**PUNJAB STATE INFORMATION COMMISSION,**

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

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Smt Poonam Rani, D/o Smt Asha Rani,

W/o Sh Surinder Kumar, R/o Village Babowal,

Jail Road, Gurdaspur. Complainant

Versus

**Public Information Officer,**

O/o Principal, Naam Ratra International college of Nursing,

Loharka Road, Amritsar. ...Respondent

**Complaint Case No. 913 of 2017**

Present: (i) Smt. Poonam the complainant

(ii) None is present on behalf of the respondent

**ORDER**

This order may be read with reference to the previous order dated 05.02.2018 vide neither the complainant nor the respondent was present.

2. Smt. Poonam the complaint states that she has received the information.

3. After hearing the respondent, it is ascertained that the complainant wants action taken on her RTI. She may take note that no action has been taken under the RTI Act 2005.

4. Since, the information has been provided to the complainant, no cause of action is left. The complaint case filed by the complainant is, therefore, **disposed of and closed.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 28.02.2018 State Information Commissioner**

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Sh. Kulwant Singh

S/o Sh. Gurmej Singh,

R/o Rattoke Havelia, Tehsil Patti,

Distt. Tarn Taran

Complainant

Versus

**Public Information Officer**

O/o Naib Tehsildar, Sub Tehsil Khemkaran

Tehsil Patti, Distt. Tarn Taran

.

..Respondent

**Complaint Case No. 1321 of 2017**

Present : (i) Sh. Kulwant Singh the complainant

(ii) For the respondent : Sh. Tilak Raj, Reader to Naib Tehsildar

**ORDER**

This order may be read with reference to the previous order dated 30.01.2018 vide which the respondent was absent.

2. Today, Sh. Kulwant Singh the complainant states that he has received the information and is satisfied.

3. 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 order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 28.02.2018 State Information Commissioner**

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Sh. Rasal singh, s/o Shri Gurmej Singh

R/o Rattoke Havelia, Tehsil Patti

Distt. Tarn Taran

Complainant

Versus

**Public Information Officer**

O/o Naib Tehsildar, Sub Tehsil

Khemkaran, Tehsil Patti, Distt. Tarn Taran

.

..Respondent

**Complaint Case No. 1322 of 2017**

Present : (i) Sh. Kulwant Singh the complainant

(ii) For the respondent : Sh. Tilak Raj, Reader to Naib Tehsildar

**ORDER**

This order may be read with reference to the previous order dated 30.01.2018 vide which neither the complainant nor the respondent was present.

2. Sh. Kulwant Singh is appearing on behalf of the complainant and states that the complainant – Sh. Rasal Singh has received the information and is satisfied.

3. 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 order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 28.02.2018 State Information Commissioner**

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Sh. Karamjit Singh Maan,

S/o Shri Mukhtiar Singh Maan,

R/o Village Daudhar Garbi,

Tehsil and Distt. Moga Complainant

Versus

**Public Information Officer**

O/o DEO (SE), Moga .

..Respondent

**Complaint Case No. 1386 of 2017**

Present: (i) Smt. Manmohan Kaur , counsel for the complainant

(ii) For the respondent : Sh. Parminder Singh, Junior Assistant

**ORDER**

This order may be read with reference to the previous order dated 07.02.2018

2. Smt. Manmohan Kaur is appearing on behalf of the complainant.

3. The respondent states that the information demanded by the complainant is pertaining to the third party information therefore cannot be given to the complainant.

4. 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) 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 the complaint cases, it is to be seen whether the intention of the respondent-PIO is clear or not. The respondent-PIO has given reply to the RTI application within stipulated time. Hence, the complaint case filed in the Commission is **disposed of and closed**. Copies of the order be sent to the parties

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 28.02.2018 State Information Commissioner**

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Sh. Karamjit Singh Maan,

S/o Shri Mukhtiar Singh Maan,

R/o Village Daudhar Garbi,

Tehsil and Distt. Moga Complainant

Versus

**Public Information Officer**

O/o DEO(SE), Moga ..Respondent

**Complaint Case No. 1387 of 2017**

Present: (i) Smt. Manmohan Kaur , counsel for the complainant

(ii) For the respondent : Sh. Parminder Singh, Junior Assistant

**ORDER**

This order may be read with reference to the previous order dated 07.02.2018

2. Smt. Manmohan Kaur is appearing on behalf of the complainant.

3. The respondent states that the information demanded by the complainant is pertaining to the third party information, therefore, cannot be given to him.

4. 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) 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 the complaint cases, it is to be seen whether the intention of the respondent-PIO is clear or not. The respondent-PIO has given reply to the RTI application within stipulated time. Hence, the complaint case filed in the Commission is **disposed of and closed**. Copies of the order be sent to the parties

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 28.02.2018 State Information Commissioner**

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Sh Ramandeep Singh Dhaliwal

C/o Dhaliwal Medical hall,

Sudhar Bazar, Tehsil Raikot,

Distt Ludhiana . Appellant.

Versus

**Public Information Officer,**

O/o Executive Engineer,

Construction Division, PWD (B&R), Moga

**First Appellate Authority**

O/o Director, Rural Development and Panchayat,

Punjab, Sector-62, SAS Nagar. ...Respondent

**Appeal Case No. 1411 of 2017**

Present : (i) Sh. Ramandeep Singh the appellant

(ii) For the respondent : Sh. Kanwaljeet Singh, JE

**ORDER**

This order may be read with reference to the previous order dated 06.02.2018

2. Respondent states that he has personally brought the information to deliver it to the appellant today in the Commission. The appellant has gone through the same and states that he is satisfied only pertaining to point nos. 3 & 7.

3. The appellant is advised to visit the office of the respondent on 09.03.2018 at 11.00 AM, inspect the record and obtain the information. The respondent is directed to provide the copy of the same to the appellant.

4. To come up on **21.03.2018 at 11.00 AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 28.02.2018 State Information Commissioner**

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Sh. Avinash Kumar Modgill, S/o sh Amar chand,

R/o #51, village Ramgarh Siwian,

Tehsil Raikot, Distt Ludhiana Appellant.

Versus

**Public Information Officer,**

O/o Punjab Education Development,

Block-E, 5th Floor, Phase-8, Mohali.

**First Appellate Authority**

O/o Punjab Education Development,

Block-E, 5th Floor, Phase-8, Mohali

**Public Information Officer**

o/o Chairman, Sukh Sagar Avenue Welfare Association,

Village Partapgarh, Distt.

Ludhiana ...Respondent

**Appeal Case No. 1984 of 2017**

Present : (i) Sh. Talwinder Singh , Advocate on behalf of the appellant

(ii) For the respondent: Smt. Parvinder Kaur, PIO

**ORDER**

This order may be read with reference to the previous order dated vide dated 06.02.2018.

2. Smt. Parvinder Kaur, PIO is appearing on behalf of the respondent and files her reply mentioning therein that "*As per the official record of PEDB, DGSE office, Phase 8, Mohali, the payment to Sukh Sagar Avenue Welfare Association regarding the Adarsh Schools at Pacca and Midduman is with held since June 2017. For Mudduman and Pacca, the non-salary is also not released for the quarter Jan-March 2017. The Audit of the school for 2016-2017 is being done by Local Audit Funds, Punjab. This is for your kind information."*

3. Original copy is handed over to the counsel for the appellant today in the Commission. Copy of the same is taken on record.

4. In wake of aforementioned, the appeal filed by the appellant is **disposed of and closed.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 28.02.2018 State Information Commissioner**

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Sh Satnam Singh, S/o Sh Teja Singh,

VPO Mohammadpur, Sotar, Tehsil Rattiya,

Distt Fatehabad (Haryana), Appellant

Versus

**Public Information Officer,**

O/o Director Primary Instructions (S),

Phase-8, Mohali.

**First Appellate Authority**,

O/o Secretary, School Education Department,

Pb, Chandigarh. ...Respondent

**Appeal Case No. 2615 of 2017**

Present : (i) Sh. Satnam Singh the appellant

(ii) For the respondent: Sh. Navdeep Kumar, Sr. Assistant

**ORDER**

This order may be read with reference to the previous order dated 06.02.2018

2. Respondent states that he has personally brought the information to deliver it to the appellant, which is handed over to him. The appellant – Sh. Satnam Singh has gone through the same and states that he is not satisfied with the information provided.

3. The appellant is advised to visit the office of the respondent on **09.03.2018 at 11.00 AM,** inspect the record and obtain the information. The respondent is directed to provide the copy of the same to the appellant.

