



Sh.Lakhbir Singh, S/o Sh. Kartar Singh
House No. 70/01, Moon Avenue,
Majitha Road, Amritsar

.....Complainant

..Vs

Public Information Officer,
O/o ADGP, Intelligence,
Punjab, Mohali

Registered post

Remanded Back to
First Appellate Authority
o/oADGP Intelligence
Punjab, Mohali

.....Respondent

CC No. 713 of 2021
Through CISCO WEBEX

Present: (i) Sh. Lakhbir Singh the complainant
(ii) For the respondent : Sh. Rajinder Singh, ASI (9779718110)

ORDER

1. The RTI application is dated 12.04.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 07.06.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 04.08.2021 through CISCO Webex i.e. today.
3. The complainant Sh.Lakhbir Singh states that no information has been given to him so far.
4. The respondent Sh. Rajinder Singh states that the Intelligence wing is exempted from RTI under Section 24(4) of the RTI Act 2005.
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:-



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(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.

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.

8. 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 : 04.08.2021

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab



Sh. Ajay Sharma, S/o Late Sh. Jagdish Sharma
Street No. 42, Preet Nagar Shimlapuri,
Ludhiana – 141003 (7973081420)

.....Complainant

..Vs

Public Information Officer,
O/o Director General of Punjab
Punjab Police Headquarters, Sector 9,
Chandigarh
Remanded Back to
First Appellate Authority
O/o DGP Punjab, Sector 9,
Chandigarh

.....Respondent

CC No.717 of 2021
Through CISCO WEBEX

Present: (i) Sh. Sushil Kumar on behalf of the complainant
(ii) For the respondent : Smt. Navneet Kaur (8699401178)

ORDER

The RTI application is dated 03.05.2021 whereby the information-seeker seeks *Action Taken Report on his applications dated 27.08.2018 to 30.04.2021 sent to Hon'ble Chief Minister, Punjab (ii) Action Taken Report on his email dated 01.05.2021 sent to DGP Punjab (iii) Copies of Action Taken Report on his letters from 27.08.18 to 30.04.2021 and lodging FIR No. 46 dated 31.05.2019 within 40 minutes by PS, Shimlapuri (Ludhiana) etc.* On not receiving information, he further filed complaint in the Commission on 07.06.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 04.08.2021 through CISCO Webex i.e. today.

3. Sh. Sushil Kumar is appearing on behalf of the complainant and states that no information has been given to the complainant so far.

4. 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



CC No.717 of 2021

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.

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.

6. 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.

7. 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 : 04.08.2021

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab



Sh. Harminder Singh, Advocate
2877, Phase 7, Mohali

..Vs

Public Information Officer,
O/o Mc, Mohali

.....Complainant

.....Respondent

CC No.610 of 2021
Through CISCO WEBEX

Present: (i) Sh. Harminder Singh the complainant
(ii) None for the parties

ORDER

It has come to the notice of this bench that the appellant Sh. Harminder Singh has been black listed by the Bench of former SIC, Sh. Surinder Awasthy vide order dated 27.01.2015. Therefore the above said appeal is not entertaining by this bench and the appeal filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Dated : 04.08.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

CC: Deputy Registrar is requested to bring the fact of Black listing Sh. Harminder Singh by the bench of former SIC, Sh. Surinder Awasthy vide order dated 27.01.2015 (copy enclosed) to the notice of all benches of the Commission.



Sh. Shivaiei Rattan, (Advocate)
Chamber No. 604, Distt. Kachairi, Ludhiana

.....Complainant

..Vs

Public Information Officer,
O/o Director Forensic Science Laboratory,
Phase-4, Mohali

Registered post

Remanded back to
O/o Director Forensic Science Laboratory,
Phase-4, Mohali

.....Respondent

CC No.596 of 2021
Through CISCO WEBEX

Present: (i) None is present on behalf of the complainant
(ii) For the respondent : Sh. Surinder Singh, Senior Assistant
(9878022580)

ORDER

The RTI application is whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 18.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 04.08.2021 through CISCO Webex i.e. today.

3. The complainant is absent today.

4. The respondent Sh. Surinder Singh states that the complete information has been sent to the complainant.

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:-



CC No.596 of 2021

(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.

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.

8. 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/-

Dated : 04.08.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab



Sh. Satinder Kumar Gupta,
1, Sector 12, Panchkula (9416128600)

.....Complainant

..Vs

Public Information Officer,
O/o SSP, Mohali

REGISTERED POST

Remanded back to
O/o SSP, Mohali

.....Respondent

CC No. 612 of 2021
Through CISCO WEBEX

Present: (i) None is present on behalf of the complainant
(ii) For the respondent : Smt. Rajwinder Kaur, Head Constable
(8283060022)

ORDER

The RTI application is dated 13.03.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 21.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 04.08.2021 through CISCO Webex i.e. today.

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).



CC No. 612 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.

4. 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.

5. 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**.

Sd/-

Dated : 04.08.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab