

**PUNJAB STATE INFORMATION COMMISSION**  
Red Cross Building, Near Rose Garden,  
Sector 16, Chandigarh.  
Ph: 0172-2864115, Email: - [psic25@punjabmail.gov.in](mailto:psic25@punjabmail.gov.in)  
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Helpline No. 0172-2864100



Sh. Harmesh Lal,  
S/o Sh. Piyara Ram,  
H.No. 185/1, Mohalla Gandhi Nagar,  
Distt. Jalandhar.

.....Complainant.

V/S.

Public Information Officer,  
O/o Naib Tehsildar, Adampur,  
Distt. Jalandhar.

.....Respondent.

**Complaint Case No. 1242 of 2021**

**Present:-** Shri Harmesh Lal, applicant is absent.  
None present on behalf of the respondent.

**ORDER**

The present complaint case was earlier allocated to the Bench of Ld. State Information Commissioner Shri Avtar Singh Kaler in which notice of hearing was issued. However, since the Ld. State Information Commissioner Shri Avtar Singh Kaler has demitted his office on the completion of his tenure, the case has been re-allocated to the Bench of the undersigned vide Office order dated 03.01.2022.

This case was earlier fixed for 06.01.2022 but has been pre-poned to be heard on 5.1.2022 through CISCO-Webex(Video-Conferencing Application). The same was communicated to the parties telephonically.

Shri Harmesh Lal the complainant-applicant filed RTI application dated 25.08.2021 and sought some information from the SPIO, O/o Naib Tehsildar, Adampur, District Jalandhar.

2. Both the parties are absent 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



**Complaint Case No. 1242 of 2021**

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.

6. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) 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 give an early date to hear the complainant and decide the matter. In case the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

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.

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**Complaint Case No. 1242 of 2021**

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 : 05.01.2022**

**(Amrit Partap Singh Sekhon)**  
**State Information Commissioner**  
**Punjab**

Registered post:

First Appellate Authority  
o/o Sub Divisional Magistrate, Jalandhar

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Sh Neeraj Sharma, (M-94675-62487)  
S/o Sh Rohtash Sharma,  
C/o Seed House Bunter, Distt Kullu,  
Himachal Pradesh-175125

.....Appellant

..Vs

**Public Information Officer,**  
O/o SSP, Mohali

**First Appellate Authority,**  
O/o SSP, Mohali

.....Respondent

**AC No. 4410 of 2021**

Present : (i) Sh Rohtash, on behalf of the Appellant (8901193305)  
(ii) For the Respondent: Smt. Rajwinder Kaur, HC (8263060022)

**ORDER**

1. The RTI application is dated 04.06.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 29.09.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 05.01.2022 in the Commission office.
3. Sh Rohtash is appearing on behalf of the Appellant with authority letter. He states that the appellant has not received the information so far.
4. The Respondent Smt. Rajwinder Kaur states that the information sought by the Appellant is under enquiry. She further states that their reply, regarding the same, has been sent to the Appellant by post. Copy of the same is taken on record, which is as under:-

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**AC No. 4410 of 2021**

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਸਬੰਧੀ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਆਪ ਵੱਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਸਬੰਧੀ ਜਵਾਬ ਕੰਪਲੇਟ ਸ਼ਾਖਾਂ, ਜਿਲ੍ਹਾ ਐਸ.ਏ.ਐਸ ਨਗਰ ਪਾਸੋਂ ਹਾਸਲ ਕੀਤਾ ਗਿਆ ਹੈ। ਜਿਹਨਾਂ ਦੀ ਰਿਪੋਰਟ ਮੁਤਾਬਿਕ ਦਰਖਾਸਤ ਨੰਬਰ 6838/ਐਸ/ਐਸ.ਐਸ.ਪੀ ਮਿਤੀ 14-10-2019 ਜੋ ਇਸ ਵਕਤ ਉਪ ਕਪਤਾਨ ਪੁਲਿਸ ਡੇਰਾਬੱਸੀ ਜਿਲਾ ਐਸ.ਏ.ਐਸ ਨਗਰ ਪਾਸ ਪੜਤਾਲ ਅਧੀਨ ਹੈ। ਇਸ ਸਟੇਜ ਤੇ ਆਪ ਨੂੰ ਆਰ.ਟੀ.ਆਈ.ਐਕਟ 2005 ਦੀ ਧਾਰਾ 8(1) ਐਚ. ਅਨੁਸਾਰ ਦਰਖਾਸਤ ਸਬੰਧੀ ਕੋਈ ਸੂਚਨਾ ਮੁਹੱਈਆ ਨਹੀਂ ਕਰਵਾਈ ਜਾ ਸਕਦੀ ਜੀ। ਫਿਲਹਾਲ ਆਪ ਦੀ ਦਰਖਾਸਤ ਦਾਖਲ ਦਫਤਰ ਕੀਤੀ ਜਾ ਰਹੀ ਹੈ।

5. In view of the above the reply filed by the respondent appears to be convincing. Hence no cause of action is left. Therefore, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Dated : 05.01.2022

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



Sh Jaspreet Singh, #House No. 171,  
Village Manakpur Sarif, Mohali-140110 (7355551255) .....Appellant  
..Vs

