

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



Ms. Charanjit Kaur, (89681 70428)
W/o Shri Baghel Singh,
95, Sector 5 C, New Shastri Nagar,
Mandi Gobindgarh, District Fatehgarh Sahib-147301

....Complainant

Versus

Public Information Officer,
O/o Gram Panchayat,
Jalla, District Fatehgarh Sahib.

....Respondent

COMPLAINT CASE NO. 399 OF 2022

PRESENT: Ms. Charanjit Kaur, Complainant.
Advocate Amrao Singh Sarao on behalf of the Respondents.

ORDER:

This order may be read with reference to the order dated 13.10.2022 passed by this Bench on the previous hearing.

2. The Complainant appears in person and reiterates her earlier version that incomplete information has been provided to her.

3. The Respondent appears in person files his written reply in response to the previous order of the Commission.

4. 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.

5. The attention of the Complainant is drawn to 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-

COMPLAINT CASE NO. 0399 OF 2022

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
23.11.2022**

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

Copy of above is forwarded to the following for information and further ncessary action along with RTI application dated 21.03.2022:-

**The First Appellate Authority – cum –
District Development and Panchayat Officer,
Fatehgarh Sahib.**

**The Public Information Officer – cum –
Block Development and Panchayat Officer,
Sirhind – 2, District Fatehgarh Sahib.**