

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864120

Email: psic25@punjabmail.gov.in Visit us: www.infocommpunjab.com



Sh. Nitin Kumar Garg,
C/o Police Public Dairy, 15 A,
Shastari Nagar Model Town,
Ludhiana.M : 7814322100

Appellant

Versus

Public Information Officer,
O/o Executive Engineer,
Construction Division No 1,
PWD B&R, Ludhiana.

First Appellate Authority,
O/o Superintending Engineer,
Construction Circle, PWD B&R,
Ludhiana.

Respondents

APPEAL CASE NO. 4558 OF 2023

Present :- None for the parties.

ORDER

The above said appeal case was earlier allocated to Sh. Maninder Singh Patti, SIC. After his retirement, the said appeal case was reallocated to the undersigned. The RTI application is dated 10.04.2023 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellant Authority (hereinafter FAA) on 15.05.2023 and second appeal was filed in the Commission on 17.07.2023 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 07.01.2025 in the Commission i.e. today.

3. Today neither the appellant nor the respondent is present. The appellant Sh. Nitin Kumar Garg informed on phone that he has received the information and is satisfied.

4. Since the appellant is satisfied, 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/-

Date :07.01.2025

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

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Sector 16, Chandigarh.

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Sh. Sadhu Singh, S/o Sh. Raunki,
VPO Begowal, Tehsil Payal,
Distt Patiala.

Appellant

Versus

Public Information Officer,
O/o Audit Officer,
Cooperative Societies,
Ludhiana.

First Appellate Authority,
O/o Chief Auditor,
Cooperative Societies, Punjab,
Sector 35 A, Chandigarh.

Respondents

APPEAL CASE NO. 4559 OF 2023

Present :- (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Manmohan Singh Sran, Audit Officer-cum-PIO
(8146300223)

ORDER

The above said appeal case was earlier allocated to Sh. Maninder Singh Patti, SIC. After his retirement, the said appeal case was reallocated to the undersigned. The RTI application is dated 03.04.2023 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellant Authority (hereinafter FAA) on 19.05.2023 and second appeal was filed in the Commission on 17.07.2023 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 07.01.2025 in the Commission i.e. today.

3. The appellant is absent today. He has not informed the Commission about his absence for today's hearing.

4. Respondent states that he has brought reply today in the Commission.

5. After hearing the respondent and going through the case file, it is observed that the appellant demanded information on three points which is as under:-



APPEAL CASE NO. 4559 OF 2023

ਵਿਸ਼ਾ :- ਲੋਕ ਅਧਿਕਾਰ ਐਕਟ 2005 ਰਾਹੀਂ ਸੂਚਨਾ ਲੈਣ ਸੰਬੰਧੀ ।
 ਸ੍ਰੀ ਮਾਨ ਜੀ,
 ਮੈਂ ਸਾਧੂ ਸਿੰਘ ਪੁੱਤਰ ਰੋਣਕੀ ਮੈਨੇਜਰ ਦੀ ਦੋਰਾਹਾ ਕੋ-ਆਪ੍ਰੇਟਿਵ ਮਾਰਕੀਟਿੰਗ ਸੁਸਾਇਟੀ ਲਿਮ: ਦੋਰਾਹਾ ਸੈਂ ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਦੇ ਸਰਕਾਰੀ ਰਿਕਾਰਡ ਵਿੱਚੋਂ ਲੋਕ ਸੂਚਨਾ ਅਧਿਕਾਰ ਐਕਟ ਰਾਹੀਂ 2005 ਰਾਹੀਂ ਹੇਠ ਲਿਖੀ ਸੂਚਨਾ ਮੰਗ ਰਿਹਾ ਹਾਂ ਜੋ ਕਿ ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਦੇ ਸਰਕਾਰੀ ਰਿਕਾਰਡ ਵਿੱਚ ਮੌਜੂਦ ਹੈ ਜਿਸ ਦਾ ਵੇਰਵਾ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਹੈ ।

1. ਦੀ ਦੋਰਾਹਾ ਕੋ-ਆਪ੍ਰੇਟਿਵ ਮਾਰਕੀਟਿੰਗ ਸੁਸਾਇਟੀ ਲਿਮ: ਦੋਰਾਹਾ ਦੀ ਮਿਤੀ 01/04/2021 ਤੋਂ 31/03/2022 ਤੱਕ ਦੇ ਮਾਲੀ ਸਾਲ ਦੀ ਆਡਿਟ ਰਿਪੋਰਟ ਦੀ ਕਾਪੀ ਅਤੇ ਉਹਨਾਂ ਨਾਲ ਲਗਾਏ ਗਏ ਦਸਤਾਵੇਜ਼ ਤਸਦੀਕ ਸੁਦਾ ਦਿੱਤੇ ਜਾਣ ।
2. ਆਡਿਟ ਅਫਸਰ ਸਹਿਕਾਰੀ ਸਭਾਵਾ ਲੁਧਿਆਣਾ ਜੀ ਦੇ ਦਫਤਰ ਤੋਂ ਜਾਰੀ ਪੱਤਰ ਨੰ:ਅ.ਅ.ਲੁ/ਅਮਲਾ 2589 ਮਿਤੀ 12/08/2022 ਦੇ ਪੱਤਰ ਨੰ: ਦੀ ਕਾਪੀ ਤਸਦੀਕ ਸੁਦਾ ਦਿੱਤੀ ਜਾਵੇ । ਜੋ ਕਿ ਮੈਨੇਜਰ ਦੀ ਦੋਰਾਹਾ ਕੋ-ਆਪ੍ਰੇਟਿਵ ਮਾਰਕੀਟਿੰਗ ਸੁਸਾਇਟੀ ਲਿਮ: ਨੂੰ ਲਿਖਿਆ ਹੈ ।
3. ਦੋਰਾਹਾ ਕੋ-ਆਪ੍ਰੇਟਿਵ ਮਾਰਕੀਟਿੰਗ ਸੁਸਾਇਟੀ ਲਿਮ: ਦੋਰਾਹਾ ਦਾ ਪੱਤਰ ਜੋ ਆਡਿਟ ਦਫਤਰ ਲੁਧਿਆਣਾ ਰਸੀਟ ਨੰ: 1572 ਮਿਤੀ 28/07/2022 ਨੂੰ ਆਡਿਟ ਦਫਤਰ ਵੱਲੋਂ ਰਸੀਟ ਹੋਇਆ ਹੈ । ਉਸ ਦੀ ਕਾਪੀ ਤਸਦੀਕ ਸੁਦਾ ਦਿੱਤੀ ਜਾਵੇ ।

6. The Respondent states that the information demanded by the Appellant cannot be provided to him, as the matter demanded under the RTI, is under enquiry. Hence, the same cannot be provided under 8(1) (h) of the RTI Act, 2005. Further the respondent has filed his reply which is as under:-

ਲੋਕ ਸੂਚਨਾ ਅਫਸਰ
ਦਫਤਰ ਆਡਿਟ ਅਫਸਰ, ਸਹਿਕਾਰੀ ਸਭਾਵਾਂ, ਲੁਧਿਆਣਾ
 ਮਕਾਨ ਨੰਬਰ 25-26, ਵਿਵੇਕ ਨਗਰ, ਨੇੜੇ ਡੀ.ਐਮ.ਸੀ., ਲੁਧਿਆਣਾ
 (EMAIL - aoludhiana13@gmail.com)

ਸੇਵਾ ਵਿਖੇ,
 ਰਾਜ ਸੂਚਨਾ ਕਮਿਸ਼ਨਰ, ਪੰਜਾਬ,
 ਰੋਡ ਕਰਾਸ ਬਿਲਡਿੰਗ,
 ਮਧਿਆ ਮਾਰਗ, ਸੈਕਟਰ-16, ਚੰਡੀਗੜ੍ਹ।
 ਮੀਮੋ ਨੰ: ਆਡਿਟ/ਆਰ.ਟੀ.ਆਈ/2024/
 ਮਿਤੀ:-

ਕੇਸ ਦਾ ਵੇਰਵਾ :-
 ਸ੍ਰੀ ਸਾਧੂ ਸਿੰਘ, (9814436918)
 ਪੁੱਤਰ ਸ੍ਰੀ ਰੋਣਕੀ,
 ਪਿੰਡ ਤੋਂ ਡਾਕਖਾਨਾ ਬੇਗੋਵਾਲ,
 ਤਹਿਸੀਲ ਪਾਇਲ, ਜਿਲ੍ਹਾ ਲੁਧਿਆਣਾ।

ਬਨਾਮ
 ਲੋਕ ਸੂਚਨਾ ਅਫਸਰ,
 ਦਫਤਰ, ਆਡਿਟ ਅਫਸਰ, ਸਹਿਕਾਰੀ ਸਭਾਵਾਂ,
 ਲੁਧਿਆਣਾ।
 ਪਹਿਲੀ ਅਪੀਲ ਅਥਾਰਟੀ,
 ਦਫਤਰ, ਚੀਫ ਆਡੀਟਰ, ਸਹਿਕਾਰੀ ਸਭਾਵਾਂ, ਪੰਜਾਬ,
 ਚੰਡੀਗੜ੍ਹ।

ਤਾਰੀਖ :- 2 ਮਈ - 11/1/2025

ਵਿਸ਼ਾ :- Notice under Right to information act 2005 (Appeal case no.4559 of 2023)।
 (ਸੁਣਵਾਈ ਦੀ ਮਿਤੀ 07-01-2025 ਸਮਾਂ 11:30 ਵਜੇ)

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਆਪ ਜੀ ਨੂੰ ਬੇਨਤੀ ਸਹਿਤ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਜਿਨ੍ਹਾਂ ਕਾਰਨ ਕਰਕੇ ਪ੍ਰਾਰਥੀ ਨੂੰ ਸੂਚਨਾ ਮੁਹੱਈਆ ਨਹੀਂ ਕਰਵਾਈ ਜਾ ਸਕਦੀ ਉਹ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਹੈ ਜੀ :-

ਲੜੀ ਨੰ:	ਮੰਗੀ ਗਈ ਜਾਣਕਾਰੀ	ਸੂਚਨਾ
1.	ਦੀ ਦੋਰਾਹਾ ਕੋ-ਆਪ੍ਰੇਟਿਵ ਮਾਰਕੀਟਿੰਗ ਸੁਸਾਇਟੀ ਲਿਮਟਿਡ ਦੋਰਾਹਾ ਦੀ ਮਿਤੀ 01/04/2021 ਤੋਂ 31/03/2022 ਤੱਕ ਦੇ ਮਾਲੀ ਸਾਲ ਦੀ ਰਿਪੋਰਟ ਦੀ ਕਾਪੀ ਅਤੇ ਉਨ੍ਹਾਂ ਨਾਲ ਲਗਾਏ ਗਏ ਦਸਤਾਵੇਜ਼ ਤਸਦੀਕ ਸੁਦਾ ਦਿੱਤੇ ਜਾਣ।	ਇਸ ਸਬੰਧੀ ਸੀਨੀਅਰ ਆਡੀਟਰ ਪੀ.ਏ.ਡੀ.ਬੀ ਪਾਇਲ ਵੱਲੋਂ ਸੂਚਿਤ ਕੀਤਾ ਗਿਆ ਹੈ ਕਿ ਦੀ ਦੋਰਾਹਾ ਕੋ-ਆਪ੍ਰੇਟਿਵ ਮਾਰਕੀਟਿੰਗ ਸੁਸਾਇਟੀ ਲਿਮ. ਵੱਲੋਂ ਸਭਾ ਦੇ ਪ੍ਰਧਾਨ ਰਾਹੀਂ ਪੱਤਰ ਨੰਬਰ 79-80 ਮਿਤੀ 26-02-2024 ਅਤੇ ਪੱਤਰ ਨੰਬਰ 81-82 ਮਿਤੀ 20-03-2024 ਰਾਹੀਂ ਬੇਨਤੀ ਕੀਤੀ ਗਈ ਹੈ ਕਿ ਉਹਨਾਂ ਦੀ ਸਭਾ (ਦੋਰਾਹਾ ਸਹਿਕਾਰੀ ਮੰਡੀਕਰਨ ਸਭਾ ਲਿਮਿਟਡ ਦੋਰਾਹਾ ਜਿਲਾ ਲੁਧਿਆਣਾ) ਦੀ ਆਡਿਟ ਸਾਲ 2021-2022 ਦੌਰਾਨ 10068081,23 ਰੁਪਏ ਗਬਨ, ਗੰਭੀਰ ਉਣਤਾਈਆ ਅਤੇ ਕੁਝ ਵਰਤੋਂ ਦੀ ਸਪੈਸ਼ਲ ਆਡਿਟ ਰਿਪੋਰਟ, ਆਡਿਟ ਵਿਤਰਾਗ



