



Sh Kartar Singh, S/o Sh.Dalip Singh,
R/o 433/16, Govt College Road,
New Sant Nagar
Gurdaspur.(M-6280325205)

... Complainant

Versus

Public Information Officer,
O/o SMO,
SMO Mandi Gobindgarh.

...Respondent

Complaint Case No. 119 of 2022

PRESENT: Sh.Kartar Singh as the complainant
Sh.Lakhvir Singh, Clerk and Dr.Parminder Singh for the Respondent

ORDER:

The complainant, through an RTI application dated 01.10.2021 has sought information regarding a copy of the GIN account certificate from 01.02.2019 to 30.06.2021 - salary for dated 06.04.2020, 27.04.2020, 09.05.2020 – increment 06.05.2019 to 04.06.2019 & HRA as enumerated in the RTI application from the office of SMO, Mandi Gobindgarh. The complainant was not provided with the information, after which the complainant filed a complaint in the Commission on 04.03.2022.

The case first came up for hearing on 25.04.2022 through video conferencing at DAC Gurdaspur/Patiala. Both parties were absent. The case was adjourned.

On the date of the last hearing on **14.09.2022**, both parties were absent.

The Commission received a reply of the PIO on 29.04.2022, which was taken on record. In the said reply, it was mentioned by the PIO that the information on point 1 relates to the earned leave of the appellant, which the appellant had inadvertently applied for in Fatehgarh Sahib since the appellant was temporarily posted in Civil Hospital Fatehgarh Sahib. Thereafter, the Civil Hospital Fatehgarh Sahib forwarded the same to this office for approval and after approval, the payment was made to the complainant.

It was further mentioned in the reply that the information regarding points 2,3 &4 relates to the service book of the complainant, which, on the transfer of the complainant, was sent online as well as offline to PHC Budhabar, District Hoshiarpur. However, despite writing letters on 04.03.2022 and 06.04.2022 to SMO-PHC Budhabar, the service book has not yet been received back, hence till the receipt of the service book from PHC Budhabar, the matter cannot be resolved.

Hearing dated 22.11.2022:

The case has come up for hearing today through video conferencing at DAC Gurdaspur. The appellant claims that the PIO has not supplied the complete information.

The respondent reiterated their earlier plea that the matter relates to the service book of the appellant which was sent to PHC Budhabar District Hoshiarpur, which, despite writing letters, has not been received back.

Having gone through the record, the Commission observes that since this is a complainant case and the complainant has come to the Commission under the provision of Section 18 of the RTI Act, 2005, in which no directions for providing further information can be given by the Commission.

The Hon'ble Supreme Court of India in its Order dated 12.12.2011 in Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP No.32768-32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information.

Since there is an alternative and efficacious remedy of the 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.

If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he/she will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act.,2005.

In view of the observations noted above, the instant case is remanded back to the concerned First Appellate Authority –cum-Civil Surgeon, Fatehgarh Sahib, with a copy of the RTI application for their ready reference. A compliance report of the same be sent to the Commission.

With the above observation and order, the case is **disposed of and closed.**

Chandigarh
Dated: 22.11.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

**Copy to:First Appellate Authority-cum-
Civil Surgeon, Fatehgarh Sahib.**