

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864113, Helpline No. 0172-2864100

Email: - psic22@punjabmail.gov.in

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Sh. Sanjeev Thakur (9814289764)

s/o Sh. Ashok Kumar,
148, Model Town,
Bathinda – 151001.

Appellant

Versus

Public Information Officer

O/o Regional Transport Officer, Gurdaspur

First Appellate Authority

O/o State Tpt. Commissioner, Pb, Chandigarh

Respondent

Appeal Case No.: 3561 of 2021
Through CISCO WEBEX

Present:

(i) Appellant - absent

(ii) For the respondent PIO: Sh. Gurkeerat Singh,

ORDER

1. The RTI application is dated 29.04.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 15.06.2021 and second appeal was filed in the Commission on 6.8.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for hearing for 4.5.2022 through CISCO WEBEX application.
2. In today's hearing, respondent Sh. Gurkeerat Singh states that requisite information has already been sent to the appellant on 23.5.2021 and further forwarded vide forwarding letter No.817-818 dated 2.5.2022. He further states that sufficient time has elapsed the appellant has not pointed out any deficiency in the supplied information.
3. Appellant is absent despite being aware about the date of hearing, which means he has nothing to say in this regard. It is also observed that no communication is received from the appellant
4. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties.

Dated: 04.05.2022

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Sh. Jagpreet Singh (9592481565)

s/o Sh. Balraj Singh,
R/O Burj Mehma,
Tehsil & Distt. Bathinda
Bathinda – 151001.

Complainant

Versus

Public Information Officer

O/o D.C., Bathinda

Remanded Back:

First Appellate Authority (By Name)

(Regd. Post) O/o D.C., Bathinda

Encl. RTI application

Respondent

Complaint Case No.: 725 of 2021

Through CISCO WEBEX

Present:

(i) Complainant - absent

(ii) For the respondent PIO: Ms. Savita Gupta (Superintendent)

ORDER

1. The RTI application is dated 22.1.2021 vide which the complainant has sought information as enumerated in his RTI application. The complainant filed a complaint with in the Commission on 8.6.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for hearing for 4.5.2022 through CISCO WEBEX application.
2. In today's hearing the complainant is absent and Ms. Savita Gupta from respondent states that reply has already been sent to the complainant on 27.01.2021 in connection with RTI dated 22.01.2021.
3. 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).
4. 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.
5. 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.
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.
6. 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**.

Dated: 04.05.2022

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Complainant

Sh. Gurjeet Singh (6284606667)

s/o Sh. Amarjeet Singh,
R/O Nihal Singhwala,
Tehsil & Distt. Bathinda
Bathinda – 151001.

Versus

Public Information Officer

O/o D.C., Bathinda

Remanded Back:

First Appellate Authority (By Name)

(Regd. Post) O/o D.C., Bathinda

Encl. RTI application

Respondent

Complaint Case No.: 726 of 2021

Through CISCO WEBEX

Present:

(i) Complainant - absent

(ii) For the respondent PIO: Ms. Savita Gupta (Superintendent)

ORDER

1. The RTI application is dated 18.1.2021 vide which the complainant has sought information as enumerated in his RTI application. The complainant filed a complaint with in the Commission on 8.6.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for hearing for 4.5.2022 through CISCO WEBEX application.
2. In today's hearing the complainant is absent and Ms. Savita Gupta from respondent department is present.
3. 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).
4. 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.
5. 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.
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.
6. 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**.

Dated: 04.05.2022

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Sh. Ravinder Kataria (8544841830/9463133590)

64, New Sant Fateh Singh Nagar,
Dugri Road, Ludhiana 141002.

Appellant

Versus

Public Information Officer

O/o SDM, Budhlada

First Appellate Authority

O/o SDM, Budhlada

Respondent

Appeal Case No.: 2588 of 2021

Through CISCO WEBEX

Present: (i) Sh. Ravinder Kataria- appellant (On phone)

(ii) For the respondent: Ms. Rani Kaur (SA)

ORDER

1. Refer earlier order dated 18.11.2021 vide which department was directed to supply the exact information to the appellant within 7 days and the case was adjourned to 4.5.2022 i.e. today.
2. In today's hearing, the appellant informs telephonically that he has received the information as per his RTI application. He further requests to close this present case.
3. Respondent, Ms. Rani Kaur is present.
4. In view of the observations noted above, no further cause of action is required. Therefore, the instant case is **disposed of**. Copies of this decision be sent to the parties.

Dated: 04.05.2022

**(Anumit Singh Sodhi)
State Information Commissioner
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Sh. Harinderjit Singh (7986112008)

R/o Waraich Colony,
Tehsil Samana, Distt. Patiala.

Appellant

Versus

Public Information Officer

O/o Subordinate Service Commission
Selection Board Pb., Forest Complex,
Sector 68, SAS Nagar(Mohali).

First Appellate Authority

O/o Subordinate Service Commission
Selection Board Pb., Forest Complex,
Sector 68, SAS Nagar(Mohali).

Respondent

Appeal case No.: 3029 of 2021
Through CISCO WEBEX

Present: None present.

ORDER

1. The above mentioned case was earlier heard on 23.11.2021 wherein appellant was absent and last opportunity was given to him to point out deficiency in the provided information. Matter was adjourned for further hearing on 31.01.2022.

The above mentioned case was allocated to the undersigned Bench on 03.01.2022 but matter was not heard on the fixed date 31.01.2022 and fixed for today i.e. 04.05.2022.

2. In today's hearing both the parties are absent. It is observed that notice of hearing sent to the appellant by the Bench of Ld. SIC, Sh. Hem Inder Singh (remarks 'insufficient address') and by the undersigned Bench (RTI Returned) received to the Commission but address is correct as per the case file.
3. In view of the observations noted above, no further cause of action is required. Therefore, the instant case is **disposed of**. Copies of this decision be sent to the parties.

Dated: 04.05.2022

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

Note: After hearing of the court Sh. Harsimaranjit Singh, SA makes a call stating therein that he could not attend meeting due to technical problem and he was apprised with the proceedings of this hearing.

Dated: 04.05.2022

(Anumit Singh Sodhi)
State Information Commissioner
Punjab