APPEAL CASE NO. 4559 OF 2023

		<p>ਵੱਲੋਂ ਤਿਆਰ ਕੀਤੀ ਗਈ ਸੀ, ਜਿਸ ਦਾ ਜੰਮੇਵਾਰ ਸ੍ਰੀ ਸਾਧੂ ਸਿੰਘ ਪੁੱਤਰ ਸ੍ਰੀ ਰੋਣਕੀ ਮੈਨੇਜਰ (ਮੁਅੱਤਲੀ ਅਧੀਨ) ਨੂੰ ਬਣਾਇਆ ਗਿਆ ਸੀ। ਇਸ ਉਪਰੰਤ ਉਸ ਨੂੰ ਮਿਤੀ 15.09.2023 ਨੂੰ ਮੁਅੱਤਲ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ ਅਤੇ ਪੁਲਿਸ ਵੱਲੋਂ ਮਿਤੀ 19.12.2023 ਨੂੰ ਆਈ.ਪੀ.ਸੀ. ਦੀ ਧਾਰਾ 420 ਅਤੇ 408 ਤਹਿਤ ਮੁਕਦਮਾ (ਨੰਬਰ 186) ਪੁਲਿਸ ਸਟੇਸ਼ਨ ਦੌਰਾਹ ਵਿਖੇ ਦਰਜ ਕੀਤਾ ਗਿਆ ਹੈ ਜਿਸ ਦੇ ਸਬੰਧ ਵਿੱਚ ਪੁਲਿਸ ਵਿਭਾਗ ਵੱਲੋਂ ਮਾਮਲੇ ਦੀ ਪਤਾਲ ਲਈ ਪਤਾਲ ਅਫਸਰ ਨਿਯੁਕਤ ਕੀਤਾ ਗਿਆ ਹੈ। ਉਸ (ਸਾਧੂ ਸਿੰਘ ਪੁੱਤਰ ਰੋਣਕੀ ਸਿੰਘ ਜੋ ਕਿ ਇਸ ਅਪੀਲ ਕੇਸ ਦਾ ਅਪੀਲ ਕਰਤਾ ਹੈ) ਵਿਰੁੱਧ ਮਿਸਲਾਂ ਤਿਆਰ ਕੀਤੀਆਂ ਗਈਆਂ ਹਨ, ਜਿਸ ਦੀ ਸੁਣਵਾਈ ਚੱਲ ਰਹੀ ਹੈ ਅਤੇ ਫੈਸਲੇ ਬਕਾਇਆ ਹਨ।</p> <p>ਉਹਨਾਂ ਵੱਲੋਂ ਅੱਗੇ ਬੇਨਤੀ ਕੀਤੀ ਗਈ ਹੈ ਕਿ ਸਤਾ ਨੂੰ ਬਿਨਾਂ ਵਜ੍ਹਾ ਲਿਟੀਗੇਸ਼ਨ ਵਿੱਚ ਪਾਉਣ ਲਈ ਨਿਮਨਹਸਤਾਖਰੀ ਦੇ ਵਿਭਾਗ ਪਾਸੋਂ ਆਰ.ਟੀ.ਆਈ. ਐਕਟ 2005 ਤਹਿਤ ਸੂਚਨਾ ਦੀ ਮੰਗ ਕੀਤੀ ਜਾ ਰਹੀ ਹੈ, ਕਿਉਂਕਿ ਮੰਗੀ ਜਾਣ ਵਾਲੀ ਸੂਚਨਾ ਵਿੱਚ ਮੈਂਬਰਾਂ ਅਤੇ ਪਾਰਟੀਆਂ ਦੇ ਨਿੱਜੀ ਵੇਰਵੇ ਹੁੰਦੇ ਹਨ ਅਤੇ (ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਦੇ ਦਿੱਤੀ ਜਾਂਦੀ ਹੈ ਤਾਂ) ਇਹ ਸਤਾ ਦੇ ਚੱਲ ਰਹੇ ਕੇਸ, ਇਨਕੁਆਰੀਆਂ ਅਤੇ ਮੈਂਬਰਾਂ ਦੇ ਹਿੱਤਾਂ ਨੂੰ ਪ੍ਰਭਾਵਿਤ ਕਰ ਸਕਦੀ ਹੈ, ਇਸ ਲਈ ਇਸ ਸਤਾ ਦੀ ਕਿਸੇ ਵੀ ਕਿਸਮ ਦੀ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਉਪਲਬਧ ਨਾ ਕਰਵਾਈ ਜਾਵੇ। ਬੇਨਤੀ ਕਰਤਾ ਵੱਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਉਪਰੋਕਤ ਨਾਲ ਸਬੰਧਤ ਹੈ, ਇਸ ਲਈ ਇਹ ਸੂਚਨਾ ਬੇਨਤੀ ਕਰਤਾ ਨੂੰ ਮੁਹੱਈਆ ਨਹੀਂ ਕਰਵਾਈ ਜਾ ਸਕਦੀ।</p>
2.	<p>ਆਡਿਟ ਅਫਸਰ, ਸਹਿਕਾਰੀ ਸਤਾਵਾਂ ਲੁਧਿਆਣਾ ਜੀ ਦੇ ਦਫਤਰ ਤੋਂ ਜਾਰੀ ਪੱਤਰ ਨੰ ਅ.ਅ.ਲੂ. ਅਮਲਾ/2589 ਮਿਤੀ 12/8/2022 ਦੇ ਪੱਤਰ ਨੰ: ਦੀ ਕਾਪੀ ਤਸਦੀਕ ਸੁਦਾ ਦਿੱਤੀ ਜਾਵੇ। ਜੇ ਕਿ ਮੈਨੇਜਰ ਦੀ ਦੌਰਾਹ ਕੋਆਪ੍ਰੇਟਿਵ ਮਾਰਕੀਟਿੰਗ ਸੁਸਾਇਟੀ ਲਿਮ ਨੂੰ ਲਿਖਿਆ ਗਿਆ ਹੈ।</p>	<p>ਬੇਨਤੀ ਸਹਿਤ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਪ੍ਰਾਰਥੀ ਵੱਲੋਂ ਮੰਗਿਆ ਗਿਆ ਪੱਤਰ ਅਮਲਾ-2589 ਮਿਤੀ 12/8/2022 ਪਹਿਲਾਂ ਹੀ ਮੈਨੇਜਰ, ਦੀ ਦੌਰਾਹ ਕੋਆਪ੍ਰੇਟਿਵ ਮਾਰਕੀਟਿੰਗ ਸੁਸਾਇਟੀ ਲਿਮ: ਨੂੰ ਤੇਜਿਆ ਜਾ ਚੁੱਕਾ ਹੈ ਅਤੇ ਇਹ ਉਨ੍ਹਾਂ ਦੇ ਦਫਤਰ ਵਿੱਚ ਮੌਜੂਦ ਹੈ। ਇਸ ਦੀ ਕਾਪੀ ਉਨ੍ਹਾਂ ਵੱਲੋਂ ਮਾਨਯੋਗ ਪੰਜਾਬ: ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ ਪੰਜਾਬ ਚੰਡੀਗੜ੍ਹ ਵਿੱਚ ਦਾਖਿਲ ਕੀਤੀ ਗਈ ਸੀ. ਡਬਲਯੂ.ਪੀ-6148/2023 ਨਾਲ ਪੰਨਾ ਨੰ 33 ਤੇ ਵੀ ਨੱਥੀ ਕੀਤੀ ਗਈ ਸੀ ਅਤੇ ਇਸ ਸਬੰਧੀ ਮਾਨਯੋਗ ਹਾਈਕੋਰਟ ਜੀ ਦੇ ਦਿੱਤੇ ਗਏ ਫੈਸਲੇ ਅਨੁਸਾਰ ਇੰਨਕੁਆਰੀ ਮਾਨਯੋਗ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ, ਲੁਧਿਆਣਾ ਕੋਲ ਕਾਰਵਾਈ ਅਧੀਨ ਹੈ ਜੋ ਅਜੇ ਪੈਡਿੰਗ ਹੈ ਇਸ ਲਈ ਆਰ.ਟੀ.ਆਈ. ਐਕਟ 2005 ਦੀ ਧਾਰਾ 8(ਐਚ)ਅਧੀਨ ਇਸ ਪੱਤਰ ਦੀ ਕਾਪੀ ਬੇਨਤੀ ਕਰਤਾ ਨੂੰ ਮੁਹੱਈਆ ਨਹੀਂ ਕਰਵਾਈ ਜਾ ਸਕਦੀ।</p>
3.	<p>ਦੌਰਾਹ ਕੋਆਪ੍ਰੇਟਿਵ ਮਾਰਕੀਟਿੰਗ ਸੁਸਾਇਟੀ ਲਿਮ: ਦੌਰਾਹ ਦਾ ਪੱਤਰ ਜੋ ਆਡਿਟ ਦਫਤਰ ਲੁਧਿਆਣਾ ਰਸੀਟ ਨੰ 1572 ਮਿਤੀ 28/07/202 ਨੂੰ ਆਡਿਟ ਦਫਤਰ ਵੱਲੋਂ ਰਸੀਟ ਹੋਇਆ ਹੈ। ਉਸ ਦੀ ਕਾਪੀ ਤਸਦੀਕ ਸੁਦਾ ਦਿੱਤੀ ਜਾਵੇ।</p>	<p>ਬੇਨਤੀ ਸਹਿਤ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਪ੍ਰਾਰਥੀ ਵੱਲੋਂ ਮੰਗਿਆ ਗਿਆ ਪੱਤਰ ਜੋ ਕਿ ਇਸ ਦਫਤਰ ਆਡਿਟ ਅਫਸਰ, ਸਹਿਕਾਰੀ ਸਤਾਵਾਂ, ਲੁਧਿਆਣਾ ਵੱਲੋਂ ਰਸੀਟ ਨੰ 1572 ਮਿਤੀ 28/07/2022 ਪ੍ਰਾਪਤ ਕੀਤਾ ਗਿਆ ਸੀ। ਇਹ ਪੱਤਰ ਪ੍ਰਾਰਥੀ (ਮੈਨੇਜਰ, ਦੀ ਦੌਰਾਹ ਕੋਆਪ੍ਰੇਟਿਵ: ਮਾਰਕੀਟਿੰਗ ਸੁਸਾਇਟੀ ਲਿਮ) ਵੱਲੋਂ ਹੀ ਇਸ ਦਫਤਰ ਨੂੰ ਲਿਖਿਆ ਗਿਆ ਸੀ, ਜਿਸ ਦੀ ਕਾਪੀ ਪਹਿਲਾਂ ਹੀ ਉਨ੍ਹਾਂ ਕੋਲ ਮੌਜੂਦ ਹੈ। ਇਸ ਦੀ ਕਾਪੀ ਉਨ੍ਹਾਂ ਵੱਲੋਂ ਮਾਨਯੋਗ।</p>

