

## प्रथम अपीलीय प्राधिकारी एवं अतिरिक्त निदेशक

निदेशालय, तकनीकी शिक्षा, व्यवसायिक और औद्योगिक प्रशिक्षण  
सुन्दरनगर (हि0प्र0)

प्रकरण:	अपील ९/2024
अपीलकर्ता:	श्री पी0डी0 ठाकुर, अधिवक्ता
प्रतिवादी:	लोक सूचना अधिकारी एवं उपनिदेशक
सुनवाई की तिथि:	14/02/2024
निर्णय की तिथि:	17/02/2024

### आदेश

#### प्रकरण का संक्षिप्त विवरण

सम्मुख अपील सूचना अधिकार प्रार्थना पत्र डायरी दिनांक 14/12/2023 के संदर्भ में प्रेषित प्रत्युत्तर पत्र के संबंध में लोक सूचना अधिकारी, निदेशालय, तकनीकी शिक्षा, व्यावसायिक और औद्योगिक प्रशिक्षण द्वारा प्रदत्त सूचना सामग्री के विरुद्ध दिनांक 31/01/2024 को प्राप्त हुई है। इस अपील संबंधी वाद में अपीलकर्ता ने लिखित रूप से प्रस्तुत किया है कि अपीलकर्ता द्वारा मांगी गयी सूचना में केवल वरिष्ठता सूची की सूचना के अतिरिक्त कोई भी सूचना अपीलकर्ता को उपलब्ध नहीं करवाई गयी है।

#### निर्णय

नैसर्गिक न्याय शास्त्र के दृष्टिगत सर्वपक्षीय सुनवाई का अवसर प्रदान करते हुए, अभिलेखाध्ययनोपरांत तथा प्रकरण के समग्रपक्षीय पर्यवेक्षणोत्तर अधोहस्ताक्षरी इस निष्कर्ष पर पहुंचा है कि जो एवं जितनी मात्रा में निवेदित सूचना अभिलेख में उपलब्ध है, उस सूचना को अपीलकर्ता को एतद् आदेश की प्राप्ति पर्यन्त पांच दिवस के भीतर उपलब्ध करवाना सुनिश्चित करें।

यदि उपर्युक्तादेश से कोई पक्ष असहमत अथवा असंतुष्ट है तो वह राज्य सूचना आयोग, निगम विहार, खलीनी शिमला-2 के समक्ष विधि सम्मत समयावधि के भीतर अपील कर सकता है।

विवृत न्यायालय कक्ष में घोषित।

दिनांक: 17/02/2024



अनुपम कुमार (हि0प्र0से0)  
प्रथम अपीलीय अधिकारी  
निदेशालय, तकनीकी शिक्षा,  
व्यावसायिक एवं औद्योगिक  
प्रशिक्षण सुन्दरनगर (हि0प्र0)

# APPEAL No-8 Sh. P.D. Thakur

RTIMatter/TimeBound/Regd.

DIRECTORATE OF TECHNICAL EDUCATION  
VOCATIONAL & INDUSTRIAL TRAINING  
H.P., SUNDERNAGAR, DISTT. MANDI,

No. STV(TE)H-G(1)22 -RTI/2009-Misc- 3710

Dated: 21/2/23

To

Sh. P.D. Thakur, Advocate,  
H.No. 73/11, Near Shiva Temple,  
Adhi Tarna, Mandi Town, Mandi Pin-175001.

**Sub: Regarding Appeal for Information sought under RTI Act- 2005 from First Appellate Authority.**

Sir,

In compliance to the decision passed by the First Appellate Authority-cum-Director Technical Education Vocational and Industrial Training Himachal Pradesh Sundernagar on dated 17-02-2024. In this regard, enclose please find herewith the copy of information as desired by you under RTI Act, 2005 please.

(Deepak Angra)  
Deputy Director-cum-PIO  
Technical Education,  
Vocational & Industrial Training,  
Sundernagar, Distt. Mandi, H.P.

No. 3711

Dated: 21/2/23

Copy to: First Appellate Authority-cum-Director Technical Education Vocational and Industrial Training Himachal Pradesh Sundernagar for information please.

Received Pl.

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haa

21/02/2024

(Deepak Angra)  
Deputy Director-cum-PIO  
Technical Education,  
Vocational & Industrial Training,  
Sundernagar, Distt. Mandi, H.P.



