C/47

Chandigarh Right to Service Commission

(Chandigarh Administration)

Nagar Yojana Bhavan, C- Wing, Sector 18-A, Madhya Marg, Chandigarh -160018
Phone No. 0172-2700018, email – chd.rtsc@chd.nic.in
website: rtsc.chd.gov.in

No. PS/CRTSC/2025/86-90 Dated: -16-05-2025

Petition No. 01 of 2025-2026

Ms. Navjot Lehal

Vs.

Station House Officer-cum-Designated Officer (under the Right to Service Act), Police Station, Sector 49, Chandigarh

ORDER

Whereas the petitioner, Ms. Navjot Lehal through her e-mail dated 01.04.2025 requested the SHO, PS 49, Chandigarh-cum-Investigating Officer to supply her a copy of DDR No. 057 dated 06.11.2024 whereby Section 467, 468 and 471 of IPC were added/incorporated in FIR No. 9 of 2018 under Section 406, 420 & 120-B of IPC, Police Station Sector 49, Chandigarh in which Shri Gurmukh Singh Lehal, father of the petitioner was the complainant and now the petitioner has been substituted as complainant in the case.

2. As per Serial No. 267 of the Notification No. 28/67/1-IH (11)-2022/3946 dated 08.03.2022, the document sought by the petitioner was to be provided by the SHO, PS-49-cum-Designated Officer (under the Right to Service Act) within 01 Hour from the submission of application by her. But the SHO, PS-49-cum-Designated Officer (under the Right to Service Act) did not take any action on her request. Thus, he failed to provide the service to the petitioner.

3. Feeling aggrieved, the petitioner, preferred First Appeal before the SDPO (South)-cum-First Appellate Authority, (under the Right to Service Act) on 02.04.2025. The SDPO (South)-cum-First Appellate Authority, (under the Right to Service Act) vide his order No. R-1494/SDPO/South/UT/Chandigarh, dated 02.04.2025 disposed off the First Appeal of the petitioner stating that as per Section 5 (2) of Right to Service Act, a copy of sought DDR cannot be provided as the complainant may pressurize the Investigation Officer and hamper the investigation. As the case is still under investigation

Ch8

and as and when supplementary challan will be submitted in due course, the copy of relevant documents will be provided to the complainant/applicant accordingly.

4. Thus, the SDPO (South)-cum-First Appellate Authority, (under the Right to Service Act) also did not agree to provide the service to the petitioner. Accordingly, the petitioner on 07.04.2025 preferred Second Appeal before the SSP, UT Chandigarh-cum-Second Appellate Authority (under the Right to Service Act) against the above said order of the SDPO (South)-cum-First Appellate Authority. The SSP-cum-Second Appellate Authority (under the Right to Service Act) vide her Appeal Order No. D-06-09/UT/RTSA/SSP/SAA, dated 11.04.2025 dismissed the Second Appeal of the petitioner. The extract of the above mentioned order dated 11.04.2025 is as under:-

> *"I have gone through the application of the appellant, comments of Designated Officer-cum-SHO-49, Chandigarh vis-a-vis material available on record thoroughly which revealed that the appellant Ms. Navjot Lehal D/o Sh. Gurmukh Singh Lehal sought copy of DDR NO. 57 dated 06.11.2024, PS-49, Chandigarh under the Right to Service Act.*
>
> *So far appeal of the appellant is concerned, she raised the grounds of her appeal that vide application dated 01.04.2025, she sought the copy of the DDR No. 57 dated 06.11.2024 and Designated Officer-cum-SHO PS Sector 49 did not provide within stipulated time period of 1hour as notified for this service at Sr. No. 267 of gazette notification issued under Right to Service Act by Chandigarh Administration. Further First Appellate Authority-cum-SDPO/South also failed to pass well reasoned speaking order and without application of prudent mind disposed of the first appeal.*
>
> *On the other side, Designated officer-cum-SHO PS Sector 49 asserted that DDR No. 57 dated 06.11.2024 is related with case FIR No. 09 dated 18.01.2018 u/s 420, 406, 120-B IPC, PS-49 registered on the complaint of Sh. Gurmukh Singh (father of appellant who is substituted complainant in this case) against President/Secretary/Managing Committee of Ajanta Coop. House Building 1st Society Ltd. Plot No. 6, Sector 51D, Chandigarh regarding the embezzlement of funds in said society. He further stated that in this case final report u/s 173 Crpc has already been submitted against 16 accused persons before the Hon'ble Court of Sh. Sumit Kalon, JMIC Chandigarh. Moreover, in further course of investigation of this case, vide DDR No. 57 dated 06.11.2024 section 467, 468, 471 IPC were added by the Investigating Officer and investigation is underway. As and when supplementary charge-sheet will be submitted, the relevant documents will be provided to*

the appellant as per provisions of Cr PC/BNSS. Apart from this, progress report of the case is being provided regularly to the appellant.

