

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
SECTOR 16, CHANDIGARH.**



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Helpline No.0172-2864100(From 10.00 AM to 04.00 PM on working days)

Shri Charanjit Singh, (Er.)
1202, Near Light HB Society,
Sector 51- B, Chandigarh.

...Complainant

Versus

Public Information Officer
O/o Deputy Chief Engineer,
HR & Admin,
PSTCL, Patiala.

REMANDED BACK

(Regd. Post) First Appellate Authority,
O/o Chief Engineer
HIS&D, PSTCL, Patiala.

....Respondents

CC No. 770 of 2022

Present:

- i) **Complainant: Shri Charanjit Singh, in person.**
ii) **Er. Kuldeep Singh, PIO –cum- SE / HR & Admin,
Er. Gurpreet Kaur, Senior XEN/ Admin,
Er. Amritpal Singh, DYCE / P& M Circle,
Er. Jatinder Kumar, Additional SE /TA,
Er. Gaurav Aggarwal, Sr. XEN/ TS(D)- III,
Er. Amit Bhatti, Additional SE, 400 KV, Nakodar,
Er. Udedeep Singh Dhillon, SE P & M, Circle and
Er. Rakesh Vohra, Sr. XEN / 400 KV, Bhalwan from O/o PSTCL, in person.**

ORDER:

1. The RTI application is dated 17.08.2022 vide which the complainant has sought information as enumerated in his RTI application and the complaint was filed in the Commission on 10.11.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 19.01.2023. Accordingly, the case has been heard today. Shri Charanjit Singh, complainant states that no information has been supplied to him yet. He further mentions about an email dated 30.12.2022, which has already been sent to the Bench, which is seen and taken on record.
3. Shri Kuldeep Singh, PIO states that the information as available in their record has already been supplied to the complainant by the different PIO's of the PSTCL. He further mentions about letter number 7259 dated 09.09.2022, 425 dated 11.01.2023, 426/32 dated 06.01.2023 and 605 dated 16.01.2023, which has already been sent to the Bench and the same is seen and taken on record.
4. Shri Charanjit Singh, complainant states that his RTI application relates with the two PIO's only i.e. Director Technical and Director Finance.
5. The Bench observes that the complainant is not satisfied with the response given by multiple PIO's involved in addressing his RTI application.

The Bench remarks that the complainant has not availed the provision of 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 to the decision of the judgement 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 judgement 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.

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. Shri Rajeev Gupta, Chief Engineer (HIS&D), PSTCL, Patiala.** 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 above, this complaint case is **disposed off and closed.** Copies of the orders be sent to the parties.

Sd/-

**Chandigarh
19.01.2023**

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

Copy to (By Regd. Post):

**First Appellate Authority, (Shri Rajeev Gupta)
Chief Engineer, (HIS&D),
PSTCL, Patiala.**

Encl. RTI application