

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,  
Sector 16, Chandigarh.

Ph: 0172-2864110, Helpline 0172-2864100

Email: [pcic20@punjabmail.gov.in](mailto:pcic20@punjabmail.gov.in) Visit us: [www.infocommpunjab.com](http://www.infocommpunjab.com)

Whatsapp No. 62848-20189



Sh. Surjit Singh s/o Sh. Joginder Singh  
r/o House No. 63,  
Village ChakBala  
Tehsil Ajnala Amritsar  
9855687901

.. complainant

Vs

Public Information Officer  
o/o Tehsildar  
Lopoke, Amritsar

Sh Rajesh Kumar, PCS  
Sub Divisional Magistrate  
Lopoke, Amritsar

..Respondent

Complaint Case No.672 of 2022  
(Video Conference Proceedings)

Present:- Sh. Surjit Singh, complainant & Sh. Nanak Singh Bhatti, Advocate  
Sh. Kartar Singh, Reader to Tehsildar, Amritsar on behalf of the respondents

## ORDER

The RTI Application is dated 21.8.2022 vide which the complainant has sought information as enumerated in his RTI Application. Complaint was filed in the Commission on 11.10.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The complainant requested that the directions may be issued to the respondent-Public Information Officer to provide the complete information.

3. It is appropriate to mention that 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. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

An alternative and efficacious remedy of first appeal is available to the complainant

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under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case. Since the complainant is interested in getting the information, therefore, the matter is remanded back to Sh. Rajesh Kumar, PCS, SDM-cum-First Appellate Authority to take appropriate decision in accordance with the provisions of the RTI Act within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order. A copy of this complaint filed by the complainant is also **being sent** to him along with this order with the directions that the same may be treated as first appeal.

4. With these directions the case is disposed of and closed. However, the liberty is granted to the complainant to file the 2<sup>nd</sup> appeal in this case, if he is not satisfied with the decision of the First Appellate Authority.

sd

Dated:31.1.2023

(Suresh Arora)  
Chief Information Commissioner,  
Punjab.