ਤਸਦੀਕ ਕੀਤੀ ਗਈ ਹੈ

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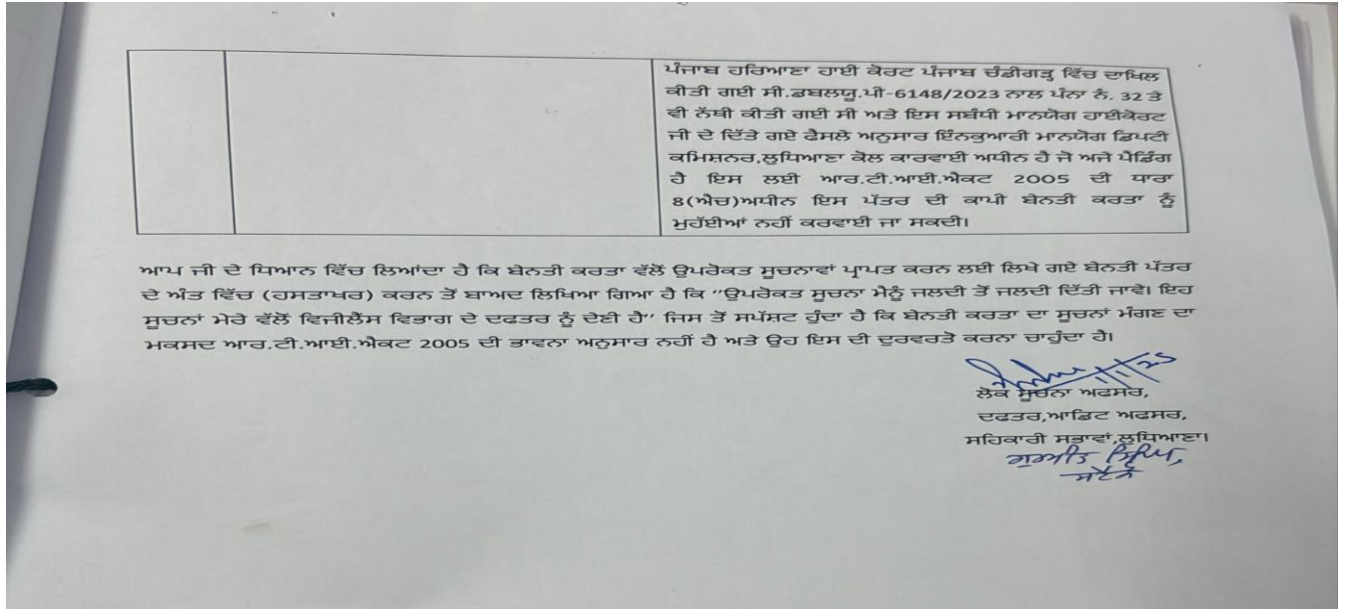
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APPEAL CASE NO. 4559 OF 2023



