

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden

Sector:16, Chandigarh

Contact No.0172-2864116, Fax No.0172-2864125

Visit us @ www.infocommpunjab.com; Email. psic26@punjabmail.gov.in

Sh. Pawan Kumar Sharma,
Advocate, S/o Late Sh.Bhagwant Kishore,
H.No.585, Phase:02, Mohali.

Complainant

Versus

Public Information Officer,
O/o Deputy Registrar,
Cooperative Societies,
Sector:76, D.C. Complex,
Mohali.

...Respondent

Complaint Case No. 363 of 2018

PRESENT: (i) Sh.Pawan Kumar Sharma, the complainant.
(ii) Sh. Abhitesh Singh Sandhoo, Deputy Registrar is present in person.

ORDER

This order may be read with reference to the previous order dated 01.11.2018.

2. The complainant states that till today, no information has been provided to him by the respondent.

3. Sh. Abhitesh Singh Sandhoo, Deputy Registrar is appearing in person and states that as directed by the Commission during the last hearing to the complainant to file RTI application to the Deputy Registrar, Cooperative Societies, Mohali but till today, he has not filed any application to their office. He further states that some more time be given to him to supply the information to the complainant.

4. The respondent is directed to provide the information to the complainant within one week under intimation to the Commission and file an affidavit within a week in response to the show cause notice, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated for the non compliance the orders of the Commission. The complainant has agreed to this.

5. On the assurance of the respondent, the case is **disposed of and closed**. Copies of the order be sent to the parties.

Sd/-

Chandigarh
14.12.2018

(Prof. Viney Kapoor Mehra)
State Information Commissioner

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SH.Harneek Singh,
S/o Sh. Bant Singh,
R/o H.No.870, Sector:04,
Mundi Kharar, Distt:Mohali.

Complainant.

Versus

Public Information Officer,
O/o D.M,
PUNSUP, Ferozepur.

Respondent

Complaint Case No. 285 of 2018

PRESENT: (i) Sh. Harneek Singh, the complainant.
(ii) Sh. Deepak kumar, PDC on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 01.11.2018.

2. The complainant states that he has received the information and is satisfied.

3. The respondent states that the information has already been supplied to the complainant with which he is satisfied.

4. After hearing both the parties and perusing the record, it is ascertained that the information has been provided to the complainant, with which the complainant is satisfied and has given in writing that this case may please be closed. The reply has already been filed by the PIO in response to the show cause notice. Keeping in view all the facts mentioned in the reply are found satisfactory. The show cause notice is hereby, dropped.

5. In view of the above, no further cause of action is left in the instant Complaint Case, which is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
14.12.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Sanjeev Goyal,
S/o Sh. Ashok Kumar,
Kothi No. 148, Model Town,
Phase-1, Near T.V.Tower,
Bathinda.

...Complainant

Versus

Public Information Officer,
O/o Civil Surgeon,
Zonal Licensing Authority(Drugs),
Bathinda Zone, Bathinda.

...Respondent

Complaint Case No. 1049 of 2018

PRESENT: None for the parties.

ORDER

This order may be read with reference to the previous order dated 01.11.2018.

2. A letter has been received from the complainant in the Commission vide diary no. 24136 dated 30.11.2018 mentioning therein that as per the directions of the Commission during the last hearing, his representative has visited the office of the respondent but the PIO has refused to disclose the record to the authorized person on 05.11.2018 and has requested that this case may please be remand back to the First Appellate Authority.

3. Neither the PIO nor his representative is present for today's hearing. The reply has already been filed by the respondent during the last hearing.

4. The Complainant had filed a RTI application with the PIO on **23.07.2018** for certain information. He received a reply dated 28.08.2018 from the PIO, which he found unsatisfactory. The Complainant therefore filed a Complaint with the Commission on 03.10.2018 under Section 18 of the RTI Act.

5. The perusal of the record reveals that the Complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such the FAA has not been able to address the grievances of the Complainant.

Contd...p-2

6. It must be noted that there is an alternate and efficacious remedy of First Appeal available under Section 19(1) of the RTI Act. It appears that the Complainant has failed to avail the same in the instant case. Consequently, the First Appellate Authority (FAA) has not had the chance to review the PIO's decision as envisaged under the RTI Act.

7. In view of the aforesaid, the instant matter is **remanded to the FAA**. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) 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.

8. The FAA is directed to peruse all the relevant documents during the hearing and examine whether the information provided by the PIO is complete, relevant and correct. Where the FAA is satisfied that the information provided by the PIO is as per the records, the First Appeal shall be disposed of. In the event, there are any deficiencies in the information provided by the PIO, the FAA shall direct the PIO to provide the complete information in reply to the RTI application dated 23.07.2018 to the Complainant.

9. In view of the above, the case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

**Chandigarh
14.12.2018**

Sd/-
**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

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Sh. Sanjeev Goyal,
S/o Sh. Ashok Kumar,
Kothi No. 148, Model Town,
Phase-1, Near T.V.Tower,
Bathinda.

...Complainant

Versus

Public Information Officer,
O/o Civil Surgeon,
Zonal Licensing Authority(Drugs),
Bathinda Zone, Bathinda.

...Respondent

Complaint Case No. 1050 of 2018

PRESENT: None for the parties.

ORDER

This order may be read with reference to the previous order dated 01.11.2018.

2. A letter has been received from the complainant in the Commission vide diary no. 24137 dated 30.11.2018 mentioning therein that as per the directions of the Commission during the last hearing, his representative has visited the office of the respondent but the PIO has refused to disclose the record to the authorized person on 05.11.2018 and has requested that this case may please be remand back to the First Appellate Authority.

3. Neither the PIO nor his representative is present for today's hearing. The reply has already been filed by the respondent during the last hearing.

4. The Complainant had filed a RTI application with the PIO on **23.07.2018** for certain information. He received a reply dated 28.08.2018 from the PIO, which he found unsatisfactory. The Complainant therefore filed a Complaint with the Commission on 03.10.2018 under Section 18 of the RTI Act.

5. The perusal of the record reveals that the Complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such the FAA has not been able to address the grievances of the Complainant.

Contd...p-2

6. It must be noted that there is an alternate and efficacious remedy of First Appeal available under Section 19(1) of the RTI Act. It appears that the Complainant has failed to avail the same in the instant case. Consequently, the First Appellate Authority (FAA) has not had the chance to review the PIO's decision as envisaged under the RTI Act.

7. In view of the aforesaid, the instant matter is **remanded to the FAA**. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) 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.

8. The FAA is directed to peruse all the relevant documents during the hearing and examine whether the information provided by the PIO is complete, relevant and correct. Where the FAA is satisfied that the information provided by the PIO is as per the records, the First Appeal shall be disposed of. In the event, there are any deficiencies in the information provided by the PIO, the FAA shall direct the PIO to provide the complete information in reply to the RTI application dated 23.07.2018 to the Complainant.

9. In view of the above, the case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Chandigarh
14.12.2018

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

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Sh. Sandeep Bahl (SEE),
Punjab Pollution Control Board,
Nabha Road, Patiala.

...Appellant

Versus

Public Information Officer,
O/o Administrative Officer,
Punjab Pollution Control Board,
Patiala.

First Appellate Authority
o/o Member Secy.,
Punjab Pollution Control Board,
Patiala.

...Respondent

APPEAL CASE NO. 2923 OF 2018

PRESENT: (i) None is present on behalf of the appellant.
(ii) Sh. Amrik Singh, ADO-cum-PIO, the respondent.

ORDER:

This order may be read with reference to the previous order dated 15.11.2018.

2. The appellant has submitted a letter that due to his personal hearing in the Hon'ble Punjab and Haryana High Court, he cannot attend today's hearing and has sought short date.

3. The respondent files reply to the show cause notice today in the Commission, which is taken on record. The respondent states that the information has already been supplied to the appellant first on 13.08.2018 and again it was supplied on 13.11.2018. The respondent further states that the appellant has pointed out deficiencies by email but no other information is available in their office record, complete information as per RTI request has been supplied to the appellant.

4. The respondent is directed either to remove the deficiencies, which have been pointed out by the appellant or to file an affidavit that the information which was available in their office record stands supplied and nothing is pending to be supplied, on the next date of hearing, failing which action under section 20(1) of the RTI Act, 2005 will be initiated.

Contd...p-2

5. Last opportunity is given to the appellant to follow up his case in the Commission, failing which decision shall be taken on merit.

6. The matter to come up for further hearing now on **15.01.2019** at **11.30AM**. Copies of the order be sent to the parties.

Sd/-

**Chandigarh
14.12.2018**

**(Prof. Viney Kapoor Mehra)
State Information Commissioner**

Note: *After the hearing was over, Sh. Sandeep Bahl, the appellant appeared. He was briefed about the proceedings of the case.*

Sd/-

**Chandigarh
14.12.2018**

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State Information Commissioner**

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Sh. Gurpreet Singh,
S/o Sh. Gurdeep Singh,
VPO Mann, Tehsil:Malout,
Distt: Sri Mukatsar Sahib.

...Appellant

Versus

Public Information Officer,
O/o BDPO, Lambi,
Tehsil:Malout, Distt:Shri Mukatsar Sahib.

First Appellate Authority
o/o DDPO,
Sri MUKatsar Sahib.

...Respondent

Appeal Case No. 335 of 2018

PRESENT: (i) None is present on behalf of the appellant.
(ii) Sh. Sukhmeet Singh Sarah, BDPO, Lambi is present on behalf of the respondent.

ORDER

This order may be read with reference to the previous order dated 01.11.2018.

2. The appellant is absent for today's hearing.

3. Sh. Sukhmeet Singh, BDPO, Lambi is appearing in person and files an affidavit in response to the show cause notice today in the Commission.

4. After going through an affidavit, it is found that this is not authenticated and does not cover all the points of the case. The same is returned back with the directions to the BPDO, to file proper affidavit in response to the show cause notice duly attested and mentioning the complete facts of the case, on the next date of hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

5. During the hearing dated 10.04.2018, Sh. Arun Kumar Sharma, DDPO, Shri Mukatsar Sahib was directed to fix the responsibility of the person, who is responsible for the delay but till today, no reply has been given by him in this regard. Therefore, he is also directed to appear personally on the next date of hearing and compliance report be submitted, failing which action will also be initiated against him as per the provisions of the RTI Act, 2005.

Contd...p-2

6. The matter to come up for further hearing now on **07.02.2019** at **11.30AM**. Copies of the order be sent to the parties.

**Chandigarh
14.12.2018**

Sd/-
(Prof. Viney Kapoor Mehra)
State Information Commissioner

Through registered post

CC: Sh. Arun Kumar Sharma, DDPO, Shri Mukatsar Sahib.
Sh. Sukhmeet Singh, PIO-cum-BDPO, Lambi, Tehsil:Malout, Distt:
Shri Muktasar Sahib.

