

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Helpline No. 0172-2864100



Sh. Sohan Singh, S/o Sh/ Teja Singh
R/oJamaRakhiya Uttar Thana,Mamdot
Tehsil and Distt.Ferozepur -152023 (9781370221)

.....Appellant

..Vs

Public Information Officer,

O/o DGP, Punjab
Sector 9, Chandigarh

First Appellate Authority

O/o DGP, Punjab
Sector 9, Chandigarh

Registered post: Public Information Officer

o/o SSP, Ferozepur

.....Respondent

AC No.4107 of 2020

Through CISCO Webex

Present : (i) None for the appellant
(ii) For the respondent : Sh. Ram Parsad, Sr. Assistant (9855464748), O/o
Bureau of Investigation, Punjab, ASI Sukhdev Singh,(94631-11108) O/o SSP,
Ferozepur

ORDER

This order may be read with reference to the previous order dated
06.05.2021.

2. The Appellant is not present today.
3. Sh Ram Parshad appearing on behalf of PIO O/o Bureau of Investigation, Punjab states that the RTI of the Appellant has been transferred to them by the PIO O/o DGP, Punjab,. He further states that the information is lying with PIO O/o SSP, Ferozepur . Hence, they had transferred the RTI of the Appellant to PIO O/o SSP, Ferozepur. ASI Sukhdev Singh is appearing on behalf of PIO O/o SSP, Ferozepur. He states that the information running into 21 pages has been provided to the Appellant. The Respondent has also filed a copy of the same vide Commission diary no. 13811 dated 28.06.2021.

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AC No.4107 of 2020

4. After perusing the case file, it is ascertained that the information has been provided to the Appellant. The appellant is absent today. He has not informed the Commission about his absence for today's hearing, hence it is presumed that he is satisfied with the information provided by the respondent.

5. In view of the foregoing, no further cause of action is left. Hence, the Appeal case filed by the Appellant is disposed off and closed. Copy of the orders be sent to the parties.

Dated : 01.07.2021

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab



Sh. Baldev Singh, S/o Sh. Parkash Singh
R/o Village Malikpur, Tehsil Nawashaher,
Distt. SBS Nagar

.....Complainant

..Vs

Public Information Officer,
O/o Deputy Commissioner,
SBS Nagar
Registered post
First Appellate Authority
O/o Deputy Commissioner,
SBS Nagar

.....Respondent

CC No. 669 of 2020
(through CISCO-Webex)

Present: (i) Sh. Deepak Verma on behalf of the complainant
(ii) For the respondent: Sh. Davinder Kumar, DDPO, (9876017350)

ORDER

This order may be read with reference to the previous order dated 06.05.2021.

2. After going through the file, it is observed that this is the complaint case. 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. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. 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 judgment of the 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).

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CC No. 669 of 2020

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.

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. In case the complainant has any grouse, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a 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 **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Sd/-

Chandigarh
Dated: 01.07.2021

(Preety Chawla)
State Information Commissioner
Punjab

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Sh.Harmesh Lal, S/o Sh. Chaman Lal,
R/o Village Jandu Singha, Tehsil and Distt. Jalandhar
(7837018066)

.....Complainant

..Vs

Public Information Officer,
O/o DGP (Punjab)
Chandigarh

Registered post

Remanded Back to
First Appellate Authority
O/o DGP (Punjab), Sector 9
Chandigarh

.....Respondent

CC No. 199 of 2021
Through CISCO-Webex

Present: (i) Sh. Harmesh Lal the complainant
(ii) For the respondent : Sh. Gurtej Singh, Suptd (9855611607)

ORDERS

This order may be read with reference to the previous order dated 06.05.2021.

2. After going through the file, it is observed that this is the complaint case. 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. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. 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 judgment of the 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).



CC No. 199 of 2021

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.

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. In case the complainant has any grouse, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a 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 **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Sd/-

Chandigarh
Dated: 01.07.2021

(Preety Chawla)
State Information Commissioner
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Sh.Kunal Sehgal, S/o Sh. Ajay Sehgal,
R/o 339, Chotti Baradari, Part I,
Near Medical College, Jalandhar – 144001
(9915412163)

.....Appellant

..Vs

Public Information Officer,
O/o AIG Security, Sector 9, Chandigarh
First Appellate Authority
O/o IGP (Security) Sector 9, Chandigarh
Registered post:

Public Information Officer
o/o Department of Governance Reforms, Punjab
Mini Sectt, Sector 9, Chandigarh

Remanded back to
First Appellate Authority
o/o Department of Governance Reforms, Punjab
Mini Sectt, Sector 9, Chandigarh

.....Respondent

AC No. 4068 of 2020

Through CISCO-Webex

Present: (i) Sh. Kunal Sehgal the appellant
(ii) For the respondent : Sh. Sarabjit Singh, Sr. Assistant
(9646033480) o/o Governance Reforms

ORDERS

This order may be read with reference to the previous order dated 06.05.2021 vide which Respondent no. 1 i.e. PIO, o/o AIG Security was exempted from further hearings.

2. Today Sh. Sarabjit Singh is appearing on behalf of the respondent no. 2 states that PIO is on leave, therefore, he has sought another date.

3. The appellant states that he is not satisfied with the reply of the respondent no.1.

4. After hearing both the parties and examining the case file, it is observed that the appellant is not satisfied with the information provided. Respondent no. i.e. PIO, o/o IGP (Security) is exempted from hearings as they have submitted notification dated 07.06.2016.

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AC No. 4068 of 2020

5. Regarding the remaining information, which is lying with the PIO, Department of Governor reforms, the Commission remands this case to First Appellate Authority (FAA) o/o Department of Governance Reforms, Punjab who is directed to dispose of the appeal of Sh. Kunal Sehgal. The Commission, hereby, directs the FAA to treat the copy of the appeal (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.

6. The FAA, o/o Department of Governance Reforms, Punjab Mini Sectt, Sector 9, Chandigarh is directed to peruse all the relevant documents during the hearing and examine whether the information provided by the PIO is complete, relevant and correct. Where the FAA is satisfied that the information provided by the PIO is as per the records, the First Appeal shall be disposed of. In the event, there are any deficiencies in the information provided by the PIO, the FAA shall direct the PIO to provide the complete information in reply to the RTI application to the appellant.

7. If not satisfied with the information provided on his appeal, Appellant –Sh. Kunal Sehgal will be free to move a second appeal before the Commission as per Section 19(3) of the RTI Act 2005.

8. In view of the above, no further cause of action is left and the complaint is **closed and disposed of**. Copies of the order be sent to the parties.

Sd/-

Chandigarh
Dated: 01.07.2021

(Preety Chawla)
State Information Commissioner
Punjab