

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864112, Email: - psic23@punjabmail.gov.in

Visit us: - www.infocommpunjab.com; Helpline No. 0172-2864100



Shri Sukhwant Singh, (78141 55500)

S/o Shri Jeet Singh,
Village Sidhupur Kalan, Tehsil Khamanoo,
District Fatehgarh Sahib.

....Complainant

Versus

Public Information Officer,

O/o Block Development and Panchayat Officer,
Block Khamanoo, District Fatehgarh Sahib.

....Respondent

COMPLAINT CASE NO. 340 OF 2022 **(Cisco Webex Proceedings)**

PRESENT: Shri Sukhwant Singh, Complainant.
None on behalf of the Respondents.

ORDER:

The RTI application is dated 10.12.2021 whereby the Complainant has sought information as mentioned in his RTI application. He filed complaint in the Commission on 27.05.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). The notice of hearing was issued to the parties for 13.10.2022. Accordingly, the case has been heard today.

2. The Complainant states that demanded information has not been provided to him. The PIO is absent for today's hearing and he has also not provided information to the complainant.

3. In view of the above, the Bench observes that the complainant has directly approached the Commission by preferring complaint in the Commission. The Bench further observes that the Complainant has not availed an alternative and efficacious remedy of first appeal available 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. 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. 10787-10788 of 2011 (arising out of SLP(C) No. 32768-32769/2010) - Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereby, 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.

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-02-

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5. 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. 10787-10788 of 2011 (arising out of SLP(C) No. 32768-32769/2010) - Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereby, 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.

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, this case is hereby, **REMANDED BACK** to the First Appellate Authority who is directed to decide the RTI application afresh as per provisions of the RTI Act, 2005.

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 Complaint Case is hereby, **Disposed Off and Closed**. Copies of the order be sent to the parties.

Chandigarh
13.10.2022

Sd/-
(Maninder Singh Patti)
State Information Commissioner Punjab

Copy is forwarded to the following for intimation and further necessary action along with RTI application dated 10.12.2021.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Fatehgarh Sahib.