It is evidently clear that case FIR No. 09 dated 18.01.2018, PS-49 Chandigarh is already under trial in the Hon'ble Court and further investigation of the case is also going on. The appellant is just using the Right to Service Act as a platform to seek the document i.e. DDR Copy related to the aforesaid case FIR by mentioning it notified service by Chandigarh Administration. It is notable that for seeking any information from the public office, RTI act is specifically enacted to provide such platform to general public. In the instant case, appellant appears to be intermingling the platform of Right to Service Act 2011 with Right to Information Act 2005 even though they serve different purposes. As the RTSA is purposely enacted law which provides time bound public services to General Public, but in this case, appellant is seeking the information/documents directly related with case FIR No. 09 dated 18.01.2018, PS-49 which is sub-judice in the court of law and further investigation is also underway.

In view of above observations, it is clear that there is no denial of public services to the appellant. Hence 2nd appeal of the appellant is not maintainable under Right to Service Act 2011 accordingly, dismissed".

5 Feeling aggrieved by the above said order dated 11.04.2025 of the SSP-cum-Second Appellate Authority (under the Right to Service Act), UT Chandigarh, the petitioner filed Revision Petition dated 15.04.2025 in the Chandigarh Right to Service Commission under Section 10 of the Punjab Right to Service Act, 2011, as extended to the Union Territory of Chandigarh.

6 The Commission vide letter No. MS/CRTSC/2025/229, dated 17.04.2025 sought the parawise comments on the above said Revision Petition from the SSP-cum-Second Appellate Authority (under the Right to Service Act), UT Chandigarh, who furnished her comments vide letter No. D-15/UT/SSP/RTSA/ SAA, dated 26.04.2025, the extract of which is as under:-

"that the appellant made an application through email dated 02.04.2025 for seeking copy of DDR no. 57 dated 06.11.2024 of Police Station 49, Chandigarh under RTSA and First appellant Authority-cum-SDPO/South after obtaining the reply from Designated Officer-cum-SHO-49 passed order vide dated 02.04.2025 Wherein he asserted that a case FIR No. 09 dated 18.01.2018 u/s 420,406,120B IPC, PS-49 Chandigarh registered on the complaint of Sh. Gurmukh Singh (father of appellant who

is substituted complainant in this case) against President/Secretary/Managing Committee of Ajanta Coop. regarding the embezzlement of funds in said society. The final report under section 173 CRPC has already been submitted against 16 accused persons before the Hon'ble Court of Sh. Sumit Kalon, JMIC, Chandigarh. In further course of the investigation, Investigating Officer added sections 467, 468, 471 IPC vide DDR No. 57 dated 06.11.2024 in the said case which is still under investigation and as & when supplementary challan will be submitted before the Hon'ble Court, the copy of relevant documents will be provided to the complainant/appellant accordingly.

As far as the second Appeal is concerned, after obtaining the comments of DO & FAA as well as from the perusal of record in hand, appeal of the appellant was dismissed vide order dated 11.04.2025 with the observation of this Second Appellant Authority that the appellant is just using the Right to Service Act as a platform to seek the document i.e. DDR copy related to the aforesaid case FIR by mentioning it notified service by Chandigarh Administration. It is notable that for seeking any information from the public office, RTI Act is specifically enacted to provide such platform to general public. In the instant case, appellant is intermingling the platform of Right to Service Act 2011 with the Right to Information Act 2005 even though they serve different purposes. As the RTSA is purposely enacted law which provides time bound public services to General Public, but in this case, appellant is seeking the information/documents directly related with case FIR No. 09 dated 18.01.2018, PS-49 which is sub-judice in the court of law and further investigation is also underway. Moreover, DO-cum-SHO/PS-49 asserted that the said DDR was lodged by the IO during the course of investigation therefore, application of the applicant was rejected.

It is worth mentioning here that as the service bearing No. 267, notified vide section 5 (2) of RTSA by Chandigarh Administration, is for those complainant(s) who approach the Police Station for lodging his/her complaint/ information and consequently, Police Station is bound to lodge either DDR or FIR as per the contents of the complaint within the one hour. The appellant is seeking document/information i.e. copy of DDR No. 57 dated 06.11.2024 through email dated 02.04.2025 but in the present case FIR is partially under trial and under investigation. It is pertinent to mention that Section 8 (1) (h) of RTI Act provide exemption from disclosure of any information/record/documents during the investigation/enquiry stage. Apart from above, SHO/PS-49 has also asserted that as and when supplementary charge-sheet will be submitted the relevant documents will be provided to the appellant as per provisions of CrPC/BNSS.