7. After going through the above-said reply, the Commission is of the view that the information demanded by the appellant cannot be provided under Section 8(1)(h) of the RTI Act 2005. This objection of the respondent is upheld.

Copy of the reply as submitted by the respondent be sent to the appellant alongwith these orders.

8. Therefore the Commission is of the view that the present appeal is **devoid of merit** which is hereby **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

(Dr. Bhupinder S Bathh)
State Information Commissioner
Punjab

Date :07.01.2025

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Sh. Lal Chand Bansal,
S/o Sh. Hukam Chand Bansal,
2795, Ward No 16, Gunga Mari Colony,
P.O Kharar, Distt. SAS Nagar (Mohali)-140301
M:- 9888008438

Complainant

Versus

Public Information Officer,
O/o Financial Commissioner, Revenue Punjab,
2nd Floor, Punjab Civil Secretariat-1,
Sector 1, Chandigarh.

Respondents

COMPLAINT CASE NO. 326 OF 2024

Present :- (i) Sh. Lal Chand Bansal the complainant
(ii) For the respondent : Sh. Karanveer Singh, Clerk (9779388588) and Smt. Bhupinder Kaur, Sr. Assistant (8872295222)

ORDER

The RTI application is dated 30.04.2024 vide which the appellant has sought information as enumerated in his RTI application. Complaint Case was filed in the Commission on 07.08.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 07.01.2025 in the Commission i.e. today.

3. Complainant – Sh. Lal Chand Bansal states that no information has been given to him so far.

4. Respondent states that the information is lying with the office of Deputy Commissioner, Mohali, hence they transferred the RTI of the complainant to the office of Deputy Commissioner, Mohali.

5. 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

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COMPLAINT CASE NO. 326 OF 2024

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).

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.

6. 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.

7. 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.

8. 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.

9. 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/-

Date :07.01.2025

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Remanded back to
First Appellate Authority
O/o Deputy Commissioner, SAS Nagar

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Sh. Gurdeep Singh, S/o Sh. Budh Singh,
R/o Village Bhaini Ganduan,
Tehsil Sunam, Distt Sangrur.
M : 9417362176

Complainant

Versus

Public Information Officer,
O/o BDPO, Sunam,
Distt Sangrur.

Respondents

COMPLAINT CASE NO. 31 OF 2024

Present :- None for the parties.

ORDER

The RTI application is dated 07.10.2024 vide which the appellant has sought information as enumerated in his RTI application. Complaint Case was filed in the Commission on 06.02.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 07.01.2025 in the Commission i.e. today.

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 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. 31 OF 2024

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. 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.

6. 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.

7. 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/-

Date :07.01.2025

Remanded back to
First Appellate Authority
O/o DDPO, Sangrur

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

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Sh. Sunny , S/o Sh. Mohan Lal,
Near Singh Sabha Gurudwara,
Village Khajoorla, Tehsil Phagwara,
Distt Kapurthala-144402
M-8427979399

Complainant

Versus

Public Information Officer,
O/o Secretary,
Multi Purpose Govt Agriculture Sewa Sabha ,
Khajoorla, Tehsil Phagwara, Distt Kapurthala.

Respondents

COMPLAINT CASE NO. 36 OF 2024

Present :- (i) Sh. Sunny the complainant
(ii) For the respondent : None is present on behalf of the respondent

ORDER

The RTI application is dated 04.12.2023 vide which the appellant has sought information as enumerated in his RTI application. Complaint Case was filed in the Commission on 01.01.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 07.01.2025 in the Commission i.e. today.

3. Complainant states that no information has been given to him so far. Respondent is absent today.

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:-

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COMPLAINT CASE NO. 36 OF 2024

(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).

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, 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.

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.

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/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :07.01.2025

First Appellate Authority
o/o Registrar Cooperative Societies,
17 Bays Building, Sector 17, Chandigarh

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Sh. Sikander Singh, S/o Sh. Karnail Singh,
H No 42, Krishana Enclave , Sanghera Road,
Tehsil & Distt Barnala.

Complainant

Versus

Public Information Officer,
O/o Secretary,
Vidya Bhawan (Punjab School Education Board)
Block E, 5th Floor, Phase –VIII,
SAS Nagar (Mohali).

Respondents

COMPLAINT CASE NO. 38 OF 2024

Present :- (i) None is present on behalf of the complainant
(ii) For the respondent : (i) Sh. Amarjit Singh, Assistant Secretary-cum-APIO
(8283808477), Ms. Neeru Sharma, Sr. Assistant , Sh. Hardip Singh, Sr. Assistant
and Sh. Charanjit Singh, Sr. Assistant

ORDER

The RTI application is dated 04.10.2023 vide which the appellant has sought information as enumerated in his RTI application. Complaint Case was filed in the Commission on 22.12.2023 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 07.01.2025 in the Commission i.e. today.

