

PUNJAB STATE INFORMATION COMMISSION
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(Regd. Post) **Sh. Harjit Singh(904486751)**
S/o Sh. Sawinder Singh,
R/o Vill. Aima Kalan,
Distt. Tarn Taran.

Complainant

Versus

(Regd. Post) **Public Information Officer**
O/o BDPO, Block Gandiwind,
Distt. Tarn Taran

Remanded Back

(Regd. Post) **First Appellate Authority,**
O/o DDPO, Tarn Taran.

Encl. RTI application

Respondent

Complaint case No.: 58 of 2023
Hearing through CISCO Webex

Present: None for the parties.

ORDER

1. The RTI dated 24.6.2022 vide which the complainant has sought information as enumerated in his RTI application. A complaint was filed in the Commission on 13.1.2023 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for hearing for 30.5.2023 through CISCO WEBEX application.
2. In today's hearing, both the parties are absent in spite of registered post notice issued to them by the Commission.
3. The Bench observes that the complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn towards 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.

4. 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.
5. 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.
6. In view of the above, the case is **disposed off and closed**. Copy of the order be sent to the parties.

Dated: 30.05.2023

(Anumit Singh Sodhi)
State Information Commissioner
Punjab