**Public Information Officer,**  
O/o SSP, Mohali

**First Appellate Authority,**  
O/o SSP, Mohali .....Respondent

**AC No. 4309 of 2021**

Present : (i) Sh Jaspreet Singh, Appellant  
(ii) For the Respondent: Smt Rajwinder Kaur, HC (8283060022)

**ORDER**

1. The RTI application is dated 24.06.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 22.09.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 05.01.2022 in the Commission office.
3. The appellant states that the information has not been provided to him so far.
4. The Respondent states that the information sought by the Appellant is under enquiry. He has also filed his reply, which is as under:-

ਵਿਸ਼ਾ ਅੰਕਿਤ ਮਾਮਲੇ ਸਬੰਧੀ ਬੇਨਤੀ ਹੈ ਕਿ ਉਕਤ ਅਪੀਲ ਕੇਸ ਵਿੱਚ ਅਪੀਲ ਕਰਤਾ ਵਲੋਂ ਜਿਸ ਸੂਚਨਾ ਦੀ ਮੰਗ ਕੀਤੀ ਗਈ ਹੈ, ਉਸ ਸਬੰਧੀ ਰਿਪੋਰਟ ਕੰਪਲੇਟ ਸ਼ਾਖਾ ਜਿਲਾ ਐਸ.ਏ.ਐਸ ਨਗਰ ਪਾਸੋਂ ਹਾਸਲ ਕੀਤਾ ਗਿਆ ਜਿਹਨਾ ਦੀ ਰਿਪੋਰਟ ਮੁਤਾਬਿਕ ਪ੍ਰਾਰਥੀ ਦੀ ਦਰਖਾਸਤ ਇਸ ਵਕਤ ਫੂਜੈਨ ਹੈਲਪ ਡੈਸਕ ਜਿਲਾ ਐਸ.ਏ.ਐਸ ਨਗਰ ਪਾਸ ਪੜਤਾਲ ਅਧੀਨ ਹੋਣ ਕਰਕੇ ਸੂਚਨਾ ਮੁਹਈਆ ਨਹੀਂ ਕਰਵਾਈ ਜਾ ਸਕਦੀ ਉਸ ਸਬੰਧੀ ਪ੍ਰਾਰਥੀ ਨੂੰ ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ 41852/ਜੀ/ਆਰ.ਟੀ.ਆਈ ਮਿਤੀ 31-07-2021 ਰਾਹੀਂ ਸੂਚਨਾ ਸਬੰਧੀ ਜਵਾਬ ਪ੍ਰਾਰਥੀ ਦੇ ਪਤੇ ਪਰ ਭੇਜਿਆ ਜਾ ਚੁੱਕਾ ਹੈ ਜੀ, ਜਿਸ ਦੀ ਕਾਪੀ ਇਸ ਪੱਤਰ ਨਾਲ ਨੱਥੀ ਕਰਕੇ ਆਪ ਜੀ ਦੀ ਸੇਵਾ ਵਿੱਚ ਭੇਜੀ ਜਾ ਰਹੀ ਹੈ ਜੀ।

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**AC No. 4309 of 2021**

5. In view of the above the reply filed by the respondent appears to be convincing. Hence no cause of action is left. Therefore, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

*Sd/-*

**Dated : 05.01.2022**

**(Amrit Partap Singh Sekhon)**  
**State Information Commissioner**  
**Punjab**

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Sh. R.P.Mittal, # 20 Sukhmani Enclave,  
PO Tower Town Colony, Jalandhar – 144014 (9815483298)

.....Complainant

..Vs

**Public Information Officer,**  
O/o Additional Chief Secretary to GOP,  
Department of Governance Reforms  
Punjab Civil Secretariat -2. Chandigarh

.....Respondent

**CC No. 1173 of 2021**

Present : (i) None is present on behalf of the complainant  
(ii) For the Respondent: Smt. Preeti, Sr. Assistant (9876913229), Smt. Gurmeen Kaur, Sr. Assistant (8437432890)

**ORDER**

1. The RTI application is dated 03.09.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 23.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 05.01.2022 i.e. today.
3. Today the appellant is absent. He has sent a request wherein he has requested for withdrawal of the appeal. Accordingly, case is **disposed of and closed** as withdrawn. Copy of the orders be sent to the parties.

Sd/-

**Dated : 05.01.2022**

**(Amrit Partap Singh Sekhon)**  
**State Information Commissioner**  
**Punjab**



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Sh. Charanjit Singh, S/o Sh. Jagir Singh  
R/o Village Salahpur, Tehsil Sri Chamkaur Sahib

.....Complainant

..Vs

**Public Information Officer,**  
O/o Tehsildar, Sri Chamkaur Sahib

.....Respondent

**CC No. 1178 of 2021**

Present : (i) None is present on behalf of the complainant  
(ii) For the Respondent: Sh. Krishan Singh, Junior Assistant (9914453500)

**ORDER**

The RTI application is dated 16.08.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 24.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 05.01.2022 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).*

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.



**CC No. 1178 of 2021**

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.

6. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) 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 give an early date to hear the complainant and decide the matter. In case the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

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 : 05.01.2022**

**(Amrit Partap Singh Sekhon)**  
**State Information Commissioner**  
**Punjab**

Registered post:

First Appellate Authority  
o/o Tehsildar, Sri Chamkaur Sahib