PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864113, Helpline No. 0172-2864100
Email: -psic22@punjabmail.gov.in
Visit us: -www.infocommpunjab.com

Sh. Makhan Singh, 99151-69047
(Regd. Post) S/o Sh. Jagir Singh,
Village Bika, District SBS Nagar. Appellant

Versus

Public Information Officer,
(Regd. Post) O/o Additional Civil Judge, Senior Division,
SBS Nagar.

REMANDED BACK:-
First Appellate Authority,
(Regd. Post) O/o Additional Civil Judge, Senior Division,
SBS Nagar.
Encl. RTI application Respondent

Complaint Case No.: 633 of 2022
Hearing through CISCO WEBEX

Present: (i) Complainant: Sh. Makhan Singh at PSIC office.
(ii) Respondent: Sh. HardipSingh, Reader to ACJ, SD, SBS Nagar (98725-06187)

ORDER:

1. This case may be read with the reference to the previous order dated 05.01.2023.
2. In today's hearing, both the parties are present for today's hearing.
3. Complainant, Sh. Makhan Singh states that no information has been supplied to him.
4. Respondent, Sh. Hardip Singh Dhaliwal states that reply vide letter no. 1231 dated 10.12.2022 is sent to the Commission, which is received vide diary no. 1015 dated 09.01.2023 and taken on record. He adds that respondent PIO was called in the Commission for today's hearing but he requested the Commission for hearing through webex through telephonic message, which was granted through telephonic message in this regard (webex meeting number 1582933632) by the undersigned Bench in prior.
5. After having detailed discussion with both the parties, it is observed that complainant is interested to collect the requisite information.
6. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. 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 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 provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

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. In case the complainant has any grouse, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.

If, however, 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.

7. In view of the observations noted above, the instant case is **disposed of & closed**. Copies of this decision be sent to the parties through **registered post**.

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

Dated: 26.04.2023