3. The complainant is absent today. He has not informed the Commission about his absence for today's hearing.

4. Respondent states that the reply has already been sent to the complainant that the information demanded by the complainant is third party information, hence cannot be provided under Section 8(1)(j) of the RTI Act.

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COMPLAINT CASE NO. 38 OF 2024

5. The perusal of case file shows that the appellant is not present today and as per the Respondent, the information sought by the Appellant cannot be supplied inasmuch as it is exempt from disclosure under Section 8(i) (j) RTI Act 2005. According to him the information is personal information. This objection of the respondent is upheld.

6. Therefore the Commission is of the view that the present appeal is **devoid of merit which** is hereby disposed of and closed. Copy of the order be sent to the parties.

Sd/-

(Dr. Bhupinder S Batth)

**State Information Commissioner
Punjab**

Date :07.01.2025

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864120

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Sh. Varinder Singh, S/o Sh. Harnam Singh,
R/o Near bhai Maha Singh Gate,
Jalalabad Road, Sri Muktsar Sahib.
M : 9914000500

Complainant

Versus

Public Information Officer,
O/o XEN, Construction Division No 1,
B&R, Ferozepur.

Respondents

COMPLAINT CASE NO. 40 OF 2024

Present :- (i) None is present on behalf of the complainant
(ii) For the respondent : Sh. Sandeep Kumar, Junior Assistant-cum-APIO
(9876704163)

ORDER

The RTI application is dated 04.08.2023 vide which the appellant has sought information as enumerated in his RTI application. Complaint Case was filed in the Commission on 01.01.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 07.01.2025 in the Commission i.e. today.

3. Complainant is absent today. He has not informed the Commission about his absence for today's hearing.

4. Respondent states that the reply has already been sent to the complainant.

5. 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

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COMPLAINT CASE NO. 40 OF 2024

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).

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.

6. 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.

7. 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.

8. 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.

9. 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/-

Date :07.01.2025

**(Dr.Bhupinder S Batth)
State Information Commissioner
Punjab**

**First Appellate Authority
O/o XEN Construction Division No.1
B&R, Ferozepur**

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Ms Supreet Kaur, W/o Sh. Sahibjeet Singh,
House No 60, Street No 04, Mohalla Wada Wara,
Ward No 6, Bassi Pathana, Fatehgarh Sahib-140412.
M : 9023275151

Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Zone A, Ludhiana.

First Appellate Authority,
O/o Municipal Corporation,
Ludhiana.

Respondents

APPEAL CASE NO. 5734 OF 2024

Present :- (i) Sh. Inderjit Singh alongwith Smt. Kanwaljit Kaur
(ii) For the respondent : Sh. Ashok Kumar, PIO (8146480800)

ORDER

The RTI application is dated 21.06.2024 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellant Authority (hereinafter FAA) and second appeal was filed in the Commission on 19.09.2024 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 07.01.2025 in the Commission i.e. today.

3. The appellant is absent today. Sh. Inderjit Singh(father of the appellant) alongwith Smt. Kanwaljit Kaur (Aunty of the appellant) are appearing on behalf of the appellant without authority letter.

4. Respondent Sh. Ashok Kumar, PIO states that the information demanded by the appellant is third party information. Further, the so called third-party has also given his consent not to provide his information to anyone.

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APPEAL CASE NO. 5734 OF 2024

5. After hearing the respondent and examining the case file, it is observed that the information demanded by the appellant is third party information. Hence, the same is exempted from disclosure under Section 8(1)(j) of the RTI Act 2005. This objection of the respondent is upheld.

6. 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/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :07.01.2025

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Sh. Bikram Singh, S/o Sh. Pritam Singh,
R/o House No 190, Defence Colony,
Malerkotla-148023.
M : 9814272391

Complainant

Versus

Public Information Officer,
O/o DEO (EE), Sangrur.

Respondents

COMPLAINT CASE NO. 177 OF 2024

Present :- (i) None is present on behalf of the complainant
(ii) For the respondent : Smt. Sarabjit Kaur, Clerk (9878015312)

ORDER

The RTI application is dated 04.03.2024 vide which the appellant has sought information as enumerated in his RTI application. Complaint Case was filed in the Commission on 18.04.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 07.01.2025 in the Commission i.e. today.

3. The complainant is absent today. He has not informed the Commission about his absence for today's hearing.

4. Respondent states that the information has been sent to the complainant.

5. 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:-

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COMPLAINT CASE NO. 177OF 2024

(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).

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.

6. 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.

7. 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.

8. 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.

9. 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/-*

Date :07.01.2025

Remanded back to

First Appellate Authority
O/o DPI (EE), Punjab School Education Board,
Sector 62, Sahibzada Ajit Singh Nagar, Lamba,
Punjab 160062

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

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Sh. Harjit Singh, S/o Sh. Bhagwant Singh,
Sh. Kakikker Singh, S/o Sh. Bhajan Singh,
R/o Village Kup Khurd, Dilawargarh,
Tehsil Ahmedgarh, Distt Malerkotla.

