

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864118, Email: - psic28@punjabmail.gov.in

Visit us: - www.infocommpunjab.com



COMPLAINT CASE NO. 0628 OF 2020

Sh. Balvir Singh, (9780601415)
S/o Sh. Balwant Singh,
R/o Village Badhochhi Kalan,
Tehsil & District Fatehgarh Sahib.

...Complainant

Versus

Public Information Officer,
O/o District Education Officer (Secondary),
S.A.S. Nagar (Mohali).

...Respondent

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Shri Balvir Singh, Complainant.
Shri Rajiv Kumar, Superintendent –cum –PIO.

ORDER:

This order may be read with reference to the previous order dated 17.11.2020.

The Respondent – PIO states that available information has already been provided to the Complainant vide letter dated 07.07.2020 and again vide letter dated 12.11.2020 by registered post.

The Complainant states that the incomplete information has been provided to him by the Respondent.

In these circumstances, it is relevant to invite the attention of the Complainant to the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. 10787-10788 of 2011 (arising out of SLP(C) No. 32768-32769/2010) - Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereby, 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. 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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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 about the provided information, 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.

In view of the observations noted above, the instant Complaint Case is hereby, **disposed of and closed.** Copies of the order be sent to the parties.

Chandigarh
05.01.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 2122 OF 2020

Sh. Varinder Kumar, (9464260038)
H. No. 142, Street No. 6,
Punia Colony, Sangrur.

...Appellant

Versus

Public Information Officer,
O/o Director,
Public Instructions (Secondary),
Punjab School Education Board Complex,
Phase-8, S.A.S. Nagar (Mohali).

First Appellate Authority

O/o Secretary,
Punjab School Education Department,
Punjab Civil Secretariat,
Sector – 9, Chandigarh.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Shri Varinder Kumar, Appellant.
Shri Tejinder Singh, Sr. Assistant, Edu-3, on behalf of the Respondents.

ORDER:

This order may be read with reference to the previous order dated 14.10.2020.

The Appellant states that incomplete information has been provided to him by the Respondents.

The Respondents states that information available in their record has already been supplied to the Appellant vide letter dated 17.11.2020. He further states that he has sent the original Affidavit to the Appellant vide dated 28.12.2020 in response to the information supplied. Copy of the same sent to the Commission.

After examining the case file, it is revealed that available information has already been supplied to the Appellant and after that an Affidavit has been filed by the Respondent in response to the information supplied, which is also sent to the Appellant. Therefore no further action is required in this case, hence, the Appeal Case is **disposed off and closed**. Copies of the order be sent to the parties.

Chandigarh
05.01.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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SECTOR 16, CHANDIGARH.

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APPEAL CASE NO. 4518 OF 2019

Advocate Rakesh Kumar Gupta, (9814924851)
8/237, Jagraon Road,
Mandi Mullanpur, District Ludhiana-141101

...Appellant

Versus

Public Information Officer,
O/o Director,
Local Government, Punjab,
Municipal Bhawan, Sector-35, Chandigarh.

First Appellate Authority,
O/o Director,
Local Government, Punjab,
Municipal Bhawan, Sector-35, Chandigarh.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: None on behalf of the Appellant.
Ms. Sarabjit Kaur & Shri Munish Kumar Garg, Sr. Assistant for the Respondents.

ORDER:

This order may be read with reference to the previous order dated 09.12.2020.

The Appellant is absent from today's hearing.

The Respondent states that requisite information relating to his RTI application has already been supplied to the Appellant and today he files an Affidavit in response to the supplied information. The original Affidavit is taken on record.

After examining the case file, it is revealed that requisite information has already been supplied to the Appellant and today an Affidavit has been filed by the Respondent in this regard in the Commission, which is taken on record. The Appellant is liberty to collect the original Affidavit from the office of the undersigned on any working day.

In view of the above, no further action is required in this case, hence, the Appeal Case is **disposed off and closed**. Copies of the order be sent to the parties.

Chandigarh
05.01.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy to information: -

Ms. Sudha Rani,
Superintendent-cum-PIO (General Branch),
O/o Director Local Govt. Punjab
Municipal Bhawan, Sector 35-A, CHANDIGARH.