In view of the above, there is no denial of public service to the appellant as the request of the appellant/applicant does not cover notified service vide notification issued by Chandigarh Administration. Hence, revision petition of the appellant is not maintainable and the same may be dismissed".

7. After careful perusal/consideration of the facts of the Revision Petition, orders of the First and Second Appellate Authorities and the comments on the Revision Petition furnished by the SSP-cum-Second Appellate Authority, the undersigned vide Notice bearing No. PS/CRTSC/2025/82-83 dated 05.05.2025 directed the SHO, Police Station, Sector 49, Chandigarh-cum-Designated Officer (under the Right to Service Act) and the petitioner to appear in the Commission on 14.05.2025 alongwith complete record of the case.

8. The case was heard on 14.05.2025. The petitioner Ms. Navjot Lehal and the Designated Officer, Inspector, Shri Om Parkash, SHO PS-49 were present. The Designated Officer, submitted his written statement, which contained the same facts as were mentioned in the orders of the First and Second Appellate Authorities. The relevant extract of the written statement of the Designated Officer is reproduced below:-

> *"Moreover, copy of the challan submitted in the Hon'ble Court on 03.11.2024 was provided to the complainant/applicant. Apart from this, the complainant is being provided with progress report related to the case investigation from time to time. Furthermore, as per under section 5 (2) of RTSA, Gazette Notification dated 16.10.2017, a copy of sought DDR cannot be provided as it is related with criminal case FIR no. 09 dated 18.01.2018 U/s 420,406, 120B IPC, PS-49, Chandigarh as well as Impeding Investigation (Similar to RTI Section 8 (1) (h)), if disclosing the requested information (e.g., DDR copy, case details) would hinder the investigation as sharing the DDR/ case detail could alert suspects, lead to evidence tampering, or influence witnesses.*
>
> *Additionally, the complainant filed an application vide CRL. MISC/2077/2022 under Section 340 Cr. PC in the Hon'ble Court of Sh. Parmod Kumar, JMIC, Chandigarh to obtain the same documents. This matter is already sub-judice before the Hon'ble Court and fixed for 13.06.2025. The case is under investigation, whenever supplementary challan is presented in the court, its copy will be provided to the complainant"*

9. From the above, it is apparent that nothing new has been submitted in his written statement by the Designated Officer in support of his contention. He could not produce a copy of any specific Rule/Law/ order of any judicial Court, which restrained him to provide the copy of DDR to the petitioner. Further, Section 8 (1) (h) of the RTI, Act 2005 does not apply in the instant case of the petitioner as her request pertained to the Right to Service Act under which the service requested by the petitioner stands notified at Sr. No. 267 of the Notification No. 28/67/1-IH(11)-2022/3946, dated 08.03.2022.

10. Regarding the grounds taken by the Designated Officer, First and Second Appellate Authorities, the petitioner submitted a copy of General Diary Details dated 28.03.2025 of PS 49, whereby a copy of case FIR No. 39 dated 29.06.2024 under Section 406, 420, 120B IPC, PS-49 has been supplied to the complainant in that case. Accordingly, the petitioner, raised objection on the contention of the Designated Officer, First and Second Appellate Authorities for adopting different stands in providing the services to the general public.

11. The Designated Officer could not contradict the above version of the petitioner. He did not provide specific Rule/Law/ court order under which the providing of service is being denied to the petitioner. Further, the Designated Officer could not make available any other document in support of his contention of not providing the service to the petitioner. Therefore, the contention of the Designated Officer that copy of DDR cannot be supplied when the matter is under investigation, is not tenable. rather it appears mischievous to deny the public service on the basis of flawed interpretation of statute.

12. In the reply given to the First Appellate Authority (as mentioned in his order dated 02.04.2025), the Designated Officer had admitted that on the basis of the facts which came into his notice during the investigation, he lodged DDR No. 57 dated 06.11.2024, but he alleged that as per provisions of Section 5(2) of the Right to Service Act, copy of the DDR cannot be provided to the petitioner because she may pressurize the investigation officer and hamper the investigation. This argument of the Designated Officer is not tenable, because Section 5(2) of the Act ibid states that

> *"The Designated Officer shall, on receipt of an application under sub-Section (1), provide service or reject the application within the given time limit and in case of rejection of application, shall record the reasons in writing and intimate the same to the applicant."*

It is pertinent to mention that in this case, the Designated Officer did not pay any heed to the request of the petitioner. Neither the service was provided nor any order rejecting the request of petitioner was passed by him. Further, the First Appellate Authority did not apply his mind and blindly accepted this flawed interpretation of law by the Designated Officer and passed order dated 02.04.2025 which is devoid of any merit.

13. Similarly, the view of intermingling of the Right to Service Act and the Right to Information Act, taken by the Second Appellate Authority is also not tenable.

because the said service already stands notified at Sr. No. 267 of the Notification No. 28/67/1-IH(11)/2022/3946, dated 08.03.2022, and in absence of any specific rule/law/court order, the Designated Officer is duty bound to provide the service to the petitioner. Therefore, the Second Appellate Authority cannot turn back and deny the service to the petitioner at this point of time.

14 In view of the above, facts and circumstances of the case, the Commission is of the considered view that the Designated Officer has failed to provide the service to the petitioner as per the provisions of the Right to Service Act, which clearly smacks of dereliction of duty whereby he deliberately created obstacles and denied service to the petitioner. The Commission further observes that the Designated Officer even misled the First and Second Appellate Authorities.

15 Therefore, as per provisions of Section 2 (h) of the Punjab Right to Service (Amendment) Act, 2014, I hold Inspector, Shri Om Parkash, SHO, Police Station Sector 49-cum-Designated Officer (under the Right to Service Act) guilty of not complying with the provisions of the Right to Service Act as he intentionally did not take any action on the request of the petitioner and thus, failed to provide the service to her within the stipulated time limit. Therefore, to meet with the requirements of justice, I impose a penalty of Rs. 10,000/- on him. Out of the above mentioned amount of penalty, 50% is ordered to be paid to the applicant, Ms. Novjot Lehal. Inspector, Shri Om Parkash, SHO, Police Station Sector 49-cum-Designated Officer (under the Right to Service Act) is further directed to supply copy of DDR No. 057 dated 06.11.2024, immediately to the petitioner, Ms. Navjot Lehal, under intimation to the Commission.

16 Further, the petitioner in her Revision Petition has mentioned that the CRTSC Notice Boards are missing/out of sight of public/not displayed in office of Second Appellate Authority/SSP, UT, Chandigarh and in the office of S.P (City)/Nodal Officer at Police Headquarters, Sector 9, Chandigarh and the boards were thrown behind chairs and these were not visible to the public in the office of the First Appellate Authority/SDPO (South), Sector 34, Chandigarh. These facts were also pointed out by the petitioner during the course of hearing of the petition and the Designated Officer failed to contradict the version of the petitioner.

17 The Commission, hereby, takes a serious view of the above mentioned lapse and therefore, directs the Senior Superintendent of Police, UT, Chandigarh-cum-Second Appellate Authority (under the Right to Service Act) to ensure mandatory

installation of boards displaying the notified public services, official e-mail ids of the Designated Officers, First and Second Appellate Authorities and uploading same on the departmental website of the Police Department.

Dr. Mahavir Singh, IAS (Retd.)
Chief Commissioner

To

Received for SHO/49 PS/49, CHD. dt. 16-5-2025

Inspector, Shri Om Parkash,
SHO, Police Station,
Sector-49, Chandigarh-cum-
Designated Officer
(under the Right to Service Act)

Copy is forwarded for information and necessary action to the:-

1. Director General of Police, UT Chandigarh for recovery of the amount of penalty from the above said official namely Inspector, Shri Om Parkash, SHO Police Station Sector 49-cum-Designated Officer (under the Right to Service Act) and payment of compensation to the petitioner and send Action Taken Report to the Commission, immediately. He may refer to Rule 12 of the Chandigarh Right to Service Rules, 2019 as notified vide Notification No. 28/67/1-IH(11)-2019/15461 dated 11.10.2019.

B Singh 16/05/2025

2. Senior Superintendent of Police-cum-Second Appellate Authority (under the Right to Service Act), UT Chandigarh.

3. Sub Divisional Police Officer (SDPO-South)-cum-First Appellate Authority, UT Chandigarh

Reply 16.05.2025

4. Ms. Navjot Lehal D/o Shri Gurmukh Singh Lehal # F-144, Industrial Area Phase 8/B, Sector 74, S.A.S. Nagar, Distt. Mohali, Punjab – 160071

Received Navjot Lehal 29.5.2025