**Annexure-I****Information Under RTI Act. -2005 in respect of Technical Education Department is as under:-**

Sr. No.	Case No.	Title of Case	Name of Document	Page No.
1.	CWP No. 2860/2014	Uday Bhanu V/s State of HP & Ors.	Copy of Petition with Annexure, Copy of Reply filed by Deptt. with Annexure is enclosed (Matter is subjudice).	1-86
2.	CWP No. 4937/2013	Anshul Bhardwaj V/s State of HP & Ors.	Copy of Petition with Annexure, Copy of Reply filed by Deptt. with Annexure is enclosed (Matter is subjudice).	1-93
3.	LPA No. 7096/2013	Kuldeep Chand Chaddha V/s State of HP & Ors.	Copy of Petition with Annexure, Copy of Reply filed by Deptt. with Annexure & Copy of Judgment is enclosed.	1-25
4.	LPA No. 7105/2013	Sanjay Kumar V/s State of HP & Ors.	Copy of Petition with Annexure, Copy of Reply filed by Deptt. with Annexure & Copy of Judgment is enclosed.	1-22
5.	CWP No. 6089/2012	Rattan Chand Thakur V/s State of HP & Ors.	Copy of Petition with Annexure, Copy of Reply filed by Deptt. with Annexure is enclosed (Matter is subjudice).	1-57
6.	OA No. 720/2016	Ashraf Ali V/s State of HP & Ors.	Copy of Petition with Annexure & Copy of Judgment is enclosed. However, Reply in the Petition was not filed.	1-46
7.	OA No. 721/2017	Rajesh Kumar V/s State of HP & Ors.	Copy of Petition with Annexure & Copy of Judgment is enclosed. However, Reply in the Petition was not filed.	1-35
8.	OA No. 5094/2016	Gurdev Singh V/s State of HP & Ors.	Copy of Petition with Annexure, Copy of Reply filed by Deptt. with Annexure & Copy of Judgment is enclosed.	1-139
9.	Seniority Lists	Seniority List of Craft Instructors/Group Instructors.	Does not pertain to Legal Branch.	-
10.	CWP No. 1356/2011	Dev Kumari V/s State of HP & Ors.	Copy of Petition with Annexure, Copy of Reply filed by Deptt. with Annexure & Copy of Judgment is enclosed.	1-69
11.	CWP/No.	Shankutla Devi V/s State of HP & Ors.	Court case No./Year/ any reference has not been mentioned.	-
12.	CWP No. 4580/2012	Manoj Kumar V/s State of HP & Ors.	Copy of Petition with Annexure, Copy of Reply filed by Deptt. with Annexure is enclosed (Matter is subjudice).	1-48
13.	CWP No. 5688/2013	Anil Kumar V/s State of HP & Ors.	Copy of Petition with Annexure, Copy of Reply filed by Deptt. with Annexure is enclosed (Matter is subjudice).	1-76

True copy of the Document/Record  
supplied under RTI Act-2005  
Signature of Public Information Officer:

Name of Public Information Officer: **Deepak Angra**  
Name of Public Information Officer:

1628  
31/124

BEFORE THE FIRST APPELLATE AUTHORITY-CUM-DIRECTOR  
TECHNICAL EDUCATION, HP SUNDERNAGAR,

In re:

Appeal No. \_\_\_\_ of 2024.

In the matter of:

(P.D.Thakur),  
Advocate, H.No. 73/11, Near  
Shiv Temple, Adhi Tarna, Mandi Town,  
Mandi Pin-175001.

.....Appellant

Versus

The PIO-cum-Joint Director, Technical Education &  
Vocational & Industrial Training, Sundernagar, HP.

.....Respondent.

Appeal under Section-19 of the Right to Information Act,  
2005.

Respectfully Sheweth:

- 1) That the Appellant herein is the resident of place indicated in the Memo of parties herein above. The Appellant herein had tendered a request for the supply of following information vide application dated 18.12.2023.

Sr. No	Case No	Title of Case	Name of document required.
1.	CWP No. 2860/2014	Uday Bhanu Vs State of HP	Copy of Petition with Annexures. Copy of Reply filed by Deptt with Annexures Copy of judgement, if any.
2.	CWP No. 4937/2013	Anshul Bhardwaj Vs State of HP & Ors	Copy of Petition with Annexures. Copy of Reply filed by Deptt with Annexures Copy of judgement, if any.
3.	LPA No. 7096/2013	Kuldeep Chand Chaddha Vs State of HP & Ors	Copy of Petition with Annexures. Copy of Reply filed by Deptt with Annexures Copy of judgement, if any. Copy of LPA with annexures and reply filed thereto with Annexures