4. To come up on **21.03.2018 at 11.00 AM**. Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 28.02.2018 State Information Commissioner**

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Sh Mohit Puri, S/o Lt Sh Bharat Bhushan Puri,

R/o Village Mullanpur Garibdass, Tehsil kharar,

Distt Mohali Appellant

Versus

**Public Information Officer,**

O/o District Education Officer, (S)

Patiala

**First Appellate Authority**,

O/o District Education Officer, (S)

Patiala ...Respondent

**Appeal Case No. 2940 of 2017**

Present : (i) Sh. Mohit Puri the appellant

(ii) For the respondent : Sh. Upkar Singh, Junior Assistant

**ORDER**

The brief facts of the appeal are that Sh. Mohit Puri- the appellant vide an RTI application dated 30.06.2017, has sought the following information from the PIO, DEO, Patiala which is as under:-

*ਐਸ.ਡੀ. ਪਬਲਿਕ ਸਕੂਲ (ਸੀਨੀਅਰ ਸੈਕੰਡਰੀ ) ਗੁਰੂ ਅਰਜਨ ਦੇਵ ਕਲੋੰਨੀ, ਰਾਜਪੁਰਾ ਟਾਊਨ, ਤਹਿਸੀਲ ਰਾਜਪੂਰਾ, ਜਿਲ੍ਹਾ ਪਟਿਆਲਾ ਮਾਨਤਾ ਪ੍ਰਾਪਤ ਸੀ.ਬੀ.ਐਸ.ਈ. ਨਵੀਂ ਦਿੱਲੀ ਵਲੋਂ ਆਪ ਜੀ ਦ ਦਫਤਰ ਵਿੱਚ ਜਾਂ ਆਪ ਜੀ ਕੋਲ ਸਾਲ 2013-14, 2014-15, 2015-16,2016-17 ਦਾ ਹਰ ਪ੍ਰਕਾਰ ਟੀਚਰਾਂ,ਫੀਸਾਂ, ਅਡਮਿਸ਼ਨ ਫੀਸਾਂ, ਖਰਚਿਆਂ ਦਾ ਰਿਕਾਰਡ ਜਾਂ ਇਸ ਤੋਂ ਇਲਾਵਾ ਜੋ ਵੀ ਰਿਕਾਰਡ ਉਪਰੋਕਤ ਸਕੂਲ ਵਲੋਂ ਜਮ੍ਹਾਂ ਕਰਵਾਇਆ ਗਿਆ ਹੈ, ਉਸਦੀਆਂ ਤਸਦੀਕ ਸ਼ੁਦਾ ਕਾਪੀਆਂ।*

