

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864117, Email: - psic27@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh Lajpat Rai, S/o Sh Harbans Lal, (M-9814230616)
House No.7355, Zone-4,
Street No II, Ganesh Estate, Bathinda

.....Appellant

..Vs

Public Information Officer,
O/o Punjabi University, Patiala
Remanded back to

Registered post: First Appellate Authority
o/o Punjabi University, Patiala

.....Respondent

CC No. 663 of 2020
Through CISCO WEBEX

Present: (i) Sh Lajpat Rai Garg, Complainant
(ii) For the Respondent: Sh Vikrant Sharma, Counsel for the Respondent

ORDER

1. The RTI application is dated 07.02.2020 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 15.09.2020 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 02.11.2020 through CISCO-Webex (Video Conferencing Application).

3. The Appellant states that no information has been provided to him so far.

4. The Counsel for the Respondent states that the Complainant has not filed Appeal before the First Appellate Authority.

5. 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).

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.

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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. 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.

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. In view of the above, the instant Complaint filed by the Complainant is **disposed of and closed**. Copy of the orders be sent to the parties.

Sd/-

Dated :02.11.2020

(Preety Chawla)
State Information Commissioner
Punjab