

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
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Shri Pawan Kumar Verma, S/o Shri Baldev Raj,
347-A, Surya Enclave, Near Ekta Nagar, Railway Crossing,
Jalandhar.

.....Complainant

Versus

Public Information Officer

O/o Tehsildar,
Jalandhar-1.

First Appellate Authority

O/o SDM,
Jalandhar-1

Remanded Back to FAA

Dr. Jai Inder Singh,
Sub Divisional Magistrate,
Jalandhar-1.

....Respondents

CC No. 55 of 2023

Present: i) **Shri Pawan Kumar-complainant in person.**
ii) **Shri Amrik Chand Clerk O/o Tehsildar, Jalandhar-1 – in person.**

ORDER:

1. The RTI application is dated 20.09.2022 vide which the Complainant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 26.10.2022. Complaint was filed in the Commission on 11.01.2023 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 29.03.2023. The case has been heard today. The complainant states that appropriate reply has not been given by the respondent and First Appellate Authority has also not heard him even after his filling the first appeal. That is why he has come to PSIC by filling a complaint case. He further elaborates and submits that he does not need information now but wants action against the PIO & FAA. He emphasises that action should be initiated against the PIO as well as the FAA for not supplying the information within the stipulated time as prescribed under the RTI Act, 2005 as also indulging in corrupt practices.

3. Shri Amrik Chand Clerk O/o Tehsildar, Jalandhar-1 comes present to attend today's hearing on behalf of the PIO without any authority letter. He states that point-wise reply to the RTI application of the complainant has been give vide letter dated 18.10.2022. Copy of the same is taken on record.

4. After going through the RTI application, the Bench observes that the complainant does not want any information but is emphasising on action against the corrupt practices in the O/o Tehsildar, Jalandhar-1. He has put allegations of corruption upon Smt. Manmeet Gupta, Reader to Naib Tehsildar. The FAA has not heard him inspite of his filling first appeal which is against the spirit of RTI Act.

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5. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Information Commissioner and another Versus State of Manipur and another in para 31 whereof, 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 which is as under:-

31. We uphold the said contention and do not find any error in the impugned judgment of the Hon'ble High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information."

As such, since the complainant has approached the Commission under the provisions of Section 18 of the RTI, 2005, no directions for providing further information can be given by the Commission. His grievances relating to corrupt practice in the O/o Tehsildar, Jalandhar-1 however need to be looked into and investigated.

6. 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

7. The instant matter is remanded back to the **First Appellate Authority i.e. Dr. Jai Inder Singh, SDM, Jalandhar-1**. 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. He is directed to hear the complainant within ten days and decide the matter.

8. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

9. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

**Chandigarh
29.03.2023**

**Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab**