sent to the parties.

Date :23rd December, 2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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N. S. Bhatti, Advocate,
Chamber No. 33,
New Judicial Court Complex,
Ajnala, Distt. – Amritsar (Punjab)
(M.-98555-60437)

....Appellant

V/s

Public Information Officer,
O/o The Secretary
to Government of Punjab,
Deptt. of Home Affairs & Justice,
Pb. Civil Secretariat, Chandigarh

First Appellate Authority,
O/o The Secretary
to Government of Punjab,
Deptt. of Home Affairs & Justice,
Pb. Civil Secretariat, Chandigarh

...Respondents

Appeal Case No. 4265 of 2022

Present : None on behalf of the appellant.
Sh. Ram Parsad, Senior Assistant (M.-9855464748) O/o B.O.I., Punjab, on
behalf of the respondent.

ORDER

Heard in the Commission.

2. The RTI request is dated 25.08.2021. First appeal is dated 21.04.2022. Second appeal has been received in the Commission on 14.09.2022.
3. This case was last heard on 07.12 .2022.
4. The appellant, Sh. N. S. Bhatti, Advocate, is not present in today's hearing.
5. Sh. Ram Parsad, Senior Assistant, who appeared on behalf of the respondent PIO in today's hearing, submit a reply vide letter no. 1726 dated 22.12.2022, showing that the requisite information has already been supplied to the appellant vide letter no. 475 dated 22.12.2022 by the office of S. S. P., Amritsar(Rural) , appended to which is a note dated 20.12.2022 signed by the appellant with the remarks to close the case. It, alongwith annexure is taken on record.

Contd...2/-

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Appeal Case No. 4265 of 2022

-2-

6. Since complete information has been supplied by the respondent PIO and the appellant has also acknowledged that he has received the required information and has also given his consent to close the case, hence, the instant appeal-case is announced as **disposed of and closed.**

Copies of the orders be sent to the parties.

Date :23rd December, 2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Jaspal Singh Mann S/o Sh. Sukhdev Singh,
152, Sehna Khera, Malout,
Distt. – SriMuktsar Sahib - 152114(Punjab)
(M.-8699994733)

....Appellant

V/s

Public Information Officer,
O/o The Director,
Deptt. of Information and
Public Relations Pb.,
Pb. Civil Secretariat, Chandigarh

First Appellate Authority,
O/o The Director,
Deptt. of Information and
Public Relations Pb.,
Pb. Civil Secretariat, Chandigarh

...Respondents

Appeal Case No. 4500 of 2022

Present : None on behalf of the appellant.
Ms. Sucheta, Senior Assistant (M.-7837165889), on behalf of the respondent.

ORDER

Heard in the Commission.

2. The RTI request is dated 03.07.2022. First appeal is dated 05.08.2022. Second appeal has been received in the Commission on 28.09.2022.

3. This case was last heard on 18.11.2022 vide which the required information was sent to the appellant along with the orders passed by the Commission with the advice to the appellant to point out deficiencies, if any, in the information supplied.

4. Ms. Sucheta, Senior Assistant, who appeared on behalf of the respondent PIO in today's hearing, states that the requisite information has already been supplied to the appellant and he has not pointed out any deficiency till date.

5. The appellant, Sh. Jaspal Singh Mann was not present on the last date of hearing, held on 18.11.2022. He is again absent from today's hearing without any intimation to the Commission. He has neither pointed out any deficiency in the information supplied to him, to the respondent-PIO, nor approached the Commission with any contrary claim in that regard.

6. In view of the above, it is presumed that the appellant has received the required information and is satisfied with the same, hence, and the instant appeal-case is announced as **disposed and closed**. Copies of the orders be sent to the parties.

Date :23rd December, 2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Ashwini Chawla,
Bureau Chief, 'Sach Kahun',
2872-B, Sector 42-C,
Chandigarh
(M.- 9914405765)

....Appellant

V/s

Public Information Officer,
O/o The Director,
Deptt. of Information and
Public Relations Pb.,
Pb. Civil Secretariat, Chandigarh

First Appellate Authority,
O/o The Director,
Deptt. of Information and
Public Relations Pb.,
Pb. Civil Secretariat, Chandigarh

...Respondents

Appeal Case No. 4946 of 2022

Present : Sh. Ashwini Chawla, the appellant in person.
Ms. Sucheta, Senior Assistant (M.-7837165889), on behalf of the respondent.

ORDER

Heard in the Commission.

2. The RTI request is dated 04.07.2022. First appeal is dated 16.08.2022. Second appeal has been received in the Commission on 20.10.2022.

3. Ms. Sucheta, Senior Assistant, who appeared on behalf of the respondent PIO in today's hearing, states that the requisite information at point no. 01 and 04 of the RTI request has been supplied to the appellant and remaining information at point no. 02 and 03 is 'third party' information. The Respondent has also filed their reply vide Commission diary no. 29398 dated 22.12.2022, which is taken on record.

4. The appellant, Sh. Ashwani Chawla, who appeared in person in today's hearing, states that he has received the required information only at point no. 01 and 04 of the RTI request.

Contd...2/-

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Appeal Case No. 4946 of 2022

-2-

5. After examining the documents placed on record, it is found that the some part of remaining information at point no. 02 and 03 of the RTI request is not 'third party' information , hence, directions are hereby given to the respondent PIO to supply the remaining information at point no. 02 and 03 regarding basic salary and qualifications of employees with the remarks whether appointment is on contract or outsource basis within ten days from today, with a copy to the Commission. The Appellant has expressed his satisfaction over the same.

6. With the above-announced directions, the instant appeal-case is announced as **disposed and closed.**

Copies of the orders be sent to the parties.

Date :23rd December, 2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Udit Bhatia
S/o Sh. Vijay Bhatia,
H. No. 2066/2,
Sector 47-C, Chandigarh – 160047
(M.-82838-81375)

....Appellant

V/s

Public Information Officer,
O/o The Deputy Commissioner,
S. A.S. Nagar(Mohali) (Punjab)

First Appellate Authority,
O/o The Deputy Commissioner,
S. A.S. Nagar(Mohali) (Punjab)

...Respondents

Appeal Case No. 4184 of 2022

Present : Sh. Udit Bhatia , the appellant in person.
Ms. Charanjit Kaur, Superintendent(M.-8699238511), on behalf of the
respondent.

ORDER

Heard in the Commission.

2. The RTI request is dated 16.04.2022. First appeal is dated 03.06.2022. Second appeal has been received in the Commission on 08.09.2022.
3. This case was last heard on 07.12.2022.
4. Ms. Charanjit Kaur, Superintendent, who appeared on behalf of the respondent PIO in today's hearing, states that the requisite information has already been supplied to the appellant. She also files a copy of the same today, which is taken on record.
5. The appellant, Sh. Udit Bhatia, who appeared in person in today's hearing, states that information at point no. 03 is still pending.
6. Ms. Charanjit Kaur, Superintendent, promised that information at point no. 03 would be supplied to the appellant positively.
7. On the assurance of the respondent, the above said appeal case is **disposed of and closed**. Further, the perusal of the record reveals that the department had not implemented the Section 4 of the RTI Act 2005. According to Section 4, it is mandatory for

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Appeal Case No. 4184 of 2022

every public authority shall maintain all its records duly catalogued and indexed in a manner and the form which facilitates the Right to Information under this Act and ensure that all records that are appropriate to be computerized, within a reasonable time and subject to availability of resources, computerized on connect through a network all over the Country on different systems, so that access of such records is facilitated upto 100 pages for free and for the rest the Appellant shall pay the relevant documentation fee.

Copies of the orders be sent to the parties.

