

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864117, Email: - psic27@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



Sh. Jagshir Singh, S/o Late Sh. Gian Singh,
9/20, Mandi Mulanpur, Ludhiana. -141101.
M : 8195800345

..Vs

.....Appellant

Public Information Officer,
O/o SHO, Police Station Division No 1, Police Commissionerate,
Ludhiana.

First Appellate Authority
O/o Police Commissioner, Ludhiana.

.....Respondent

AC No. 3387 of 2020
Through CISCO-Webex

Present: None for the parties

ORDER

This order may be read with reference to the previous order dated 12.07.2021

2. Today neither the Appellant nor the Respondent is present today. However, the Respondent has informed telephonically that the penalty amount has been deposited. They have also filed a challan of the same via e-mail.

3. After perusing the case file, it is ascertained that the Appellant is not present today. He was not present on the previous date of hearing also. He has not even bothered to inform the Commission about his presence. Further, the amount of penalty has been paid by the Respondent-PIO. In view of the above, no further cause of action is left. Hence, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Dated: 05.08.2021

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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Sh Mohammad Aslam, (M-94170-19148)
S/o Gulraj Shah, R/o Village Pharwahi,
Tehsil Dhuri, DisttSangrur

.....Appellant

..Vs

Public Information Officer,
O/o Chief Executive officer,
Punjab Waqf Board, SCO 1062-63,
Sector 22 B, Chandigarh

Registered Post

First Appellate Authority,
O/o Chief Executive officer,
Punjab Waqf Board, SCO 1062-63,
Sector 22 B, Chandigarh

.....Respondent

CC No. 905 of 2020
(Through CISCO-Webex)

Present : (i) Mohammad Aslam, Complainant
(ii) None for the Respondent

ORDER

This order may be read with reference to the previous order dated 200..05.2021.

2. The complainant states that no information has been provided to him so far.
3. No one has appeared on behalf of the Respondent today.
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 Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-



CC No. 905 of 2020

(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. In the instant, the Complaint case filed by the Complainant is **disposed off and closed**. Copies of the orders be sent to the parties.

Sd/-

Dated :05.08.2021

**(Preety Chawla)
State Information Commissioner**

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