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4.	LPA 7105/2013	No.	Sanjay Kumar Vs State of HP and ors.	Copy of Petition with Annexures. Copy of Reply filed by Deptt with Annexures Copy of judgement, if any. Copy of LPA with annexures and reply filed thereto with Annexures
5.	CWP 6089/2012	No.	Rattan Chand Thakur Vs State of HP & Ors	Copy of Petition with Annexures. Copy of Reply filed by Deptt with Annexures Copy of judgement, if any.
6.	OA No. 720/2016		Ashraf Ali Vs State of HP	Copy of Petition with Annexures. Copy of Reply filed by Deptt with Annexures Copy of judgement, if any.
7.	OA No. 721/2017		Rajesh Kumar Vs State of HP	Copy of Petition with Annexures. Copy of Reply filed by Deptt with Annexures Copy of judgement, if any.
8.	OA No.5094/2016		Gurdev Singh Vs State of HP	Copy of Petition with Annexures. Copy of Reply filed by Deptt with Annexures Copy of judgement, if any.
9.	Seniority lists		Seniority list of Craft Instructors/Group Instructors	Copy of seniority list of Craft Instructors/ Group Instructors recast as per court orders.
10.	CWP No.1356/2011		Dev Kumari Vs State of HP	Copy of Petition with Annexures. Copy of Reply filed by Deptt with Annexures Copy of judgement, if any.
11.	CWP/OA		Shankutla Devi Vs State of HP	Copy of Petition with Annexures. Copy of Reply filed by Deptt with Annexures Copy of judgement, if any.
12.	CWP 4580/2012	No.	Manoj Kumar VS State of HP & Ors	Copy of Petition with Annexures. Copy of Reply filed by Deptt with Annexures Copy of judgement, if any.
13.	CWP 5688/2013	No.	Anil Kumar Vs State of HP & ors	Copy of Petition with Annexures. Copy of Reply filed by Deptt with Annexures Copy of judgement, if any.
A copy of the application is annexed hereto as <b>Annexure-A-I</b> for kind perusal.				

*Q/c*



- 2) That it is the most humble and respectful submission of the Appellant herein that save and except the copy of the seniority list the other information contained in the application (Annexure-A-1) has not been supplied to the Appellant despite the fact that the Appellant was ready and willing to pay the charges therefor under the Rules and the said information is also in power and possession of the Directorate of Technical Education.
- 3) That the Supdt Grade-II (Gen., Branch) Technical Education vide letter bearing No. 650 dated 10.01.2024 endorsed and issued by the Respondent-PIO herein has since denied the information on the following grounds:

"Information is not covered vide Govt. of HP Department of AR Reforms w.r.to RTI Rules 2006 point No.3(2). However, judgement of the cases the website of Hon'ble High Court of HP Shimla can be seen. It is also submitted that the required information may be covered under 8(1)(e) and (h) under RTI Act, 2005."

A copy of the letter dated 10.01.2024 is annexed hereto as **Annexure-A-2** for kind perusal.

- 4) That the reason assigned for the non-supply of the information under the Right to Information Act are neither attracted nor applicable in the humble view of the Appellant herein inasmuch as the copies of ~~the copies of~~ the judgement are not available on the website of the Hon'ble High Court of HP. Moreover, the provision of Section-8 (1) (e) and (h) are not applicable and attracted in the present case as already stated herein above.
- 5) That the desired information is only in the power and possession of the Directorate of Technical Education at Sundernagar and hence the act of the Respondent in denying the same is totally wrong, illegal and contrary to the provision of the Right to Information Act.
- 6) That the Appellant herein further submits with utmost respect that in case any separate application for each year is needed in that event the Appellant may be granted an opportunity of inspection of the record and take down the notes of the case No. and date of decision

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*Cite not already  
written in Appln.*



so that the separate application could be filed, though in the facts and circumstances of the case the same may not be warranted.

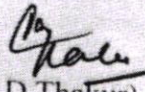
- 7) That appropriate action as per the provisions of the RTI Act may also be initiated against the Respondent for non-supply and incomplete supply of the information sought for.
- 8) That the Appellant herein has not filed any other appeal before any other authority save and except the present appeal.

In view of above the appeal may kindly be allowed and the Respondent herein may very kindly be directed to supply the complete information as sought in Annexure-A-1 and the Respondent may also be imposed appropriate penalty under the provisions of the RTI Act and oblige please.

Any other order and or directions which this Id. Authority deem fit, just and proper in the facts and circumstances of the case may also be passed in favour of the Appellant.

Place: Mandi/Shimla

Appellant

  
(P.D. Thakur), 27/01/2024

Mob. 9418455660  
8894812340

Advocate,  
H.No. 73/11, Near  
Shiv Temple, Adhi  
Tarna, Mandi town,  
Mandi Pin-175001.