

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864116, Email: - psic26@punjabmail.gov.in

Visit us: - www.infocommpunjab.com CISCO Webex Meeting Code : 15857-23975

Helpline No. 0172-2864100 (10:00 AM to 04.00 PM on working days)



Shri Mangal Singh,
S/o Shri Rampal,
Village Buta Singh Wala @ Harigarh,
Tehsil Patran, Distt. Patiala.

--Appellant.

Versus

Public Information Officer

O/o Block Dev. & Panchayat Officer,
Samana.

First Appellate Authority:

O/o Distt. Dev. & Panchayat Officer,
Patiala.

..Respondent

Appeal Case No. 4703 of 2021

Present:- (i) **Shri Mangal Singh, appellant** (through cisco webex)
(ii) **Shri Jasbir Singh, Panchayat Secretary, Gram Panchayat, Boota Singh Wala, District Patiala, in person.**

ORDER

(Heard in person/through cisco webex)

1. This Order may be read with reference to the Order dated 29.03.2022 passed by this Bench on the previous hearing.
2. The case has been heard today. Shri Mangal Singh, appellant comes present through CISCO Webex to attend the hearing.
3. Shri Jasbir Singh, Panchayat Secretary comes present to attend the hearing in person before the Bench and states that he has brought along the information for handing over to the appellant.
4. The appellant is apprised of the version of Shri Jasbir Singh, Panchayat Secretary and that the information will be sent to him by registered post by Shri Jasbir Singh. On the asking of the Bench, Shri Jasbir Singh states that he has been transferred but assures the Bench that the information will be positively sent by registered post to the appellant in today itself. He also states that this is complete information and nothing beyond this is available in official records.
5. In view of the assurance given by the representative of PIO, **the instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

Chandigarh
04.07.2022

Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab

Copy to):
Shri Jasbir Singh, Panchayat Secretary, Gram Panchayat,
Boota Singh Wala, District Patiala.

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Shri Narinder Singh,
S/o Shri Malkit Singh,
R/o Village Chota Budha Theh,
(Adarsh Nagar), Bias, Block Rayya,
Tehsil Baba Bakala Sahib,
District Amritsar.

..... Appellant

Versus

Public Information Officer,
O/o Block Dev. & Panchayat Officer,
Block Rayya, Tehsil Baba Bakala Sahib,
Distt. Amritsar.

First Appellate Authority,
O/o Distt. Dev. & Panchayat Officer,
Amritsar.

.....Respondent

Appeal Case No. 1953 of 2021

Present:- (i) **Appellant - absent.**
(ii) **Shri Raj Kumar, Panchayat Secretary, on behalf of the PIO/respondent.**

ORDER

1. This order may be read with reference to the order dated 29.03.2022 passed by this Bench on the previous hearing.
2. The case has been scheduled today. Shri Narinder Singh, appellant has not come present to attend the hearing in person or through CISCO Webex.
3. Shri Raj Kumar, Panchayat Secretary, Gram Panchayat, Beas O/o BDPO Rayya, Tehsil Baba Bakala Sahib, District Amritsar comes present to attend the hearing through cisco webex and states that the information has been supplied to the appellant vide letter dated 24.12.2021 and given by hand.
4. The appellant is contacted on mobile phone. On the asking of the Bench, he confirms receipt of information to his satisfaction and gives his consent to close the case.
5. In view of the above, no further cause of action is left in the matter. **The instant appeal case is disposed off and closed.** Copies of the Order be sent to the concerned parties.

Chandigarh
04.07.2022

Sd/-
((Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab

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Shri Jaswant Singh
S/o Late Shri Bhajan Singh
R/o H.No.30, Sun City,
Ward No.6, Village Jasia,
Ludhiana.

.....Complainant

Versus

Public Information Officer

O/o Sr. Superintendent of Police,
Fazilka.

Remanded Back

First Appellate Authority

O/o Dy. Inspector General of Police,
Ferozepur Range, Ferozepur Cantt.

....Respondents

CC No.252/2022

Present:

(i) Complainant- absent.

(ii) ASI Surinder Singh, RTI Cell, O/o SSP Fazilka on behalf of the PIO/respondent..

ORDER

(Heard in person/on mobile phone)

1. The RTI application is dated 20.01.2022 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 29.04.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 04.07.2022. The case has been heard today. Shri Harnam Singh, complainant has not come present in person or through cisco webex.
3. ASI Surinder Singh, O/o SSP Fazilka comes present to attend the hearing in person before the Bench. He states that he has sought information regarding case registered in connection with the arrest of Shri Varinder Singh and Shri Gurpreet Singh on 17.09.2021 by P.S. City, Jalalabad and states that the information has been supplied to the appellant vide letter dated 22.06.2022 stating that the said persons were arrested on 18.09.2021 and not on 17.09.2021.
4. The complainant Shri Harnam Singh is contacted on mobile phone. He is apprised of the version of the representative of PIO. He does not agree with the version of PIO's representative and expresses his dis-satisfaction over the inputs given and states that the arrests were made on 17.09.2021 and not on 18.09.2021.
5. The Bench observes that the complainant is not satisfied with the reply of PIO and has directly approached the Commission by preferring complaint in the Commission. The Bench further observes that the complainant has not availed the provision of Section 19(1) of the RTI Act by filing an appeal with the

First Appellate Authority (FAA). As such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Information Commissioner and another Versus 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 Hon'ble 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 provisions of Section 18 of the RTI, 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

7. The instant matter is remanded back to the **First Appellate Authority i.e. Shri Inderbir Singh, IPS, Deputy Inspector General of Police, Ferozepur Range, Ferozepur Cantt.** The Commission hereby directs the FAA to treat the copy of the Complaint (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. He is directed to hear the complainant within ten days and decide the matter.

8. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

9. In view of the above, **the case is disposed off and closed.** Copy of the order be sent to the parties.

**Chandigarh
04.07.2022**

**Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab**

Copy to (By Regd. Post):

**First Appellate Authority, Shri Inderbir Singh, IPS,
Deputy Inspector General of Police, Fazilka.**

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Shri Jasbir Singh,
Village Bholapur Jhabewal,
Post Office, Ramgarh,
District Ludhiana.

..... Appellant

Versus

Public Information Officer,
O/o Sub Divisional Magistrate,
Fazilka.

First Appellate Authority,
O/o Sub Divisional Magistrate,
Fazilka.

.....Respondent

Appeal Case No. 1985 of 2022

Present:- (i) **Appellant- absent.**
(ii) **Shri Pran Sehgal, Data Entry Operator, O/o SDM Fazilka,**
on behalf of the respondent, in person.

ORDER

1. The RTI application is dated 17.01.2022 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 17.02.2022 and the second appeal was filed in the Commission on 20.04.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 04.07.2022. Accordingly, the case has been heard today. Shri Jasbir Singh, appellant has not come present to attend the hearing in person before the Bench or through cisco webex.

3. Shri Pran Sehgal, Data Entry Operator, O/o SDM Fazilka comes present in person before the Bench to attend the hearing on behalf of the PIO/respondent. He states that the information has been supplied to the appellant vide letter dated 14.02.2022 and produces a copy of the same before the Bench.

4. On perusal of the case file, the Bench observes that an e.mail dated 02.07.2022 has been received from the appellant whereby he has confirmed the receipt of information and has also given his consent to close the case.

5. In view of the above, no further cause of action is left in the matter. **As such, the instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

Chandigarh
04.07.2022

Sd/-
((Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab

