



Sh. Mohinder Singh, (7347310845)

S/o Sh. Mann Singh,
Village Nainwa, Tehsil Garhshankar,
Distt Hoshiarpur.

.....Appellant/Complainant

Versus

Public Information Officer

O/o Block Development and Panchayat Officer, Garhshankar,
Distt. Hoshiarpur.

.....Respondent

Complaint Case No. 733 of 2022

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Date of RTI Application	Date of Reply, if any of SPIO	Date of Appeal/Complaint filed in the Commission
01.08.2022	-	21.10.2022

Present: Complainant: Sh. Mohinder Singh
Respondent: Absent

ORDER:

1. The Complainant filed above mentioned complaint case in the Commission. Accordingly, the case is fixed for today.

2. The complainant has approached 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 rendered on 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.

3. 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.

4. 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.

5. In view of the observations noted above, the instant case is remanded to the concerned First Appellate Authority along with a copy of RTI application for their ready reference and is also directed to call the complainant Sh. Mohinder Singh within 15 days of receipt of this order provide the information/reply pertaining to this RTI application. A compliance report of the same has to be sent in the commission. The appeal is disposed of accordingly, with the above observations and directions.

Chandigarh
Dated: 10.04.2023

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Pb.

First Appellate Authority
O/o DDPO, Hoshiarpur

– for compliance of the Order