*2. ਆਪ ਜੀ ਵੱਲੋਂ ਜਾਂ ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਦੇ ਅਧਿਕਾਰੀਆਂ ਵੱਲੋ ਉਪਰੋਕਤ ਸਕੂਲ ਦੀ ਸਮੇਂ-ਸਮੇਂ ਚੈਕਿੰਗ ਕੀਤੀ ਜਾਂਦੀ ਹੈ। ਕੀ ਸਕੂਲ ਦਾ ਹਰ ਪ੍ਰਕਾਰਦਾ ਰਿਕਾਰਡ ਚੈੱਕ ਕੀਤਾ ਜਾਂਦਾ ਹੈ। ਕੀ ਉਪਰੋਕਤ ਸਕੂਨ ਵਲੋਂ ਸਰਕਾਰ ਦੇ ਬਣਾਏ ਗਏ ਸਾਰੇ ਰੂਲਾਂ- ਨਿਯਮਾਂ ਦੀ ਪਾਲਣਾ ਕੀਤੀ ਜਾਂਦੀ ਹੈ, ਇਸ ਸਬੰਧੀ ਆਪ ਜੀ ਵਲੋਂ ਜਾਂ ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਦੇ ਅਧਿਕਾਰੀਆਂ ਵਲੋਂ ਉਪਰੋਕਤ ਸਕੂਲ ਦਾ ਸਾਲ 2013 ਤੋਂ ਲੈ ਕੇ 2017 ਤੱਕ ਕਿੰਨੀ ਵਾਰ ਰਿਕਾਰਡ ਦੀ, ਟੀਚਰਾਂ ਦੀ, ਟੀਚਰਾਂ ਅਤੇ ਹਰ ਪ੍ਰਕਾਰ ਦੇ ਕਰਮਚਾਰੀਆਂ ਦੀਆ ਤਨਖਾਹਾਂ ਦੀ ਅਤੇ ਇਸ ਤੋਂ ਇਲਾਵਾ ਸਕੂਲ ਵਲੋਂ ਮਨਟੇਨ ਕੀਤੇ ਜਾਂਦੇ ਰਿਕਾਰਡ ਦੀ ਚੈਕਿੰਗ ਕੀਤੀ ਗਈ ਅਤੇ ਇਸ ਤੋਂ ਇਲਾਵਾ ਉਪਰੋਕਤ ਸਕੂਲ ਬਾਰੇ ਸਾਲ 2013 ਤੋਂ ਲੈ ਕੇ 2017 ਤੱਕ ਚੈਕਿੰਗ ਕੀਤੀ ਗਈ ਅਤੇ ਇਸ ਤੋਂ ਇਲਾਵਾ ਉਪਰੋਕਤ ਸਕੂਲ ਦੀ ਚੈਕਿੰਗ ਦੌਰਾਨ ਗਏ ਸਟਾਫ ਵਲੋਂ ਉਪਰੋਕਤ ਸਕੂਲ ਬਾਰੇ ਸਾਲ 2013 ਤੋਂ ਲੈ ਕੇ 2017 ਤੱਕ ਚੈਕਿੰਗ ਦੀ ਕਿਹਡੀ ਕਿਹਡੀ ਰਿਪੋਰਟ ਬਣਾਕੇ ਦਫਤਰ ਵਿੱਚ ਜਮ੍ਹਾ ਕਰਵਾਈ ਗਈ, ਜਿਸਤੋਂ ਸਾਬਤ ਹੁੰਦਾ ਹੋਵੇ ਕਿ ਉਪਰੋਕਤ ਸਕੂਲ ਸਰਕਾਰ ਦੀਆਂ ਸਾਰੀਆਂ ਹਦਾਇਤਾਂ ਦੀ ਪਾਲਣਾ ਕਰ ਰਿਹਾ ਹੈ, ਉਸਦੀਆਂ ਤਸਦੀਕ-ਸ਼ੁਦਾ ਕਾਪੀਆਂ ਸਮੇਤ ਚੈਕਿੰਗ ਅਧਿਕਾਰੀ ਵੱਲੋਂ ਬਣਾਈ ਗਈ ਰਿਪੋਰਟ ਦੀ ਕਾਪੀ।*

**Appeal Case No. 2940 of 2017**

2. Failing to get any information within 30 days, as mandated under Section 7(1) of the RTI Act, 2005, the appellant had filed first appeal with the First Appellate Authority vide application dated 02.08.2017 under the provisions of Section 19(1) of the RTI Act, 2005 and subsequently approached the Commission in second appeal under Section 19(3) of the RTI Act , 2005, which was received in the Commission on 25.10.2017 and accordingly, a notice of hearing was issued to the parties for 28.11.2017.

3. During the hearing dated 28.11.2017, the respondent was absent and the appellant stated that no information had been given to him so far. Accordingly the appeal was adjourned on 19.12.2017. On 19.12.2017, again the appellant stated that no information had been given to him so far and the respondent was absent therefore, a show cause notice was issued to the respondent-PIO. Hence, the appeal was adjourned on 15.01.2018. Again on 15.01.2018, the respondent was absent therefore, Rs. 2500/- as compensation was awarded to the appellant. On that day, the respondent – Sh. Manjit Singh and Sh. Gurpreet Singh had appeared before the Commission after the hearing. He had read out the above orders and the appeal was adjourned on 06.02.2018. Again on 06.02.2018 the respondent was not present, therefore, bailable warrant was issued for the DEO, Patiala to appear before the Commission. Despite the issuance of repeated notices/directions/bailable warrants/telephone calls, the PIO is absent again. She was also informed on phone by my office staff about the warrant issued to her. But again at today's hearing, she is absent. Sh. Upkar Singh, Junior Assistant is appearing on behalf of the respondent without any information. He is not aware about the facts of the case. It is observed that Smt. Kawal Kumari, DEO, Patiala has no regard for the orders issued by the Commission.

4. Today, Sh. Mohit Puri the appellant states that he has not received any compensation so far. In view of the above mentioned circumstances, Smt. Kawal Kumari, DEO, Patiala is responsible for the delay in providing the information and harassment suffered by the Appellant.

5. The Commission is constrained to observe that a large number of officers have failed to appreciate the spirit of the Act for promotion of openness in their functioning. Respondent may note that the RTI Act 2005 is meant for promoting transparency in governmental functioning by bringing to light governmental actions done behind closed

**Appeal Case No. 2940 of 2017**

doors so that the common man is kept well informed of the goings on in the public authorities with a view to strengthening democracy. The RTI Act 2005 is not to be used as a substitute for availing of services available under various statutes for matters not involving the bringing to light the mannerism of / flaws in the working of public authority.

6. In the backdrop of the aforementioned factual position, initiation of action under Section 20(1) Right to Information Act, 2005, against the defaulting officer are called for.

7. I am, therefore, left with no other option but to decide the question of imposition of penalty upon S**mt. Kawal Kumari, DEO , Patiala Rs. 10,000/- (Rs. Ten Thousand only).** The amount of penalty i.e. Rs. 10,000/- should be deducted from the salary of Smt. Kewal Kumari and be deposited in the Government treasury under head 0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act. **The DPI (S) shall ensure that this amount of penalty is deducted from the salary of the above said defaulting officials and** deposited in the Treasury under the relevant head.

8. Adjourned to **05.04.2018 (at 11.30 AM)** for further proceedings. Copies of the order be sent to the parties  ***through registered post***.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 28.02.2018 State Information Commissioner**

**Through registered post**

CC: 1. DPI(SE), Punjab School Education Board, Vidya Bhawan, Block-E, Mohali

2. Principal Secretary, Education, Mini Sectt. Sector 9, Chandigarh

**PUNJAB STATE INFORMATION COMMISSION,**

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

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Sh Sharanjit Singh, S/o Sh Yadwinder Singh,

# B-X/254, Ahatat Narain Singh, Barnala,

Distt Barnala . Appellant

Versus

**Public Information Officer,**

O/o Principal Baba Gandha Singh Public School Bhadur,

Distt Barnala.

**First Appellate Authority**,

O/o District Education Officer, (S),

Barnala, Distt Barnala. ...Respondent

**Appeal Case No. 2809 of 2017**

Present : (i) Sh. Sharanjit Singh the appellant

(ii) None is present on behalf of the respondent

**ORDER**

This order may be read with reference to the previous order dated 06.02.2018

2. During the last hearing, the respondent had filed an affidavit that ***Baba Gandha Singh Education Trust, Barnala is a registered society under the societies registration Act 1860 and it does not receive any grant or aid from any Govt. Moreover it is a non-profitable institution and is also registered u/s 12AA of the Income Tax Act, 1961.*** The appellant states that he wants original affidavit.

3. Original affidavit is handed over to the appellant today in the Commission. He is satisfied. 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: 28.02.2018 State Information Commissioner**

Note : After the hearing, Advocate. Sh. J.S. Mundi, Counsel for the respondent appeared. He was read out the above order. Sd/-

**Chandigarh (Preety Chawla)**

**Dated: 28.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION,**

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

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Sh Baljit Kaur, W/o Sh Surjit Singh,

Village Bholapur, Jhabewal,

P.O Ramgarh, Distt Ludhiana. Appellant

Versus

**Public Information Officer,**

O/o Senior Superintendent of Police,

Kapurthala.

**First Appellate Authority,**

O/o Senior Superintendent of Police,

Kapurthala. ...Respondent

**Appeal Case No. 3012 of 2017**

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

(ii) for the respondent : Sh. Aman Kumar, Inspector and Sh. Bhupinder Singh, HC

**ORDER**

This order may be read with reference to the previous order dated 06.02.2018

2. The appellant states that misleading information has been given to him so far.

3. Sh. Aman Kumar , Inspector is appearing on behalf of the respondent and states that he has personally brought original file today in the Commission. The appellant may go through the same.

4. The appellant has gone through the same and states that he is not satisfied. Copy of the whole file is handed over to the appellant today in the Commission. I have gone through the record and have agreed. Respondent has also given in writing that there is no other information which is pending in the office record of the respondent and there is nothing left to be furnished to him.

5. The appellant may take note that RTI Act has been passed to enable a citizen to access information. But the fact remains that RTI act is information sharing forum and not a problem solving mechanism. Under the RTI Act information can be accessed by a citizen but for redressal of his grievance recourse lies somewhere else. Therefore, for his grievances, he may approach the concerned authorities. Since, information has been provided as per record, no further cause of action is left and the appeal is **closed and disposed of.** Copies of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 28.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION,**

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

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Sh. Harbans Singh, S/o Sh Gurcharan Singh,

Patti Chahalan, VPO Bhawanigarh,

Distt Sangrur.

Appellant

Versus

**Public Information Officer,**

O/o District Education Officer (S),

Sangrur

**First Appellate Authority**

O/o District Education Officer (S),

Sangrur ..Respondent

**Appeal Case No. 3714 of 2017**

Present : (i) Sh. Harbans Singh the appellant

(ii) None is present on behalf of the respondent

**ORDER**

This order may be read with reference to the previous order dated 05.02.2018.

2. Sh. Harbans Singh the appellant states that no response whatsoever has been received from the respondents till date. No one has put in appearance on behalf of the respondents nor has any communication been received from them. In the interest of justice, Respondent PIO is afforded one more opportunity to provide the appellant point-wise complete specific information, duly attested, free of cost, by registered post, in accordance with his RTI application and present a photocopy of the relevant postal receipt along with a copy of the information provided, before the Commission on the next date fixed, for its perusal and records. Respondents to note that in case no one comes present on their behalf on the next date fixed, punitive provisions of the RTI Act, 2005 may be invoked against the erring officer(s).

3. To come up on **21.03.2018 at 11.00 AM.** Copy of the order be sent to the parties **through registered post.**

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 28.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION,**

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

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Sh. Gurpal Singh,

HL-638, Phase -9,

SAS Nagar, Mohali

9781800638 Appellant

Versus

**Public Information Officer,**

O/o Punjab Nurses Registration Council,

Medical Education Bhawan,

Near Mayo Hospital, Mohali

**First Appellate Authority**

O/o Punjab Nurses Registration Council,

Medical Education Bhawan,

Near Mayo Hospital, Mohali .Respondent

**Appeal Case No.3315 of 2017**

Present : (i) Sh. Gurpal Singh the appellant

(ii) None is present on behalf of the respondent

**ORDER**

This order may be read with reference to the previous order dated 29.01.2018.

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

3. Respondent is absent today.

4. A perusal of the file shows that the appellant has filed his RTI on 17.03.2017 , but no information has been given to him so far, which shows that the respondent has no regard for the orders issued by the Commission. This is indeed a serious matter.

5. In view of the above, ***Smt. Surjit Kaur, PIO-cum-Registrar, Punjab Nurses Registration Medical Education is directed*** to show cause in writing or through affidavit under Section 20(1) of the RTI Act, as to why penalty be not imposed upon her for willful delay/ denial of the information to the RTI applicant and why the compensation be not awarded to the appellant under Section 19 (8)(b) of the Act for detriment suffered.

In addition to his submission, the PIO is also hereby given an opportunity under Section 20(1) proviso, thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. She may note that in case she does not file her submission and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against her ex-parte.

**Appeal Case No.3315 of 2017**

6. To come up on **21.03.2018 at 11.00 AM**. Copy of the order be sent to the parties ***through registered post****.*

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 28.02.2018 State Information Commissioner**

**Through registered post**

*Smt. Surjit Kaur, PIO-cum-Registrar, Punjab Nurses Registration Medical Education, Near Mayo Hospital, Mohali*

**PUNJAB STATE INFORMATION COMMISSION,**

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

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Sh. Harish Kumar, S/o Shri Parshotam Kumar

House No. B-8/170, Near MC Office

Sujanpur District Pathankot

Appellant

Versus

**Public Information Officer**

O/o CEO Jalandhar

**First Appellate Authority**

O/o CEO Jalandhar

.

.Respondent

**Appeal Case No. 3565 of 2017**

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

(ii) Sh. Sat Pal Dy CEO, Jalandhar and Sh. Ravi Bhushan, Clerk

**ORDER**

This order may be read with reference to the previous order dated 30.01.2018.

2. The appellant is absent today.

3. Respondent states that complete information has already been provided to him in another case. He has also given in writing that there is no other information which is pending in the office record of the respondent and there is nothing left to be furnished to him.

4. Copy of the same be sent to the appellant alongwith the orders. Since, the information has been given to the appellant by the respondent; 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: 28.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION,**

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

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

(ii) For the respondent : Sh. Mohit, Sr. Assistant

**ORDER**

This order may be read with reference to the previous order dated 30.01.2018

2. The appellant has informed on phone that he is unable to attend today's hearing. Respondent states that complete information has been sent to the appellant.

3. A perusal of the file shows that during the last hearing respondent was directed to file point-wise reply, but he has not filed his reply. He is again directed to file his reply on the next date of hearing.

4. To come up on **21.03.2018 at 11.00 AM.** Copy of the order be sent to the parties.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 28.02.2018 State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh Mohit Puri, S/o Lt Sh Bharat Bhushan Puri,

R/o Village Mullanpur Garibdass, Tehsil kharar,

Distt Mohali Appellant

Versus

**Public Information Officer,**

O/o District Education Officer,(S)

Patiala

**First Appellate Authority**,

O/o District Education Officer, (S)

Patiala ...Respondent

**Appeal Case No. 2941 of 2017**

Present : (i) Sh. Mohit Puri the appellant

(ii) For the respondent : Sh. Upkar Singh, Junior Assistant

**ORDER**

The brief facts of the appeal are that Sh. Mohit Puri- the appellant vide an RTI application dated 30.06.2017, has sought the following information from the PIO, DEO, Patiala which is as under:-

1. fibQk gfNnkbk ftZu i/eo e'Jh th gqkJht/N wkBsk gqkgs ;hBhno ;?ezvoh ;e{b fe;/ ;z;Ek iK NoZ;N tb'A ubkfJnk iKdk j? sK T[; ;e{b ftAZu oZy/ j'J/ nfXnkgeK$w[bkiwK d/ g/^;e/b eh j[zd/ jB. Gzikp ;oeko d/ fe;/ g/^;e/b d/ sfjs fJBQK NhuoK$w[bkiwK B{z sBykjK fdZshnK iKdhnK jB. fJ; ;pzXh ;oeko tb'A fejVhnK B'Nhfce/;aBK ikoh ehshnK rJhnK jB. ;kb 2010 s'A b? e/ 2017 sZe fizBhnK B'Nhfce/;aBK ;oeko tb'A ikoh ehshnK rJhnK jB, T[BK dhnK s;dhe^;[adk ekghnK.
2. fibQk gfNnkbk ftZu ub oj/ gqkJht/N wkBsk gqkgs ;e{bK ftZu oZy/ j'J/ NhuoK dhnK ;q/DhnK dZ;hnK ikD ns/ T[BQK d/ g/^;e/b ;kb 2010 s'A b? e/ 2017 sZe nbZr^nbZr dZ;/ ikD fe ;oeko dhnK jdkfJsK w[skfpe T[go'es ;kbK ftZu ;e{bK ftZu oZy/ j'J/ NhuoK B{z fezBh sBykj gqsh fdB , gqsh wjhBk fBoXkfos ehsh rJh ;h. T[go'es ;ko/ ;kbK dk nbZr^nbZr g/^;e/b dZf;nk ikt/.
3. wkBsk gqkgs gqkJht/N ;e{b tb'A i/eo e'Jh th nfXnkge eZu/ s"o s/ oZfynk iKdk j? sK T[;B{z ;a[o{nksh g/^;e/b ;oeko ns/ s[jkv/ wfjew/ tb'A fezBK fBoXkfos ehsk frnk j?. g/^;e/b 2010 s'A 2017 sZe d/ dZ;/ ikD. gZe/ nfXnkgeK$eowukohnK d/ g/^;e/b NhuoK dhnK ;q/DhnK w[skfpe 2010 s'A 2017 sZe d/ dZ;/ ikD.
4. fibQk gfNnkbk ftZu ub oj/ gqkJht/N wkBsk gqkgs ;hBhno ;e{bK ftZu oZy/ j'J/ nfXnkge$eowukohnK$eboe$;/tkdkoK dk g/^;e/b eh j[zdk j?. ;oeko dhnK feBK jdkfJsK w[skfpe sBykjK fdZshnK iKdhnK jB.
5. fe fibQk gfNnkbk ftZu ub oj/ gqkJht/N wkBsk gqkgs ;hBhno ;?ezvoh ;e{b nkgDh wB^woih Bkb nfXnkgeK B{z sBykjK d/ ;ed/ jB<

**Appeal Case No. 2941 of 2017**

1. fibQk gfNnkbk ftZu ub oj/ gqkJht/N wkBsk gqkgs ;hBhno ;?ezvoh ;e{bK ftZu ;kb 2010 s'A b? e/ 2017 sZe d/ NhuoK dhnK ;q/DhnK ftu'A NhHihHNhH Nhuo, Bo;oh Nhuo, eboe, ;/tkdko, ghHnkoHNhH Nhuo, fgqz;hgb ns/ jo gqeko d/ NhuoK dk g/^;e/b T[go'es ;kbK dk nbZr^nbZr dZf;nk ikt/, i' g/^;e/b gqsh wjhBk d/Dk j[zdk j?.

Failing to get any information within 30 days, as mandated under Section 7(1) of the RTI Act, 2005, the appellant had filed first appeal with the First Appellate Authority vide application dated 02.08.2017 under the provisions of Section 19(1) of the RTI Act, 2005 and subsequently approached the Commission in second appeal under Section 19(3) of the RTI Act , 2005, which was received in the Commission on 25.10.2017 and accordingly, a notice of hearing was issued to the parties for 28.11.2017.

3. During the hearing dated 28.11.2017, the respondent was absent and the appellant stated that no information had been given to him so far. Accordingly the appeal was adjourned on 19.12.2017. On 19.12.2017, again the appellant stated that no information had been given to him so far and the respondent was absent therefore, a show cause notice was issued to the respondent-PIO. Hence, the appeal was adjourned on 15.01.2018. Again on 15.01.2018, the respondent was absent therefore, Rs. 2500/- as compensation was awarded to the appellant. On that day, the respondent – Sh. Manjit Singh and Sh. Gurpreet Singh had appeared before the Commission after the hearing. He had read out the above orders and the appeal was adjourned on 06.02.2018. Again on 06.02.2018 the respondent was not present, therefore, bailable warrant was issued for the DEO, Patiala to appear before the Commission. Despite the issuance of repeated notices/directions/bailable warrants/telephone calls, the PIO is absent again. She was also informed on phone by my office staff about the warrant issued to her. But again at today's hearing, she is absent. Sh. Upkar Singh, Junior Assistant is appearing on behalf of the respondent without any information. He is not aware about the facts of the case. It is observed that Smt. Kawal Kumari, DEO, Patiala has no regard for the orders issued by the Commission.

4. Today, Sh. Mohit Puri the appellant states that he has not received any compensation so far. In view of the above mentioned circumstances, Smt. Kawal Kumari, DEO, Patiala is responsible for the delay in providing the information and harassment suffered by the Appellant.

**Appeal Case No. 2941 of 2017**

5. The Commission is constrained to observe that a large number of officers have failed to appreciate the spirit of the Act for promotion of openness in their functioning. Respondent may note that the RTI Act 2005 is meant for promoting transparency in governmental functioning by bringing to light governmental actions done behind closed doors so that the common man is kept well informed of the goings on in the public authorities with a view to strengthening democracy. The RTI Act 2005 is not to be used as a substitute for availing of services available under various statutes for matters not involving the bringing to light the mannerism of / flaws in the working of public authority.

6. In the backdrop of the aforementioned factual position, initiation of action under Section 20(1) Right to Information Act, 2005, against the defaulting officer are called for.

7. I am, therefore, left with no other option but to decide the question of imposition of penalty upon S**mt. Kawal Kumari, DEO , Patiala Rs. 10,000/- (Rs. Ten Thousand only).** The amount of penalty i.e. Rs. 10,000/- should be deducted from the salary of Smt. Kewal Kumari and be deposited in the Government treasury under head 0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act. **The DPI (S) shall ensure that this amount of penalty is deducted from the salary of the above said defaulting officials and** deposited in the Treasury under the relevant head.

8. Adjourned to **05.04.2018 (at 11.30 AM)** for further proceedings. Copies of the order be sent to the parties  ***through registered post***.

**Sd/-**

**Chandigarh (Preety Chawla)**

**Dated: 28.02.2018 State Information Commissioner**

**Through registered post**

CC: 1. DPI(SE), Punjab School Education Board, Vidya Bhawan, Block-E, Mohali

2. Principal Secretary, Education, Mini Sectt. Sector 9, Chandigarh