PUNJAB STATE INFORMATION COMMISSION
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Sh. Baljinder Singh(9988600047) Complainant
s/o Sh. Bachan Singh,
123/18, Nangal Kotli,
Behind Police Line,
Tehsil & Distt. Gurdaspur

Versus

Public Information Officer
O/o Secy., State Tpt. Authority,
Gurdaspur

Remanded Back

(Regd. Post) **First Appellate Authority (By Name)**
O/o Secy., State Tpt. Authority,
Gurdaspur

Encl. RTI application Respondent

Complaint case No.:732 of 2022
Hearing through CISCO Webex

Present: Complainant: Absent
Respondent : Ms Kanta, Clerk(9877750660)

ORDER

1. The RTI application is dated 15.7.2022 vide which the appellant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 18.10.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for hearing for 28.2.2023 through CISCO WEBEX application.
2. In today's hearing the complainant is absent and Ms. Kanta is present on behalf of the department states that reply was sent to the complainant on 18.08.2022 and no discrepancy has been pointed out by the complainant in the supplied reply till date.
3. Complainant is absent in spite of registered post notice issued to him by the Commission.
4. After going through the file, it is observed that this is the complaint case. 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).
5. 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.

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

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

Dated: 28.02.2023