Date :23rd December, 2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh Brish Bhan, S/o Sh. Saroop Chand,
House Number 33, Kahangarh Road,
Patran, Distt. Patiala(Punjab)

....Appellant

V/s

Public Information Officer,
O/o The Executive Officer,
Nagar Council, Sunam, Distt. - Sangrur (Punjab)

First Appellate Authority,
O/o The Executive Officer,
Nagar Council, Sunam, Distt. - Sangrur (Punjab)

...Respondents

Appeal Case No. 5375 of 2021

Present : (I) None on behalf of the appellant.
(ii) For the respondent: Sh Amrit Lal, EO (9646060808)

ORDER

This order may be read with reference to the previous order dated 07.12.2022.

2. The Appellant is not present today. However, he has filed his submissions via e-mail which is taken on record.
3. The Respondent states that he has deposited the amount of penalty. He also files a copy of the Challan, regarding the same.
4. The perusal of the file shows that the Appellant is not present today. Today the Respondent has filed the copy of Challan, after the payment of penalty. The requisite information also stands provided to the Appellant. Since, the orders of the Commission have been complied with, therefore, no further 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.

Date : 23.12.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Kirpal Singh, (Advocate)
#85, New Professor Colony,
Opposite Rajguru Nagar,
Ludhiana

....Complainant

V/s

Public Information Officer,
O/o ADGP, NRI Wing, Phase 7, Mohali

...Respondents

Complaint Case No. 714 of 2022

Present: (i) Sh Kirpal Singh, Complainant
(ii) for the Respondent: Sh Baldeer Singh, HC (81466-33555)

ORDER

1. The RTI application is dated 06.04.2022 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 18.10.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 01.07.2014 in the Commission
3. The Complainant states that he has received the reply from the Respondent and is satisfied with it.
4. Since the Complainant is satisfied with the reply of the Respondent therefore, no further cause of action is left. Hence, the Complaint case filed by the Complainant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

Dated : 23.12.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Gurmej Lal, Whistle Blower,
NCAG, Street No. 5, # 1331-5, Vishawkarma Bhawan
Down Canal Road, Simlapuri, Ludhiana -141003
(9781672776)

....Appellant

V/s

Public Information Officer,
O/o EO, Nagar Council, Sangrur
First Appellate Authority,
O/o EO, Nagar Council, Sangrur

...Respondents

Appeal Case No. 4021 of 2022

Present : None for the parties.

ORDER

This order may be read with reference to the previous order dated 02.12.2022, passed by the Commission, vide which the appellant was not present and he was directed to collect the information from the Commission office.

2. Today, again the appellant is not present. He has sent his submissions via mail which is taken on record.

3. The perusal of the file shows that today neither the appellant nor the respondent is present. During the last hearing, the respondent was exempted from further hearings. It is observed that as per directions of the Commission in the last orders the appellant has not collected the information from Commission office so far. However, since the appellant is not present, it is not appropriate to prolong this matter any further.

4. 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.

Date :23rd December, 2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Malkiat Singh Mann,
Preet Vihar, Dhuri,

...Appellant

V/s

Public Information Officer,
O/o SSP, Sangrur
First Appellate Authority,
O/o DIG, Patiala Range, Patiala

...Respondents

Appeal Case No. 4935 of 2022

Present : None for the parties.

ORDER

The RTI application is dated 20.08.2022 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 19.10.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 23.12.2022 in the Commission.
3. Today neither the appellant nor the respondent is present. However, the appellant has sent a letter, vide commission diary no. 28455 dated 12.12.2022 mentioning therein that he has received the information.
4. 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.

Date :23rd December, 2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Ramesh Chander, Quarter No. 1015-B,
Type II, RCF, Kapurthala – 144602

....Complainant

V/s

Public Information Officer,
O/o DSP, Kapurthala

...Respondents

Complaint Case No. 728 of 2022

Present : None for the parties.

ORDER

The RTI application is dated 27.05.2022 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 26.10.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 23.12.2022 in the Commission.
3. Today neither the complainant nor the respondent is present. The perusal of the file shows that the notice of hearing was received back in the Commission.
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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Complaint Case No. 728 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**.

Date :23rd December, 2022

Remanded back to

First Appellate Authority
o/o SSP, Kapurthala

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab