

PUNJAB STATE INFORMATION COMMISSION
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Sector 16, Chandigarh.
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Sh. NareshDevgan Sharma (Advocate)
Chamber No. 7022/2, District Courts,
Ludhiana

Appellant

Versus

Public Information Officer
O/o Commissioner of Police,
Ludhiana

First Appellate Authority
O/o Commissioner of Police,
Ludhiana

Respondent

APPEAL CASE NO. 858 of 2017

ORDER

1. The above mentioned case was last heard on 24.05.2017 and matter was reserved to decide.

2. After examining the case file, it is observed that on the first hearing held on 03.04.2017, Sh. Devraj, Inspector was appeared on behalf of the respondent submitted a written reply vide letter no. 65 dated 01.04.2017 signed by PIO cum Deputy Commissioner Police, Ludhiana stating that the applicant is using the same IPO number for this RTI application as well as the case being heard by bench of Hon'ble SIC (ASP) along with the decision of the first Appellate Authority, which was taken on record.

An email was received from the applicant in the Commission vide diary no. 7321 dated 03.04.2017, which was taken on record.

Applicant was advised to represent this case in person or through any of his representative(s) on the next date of hearing positively to clear the facts of this case, failing to which the case would be considered for non-pursuance by the applicant and matter was adjourned for further hearing on 15.05.2017.

3. On hearing held on 15.05.2017, Sh. Devraj, Inspector was appeared on behalf of the respondent stated the same as on previous hearing held on 03.04.2017, that the appellant is using the same IPO number for this RTI application as well as the case being heard by bench of Hon'ble SIC (ASP). He further added that the appellant has not followed the time span of RTI Act to forward his case to First Appellate Authority.

An email was received from the appellant in the Commission vide diary no. 10549 dated 15.05.2017 stating that he was unable to attend today's hearing at 11.00 AM as appellant has to appear in another hearing at Districts Courts, Ludhiana but will appear at 2 PM, This mail was taken on record.

APPEAL CASE NO. 858 of 2017

Appellant was advised to represent this case in person or through any of his representative(s) on the next date of hearing positively to clear the facts of this case, failing to which the case would be considered for non-pursuance by the applicant and matter was adjourned for further hearing on 24.05.2017.

Appellant was appeared after the hearing was over with the different IPO number and he was apprised with the proceeding of this hearing.

4. On hearing held on 24.05.2017, Sh. Devraj, Inspector was appeared on behalf of the respondent stated that the requisite information has already been supplied to the applicant in a similar case (AC: 2704 of 2016) was disposed of by the Ld. SIC, Prof. Viney Kapoor Mehra vide order dated 20.03.2017.

The applicant intimated the Commission through telephonic message that he will be late for today's hearing. After hearing the respondent and going through the case file, matter was reserved to decide.

After the hearing was over, Sh. Naresh Devgan Sharma, the applicant was appeared and he was apprised with the proceeding of this hearing. He stated that the incomplete information has been received from the respondent. He also states that the he filed RTI application dated 22.03.2017 and first appeal dated 24.03.2017. The applicant further stated that present RTI application in the case file is not a part of Appeal Case 858 of 2017. After going the case file, it was found that correct RTI application is attached and dealt in this case. This is clarified to the applicant and he agreed on it.

5. I have seen the RTI application and I am of the considered view that requisite information has already been supplied to him in another appeal case no. 2704 of 2016 to the best possible extent. Therefore, no cause of action is left in this case. Hence, the instant appeal case is **disposed of & closed.**

6. Announced in the Court, copy of the order to be sent to the parties.

**Chandigarh
09.09.2019**

**(Dr. Pawan Kumar Singla)
State Information Commissioner**

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Sh. Surinder Pal Advocate,
R/o House No. 539/112/3, St. No. 1-E,
New Vishnu Puri, New Shivpuri Road,
Post Office BastiJodhewal, Ludhiana,

Appellant

Versus

Public Information Officer,
O/o Civil Surgeon, near old Courts,
Opposite Police Commissioner's
Residence, Civil Lines, Ludhiana.

First Appellate Authority
O/o Civil Surgeon, near old Courts,
Opposite Police Commissioner's
Residence, Civil Lines, Ludhiana.

Respondent

Appeal Case No. 2077 of 2016

ORDER

1. The above mentioned case was last heard on 15.05.2017 and matter was reserved to decide.

2. After examining the case file, it is observed respondent PIO was absent on the four hearings continuously and show cause notice was issued to him vide order dated 19.12.2016 and respondent, Sh. Ajay Kumar (JA) was appeared on 15.02.2017 without any information and/or reply to show cause. Compensation amounting Rs. 3,000/- was awarded to the appellant. A copy of order dated 15.02.2017 was sent to the Director, PariwarKalyan, Sector-34 A, Chandigarh through registered post to ensure the compliance of this order with the advice to take disciplinary action against the concerned official if he desires so and deem it fit and matter was adjourned for further hearing on 07.03.2017.

3. On hearing held on 07.03.2017, a letter dated 06.03.2017 was received from the applicant in the Commission vide diary no. 5058 dated 06.03.2017 mentioning therein that he is unable to attend today's hearing and pointed out the deficiencies in the information provided to him by the respondent, which was taken on record.

Dr. Pardeep Sharma, APIO was appeared on the behalf of the respondent stated that the requisite information comprising 204 pages has already been supplied to the applicant by hand and also submitted a copy of acknowledgement of receiving the information signed by the applicant dated 22.02.2017, which was taken on record. He also stated that irreverent deficiencies are pointed out by the applicant.

After hearing the respondent and going through the documents placed on record, it is found that no specific deficiency has been pointed out by the applicant. Last opportunity was given to the applicant to represent this case in person or through any of his representative (s) on the next date of hearing positively, failing to which the case would be considered for non-pursuance by the applicant and matter was adjourned for further hearing on 22.03.2017.

4. On hearing held on 22.03.2017, appellant, Sh. Surinder Pal, pointed out deficiencies in written to the respondent with a copy to the Commission, which was taken on record.

Respondent, Dr. Pardeep Sharma, APIO handed over a cheque for compensation of Rs 3000/- with cheque no.- 163141 of State Bank of India in the name of Surinder Pal dated 20.03.2017 signed by Authorized signatory as Saroj Rani – S-23323 to the appellant during the hearing, copy of this cheque was taken on record. He also stated that no other requisite information is available in records as he was present with all available requisite information.

Appeal Case No. 2077 of 2016

Sh. Surinder Pal, on this requested that the respondent PIO should file an affidavit for which he has given the points to be covered in affidavit in written with a copy to Commission, which is taken on record.

After hearing both the parties and going through the documents, the respondent PIO was directed to go through the format given by the appellant during the hearing and file an affidavit covering all the aspects of RTI request. He is also directed to invite the appellant to their office hand over the affidavit to appellant and send a copy of this affidavit to the Commission and matter is adjourned for further hearing on 03.05.2017.

5. On hearing held on 03.05.2017, respondent, Sh. Pardeep Sharma, APIO, handed over the written reply to the appellant during the hearing.

Sh. Surinder Pal, on this stated that the reply filed is not in the form of an affidavit but merely a declaration which does not solve his purpose for further legal proceedings. Secondly, he also stated that the reply filed is also not relevant as requested on previous hearing dated 22.03.2017.

One more opportunity was given to the respondent PIO to go through the format given by the appellant during previous hearing 22.03.2017 and file an affidavit covering all the aspects of RTI request of the appellant and matter is adjourned for 15.05.2017.

6. On hearing held on 15.05.2017, Dr. Maninder Singh, PIO handed over the written reply in the form of an affidavit mentioning therein that relates to point no. 1 to 7 has been provided to the appellant and no other information that relates to RTI request of the appellant is available in their office record. Copy of this affidavit was taken on record.

Sh. Surinder Pal, returned back the information already received by him of 204 pages on 22.02.2017 to the respondent stating that the information provided to him is irrelevant/incomplete and shows his dissatisfaction with the above said affidavit provided to him. He further requested to impose fine on the respondent PIO for delay in information providing and harassment suffered by him.

7. I have heard the PIO and discussed the RTI application and the information and affidavit was sent to the appellant I have minutely gone through the case file. The PIO has supplied the information to the appellant which he sought through his RTI application to the best possible extent. He also supplied affidavit and compensation cheque amounting Rs. 3,000/- as per the orders of the Commission. Therefore no cause of action is left. Hence, this instant appeal case is **disposed of & closed.**

8. Announced in the Court, copy of the order to be sent to the parties.

**Chandigarh
09.09.2019**

**(Dr. Pawan Kumar Singla)
State Information Commissioner**