Complainant

Versus

Public Information Officer,
O/o XEN (PR), Malerkotla.

Respondents

COMPLAINT CASE NO. 178 OF 2024

Present :- (i) Sh. Harjit Singh the complainant
(ii) For the respondent : Sh. Ranjit Singh, XEN-cum-PIO (9814331751) and Sh. Ajay Verma, Suptd., (8847297151)

ORDER

The RTI application is dated 29.02.2024 vide which the appellant has sought information as enumerated in his RTI application. Complaint Case was filed in the Commission on 18.04.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 07.01.2025 in the Commission i.e. today.

3. Complainant states that no information has been given to him so far.

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:-

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COMPLAINT CASE NO. 178 OF 2024

(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).

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, 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.

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.

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/-

(Dr.Bhupinder S Batth)

State Information Commissioner

Punjab

Date :07.01.2025

**Remanded back to
First Appellate Authority
O/o ADC (D), Malerkotla**

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Sh. Bohar Singh, S/oSh. Joginder Singh,
Village Lalu Wala, PO Fatehgarh Panjtoor,
Tehsil Zira, Distt Ferozepur.

Complainant

Versus

Public Information Officer,
O/o Joint Director,
Rural Development and Panchayat Department,
PB, Mohali.

Respondents

COMPLAINT CASE NO. 179 OF 2024

Present :- None for the parties

ORDER

The RTI application is dated 08.01.2024 vide which the appellant has sought information as enumerated in his RTI application. Complaint Case was filed in the Commission on 19.04.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 07.01.2025 in the Commission i.e. today.

3. The complainant is absent today. He has sent his submissions via mail which is taken on record.

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:-

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COMPLAINT CASE NO. 179 OF 2024

(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).

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.

6. 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.

7. 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.

8. 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.

9. 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/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :07.01.2025

Remanded back to

First Appellate Authority

O/o Joint Director Rural

Development and Panchayat Department, Punjab

Sarovar Path, Phase 8, Sector 62, Sahibzada Ajit Singh Nagar, 160062

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Sh. Surjan Singh, S/o Sh. Mela Singh,
VPO Hasanpur, Tehsil Mullanpur,
Distt Ludhiana.
M : 9878421510

Complainant

Versus

Public Information Officer,
O/o DSP, Dakha, Distt Ludhiana.

First Appellate Authority
O/o SSP, Jagraon, Distt Ludhiana.

Respondents

COMPLAINT CASE NO. 180 OF 2024

Present :- (i) Sh. Surjan Singh the complainant
(ii) For the respondent : (i) Sh. Surinder Singh (9779500820)

ORDER

The RTI application is dated 02.11.2022 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 18.04.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 07.01.2025 in the Commission i.e. today.

3. Respondent states that he has brought the information today in the Commission which is handed over to the Complainant. The complainant states that he is not satisfied with 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:-

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COMPLAINT CASE NO. 180 OF 2024

(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).

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, 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.

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.

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/-

(Dr. Bhupinder S Batth)

State Information Commissioner

Punjab

Date :07.01.2025

**Remanded back to
First Appellate Authority
O/o SSP, Ludhiana**

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Sh. Akbar, S/o Sh. Khanna,
R/o Khuh Chah Parsiya,
Tehsil & Distt Ferozepur-152002.
M : 8837631412

Complainant

Versus

Public Information Officer,
O/o Chairman, Shersah Vali Trust,
Ferozepur.

Respondents

COMPLAINT CASE NO. 181 OF 2024

Present :- None for the parties.

ORDER

The RTI application is dated 06.11.2023 vide which the appellant has sought information as enumerated in his RTI application. Complaint Case was filed in the Commission on 19.04.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 07.01.2025 in the Commission i.e. today.
3. Today neither the complainant nor the respondent is present. An email has been received from the complainant that he is unable to attend today's hearing.
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:-

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COMPLAINT CASE NO. 181 OF 2024

(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).

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, 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.

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.

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/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :07.01.2025

Remanded back to :-
First Appellate Authority
O/o Deputy Commissioner,
Ferozepur

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Sh. Gurdev Singh, S/o Sh. Boor Singh,
R/o Village Jahadpur, Jaito Sarja,
Tehsil Batala, Distt Gurdaspur.
M : 8264643718

Complainant

Versus

Public Information Officer,
O/o Deputy Commissioner,
Gurdaspur.

Respondents

COMPLAINT CASE NO. 182 OF 2024

Present :- (i) Sh. Gurdev Singh the complainant alongwith Sh. Harpal Singh
(ii) For the respondent : Sh. Manjot Singh, Naib Tehsildar (9814185395)

ORDER

The RTI application is dated 17.11.2023 vide which the appellant has sought information as enumerated in his RTI application. Complaint Case was filed in the Commission on 19.04.2023 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 07.01.2025 in the Commission i.e. today.

3. Respondent states that the information has already been sent to the complainant. Complainant states that he has not received the information so far. Copy of the information is handed over to the complainant 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:-

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COMPLAINT CASE NO. 182 OF 2024

(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).

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, 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.

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.

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/-*

Date :07.01.2025

**Remanded back to
First Appellate Authority
o/o Deputy Commissioner,
Gurdaspur**

**(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab**