

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864112, Email: - psic23@punjabmail.gov.in

Visit us: - www.infocommpunjab.com; Helpline No. 0172-2864100



Shri Sukha Singh, (98145 98940)

S/o Shri Shalinder Singh,

R/o Raiya, Tehsil Lopoke,

District Amritsar.

...Complainant

Versus

Public Information Officer,

O/o District Development and Panchayat Officer,

Amritsar.

...Respondent

COMPLAINT CASE NO. 0756 OF 2022 **(Cisco Webex Proceedings)**

PRESENT:

None on behalf of the Complainant.

Shri Rajinder Singh, Panchayat Secretary for the Respondent (84374 95369)

ORDER:

1. The RTI application is dated 18.08.2022 whereby the Complainant has sought information as mentioned in his RTI application. He filed complaint in the Commission on 03.11.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). The notice of hearing was issued to the parties for 08.05.2023. Accordingly, the case has been heard today.
2. The Complainant is absent for today's hearing while the Respondent verbally states that requisite information has already been provided to the Complainant on 19.09.2022.
3. The Bench observes that the complainant has directly approached the Commission by preferring complaint in the Commission. The Bench further observes that the Complainant has not availed an alternative and efficacious remedy of first appeal available 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.
4. The attention of the Complainant is drawn to the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. 10787-10788 of 2011 (arising out of SLP(C) No. 32768-32769/2010) - Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereby, 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.

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COMPLAINT CASE NO. 0756 OF 2022

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.
6. This case is **REMANDED BACK** to the First Appellate Authority who is directed to decide the RTI application of complainant (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act, 2005 after giving all concerned parties an opportunity to be heard.
7. In case, 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 above, the instant Complaint Case is hereby, **disposed off and closed**. Copies of the order be sent to the parties.

Chandigarh
08.05.2023

(Maninder Singh Patti)
State Information Commissioner Punjab

Copy of above is forwarded to the following (Regd. Post):

The First Appellate Authority,
O/o Additional Deputy Commissioner,
Amritsar.

for information and necessary compliance. RTI application dated 18.08.2022 is enclosed.