

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Sh. Subhash Singhal, R/o 18A,
Kairon Market, Hall Bazar, Amritsar - 143006

.....Appellant

..Vs

Public Information Officer,
O/o Civil Surgeon, Amritsar
First Appellate Authority
O/o Civil Surgeon, Amritsar

.....Respondent

AC No.49 of 2020
Through CISCO-WEBEX

Present : (i) None is present on behalf of the appellant
(ii) Smt. Rajni, Food Safety Officer (8968845443)

ORDER

This order may be read with reference to the previous order dated 12.10.2020 passed by the Commission vide which last opportunity was given to the respondent.

2. Today, the appellant is not present.
3. The respondent states that the information has already been sent to the appellant. She has also sent in writing the same to the Commission.
4. After hearing the respondent and examining the case file, it is observed that the information has been sent to the appellant. The appellant is absent today. Hence, it is presumed that the appellant is satisfied with the information provided. It is observed that the respondent has also sent in writing that no more information is available in their official record.
5. In view of the foregoing, no cause of action is left, hence the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Dated :05.11.2020

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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Smt Nandita Malhotra,
H No 15-H, Sarabha Nagar,
Ludhiana-141002.

.....Appellant

Vs

Public Information Officer,
O/o Punjab Small Industries & Export Corporation,
Udyog Bhawan, Himalaya Marg,
Sector 17-A, Chandigarh-160017
First Appellate Authority,
Punjab Small Industries & Export Corporation,
Udyog Bhawan, Himalaya Marg,
Sector 17-A, Chandigarh-160017

.....Respondent

AC.No.536 of 2020
Through CISCO-WEBEX

Present : (i) None is present on behalf of the appellant
(ii) Sh. Ankur Chowdhary (9988812336)

ORDER

This order may be read with reference to the previous order dated 12.10.2020 passed by the Commission vide which neither the appellant nor the respondent was present.

2. The appellant is absent today.
3. The respondent states Sh. Ankur Chowdhary states that the information, as exists, in the record has already been sent to the appellant. He has sent his reply
4. The respondent Sh. Ankur Chowdhary states that the information has been sent to the appellant. The perusal of the file shows that the appellant has not attended any hearing in the Commission so far. Since, the appellant is absent, it is presumed that he has received the information and is satisfied.
5. Since, the appellant has not attended any hearing in the Commission, I am, therefore, of the opinion that no useful purpose would be served in keeping this appeal case pending for an indefinite period. Accordingly, the appeal case filed by the appellant is **disposed of and closed**. Copies of the order be sent to the parties.

Sd/-

Dated :05.11.2020

(Preety Chawla)
State Information Commissioner
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Sh. S.P.Goyal # 2C, Sarabha Nagar,
NavDurgaMandir ,Gurudwara Road,
Ludhiana

.....Complainant

..Vs

Public Information Officer,
O/o Punjab Small industries and Export Corporation
Udyog Bhawan, Himalaya Marg,
Sector 17A, Chandigarh
Remanded Back to
First Appellate Authority
O/o Punjab Small industries and Export Corporation
Udyog Bhawan, Himalaya Marg,
Sector 17A, Chandigarh

.....Respondent

CC No. 143 of 2020
Through CISCO Webex

Present : (i) None is present on behalf of the appellant
(ii) Sh. Ankur Chowdhary (9988812336)

ORDER

This order may be read with reference to the previous order dated 12.10.2020 passed by the Commission vide which neither the complainant nor the respondent was present.

2. The complainant is absent for third consecutive hearing today. Respondent states that the information has already been sent to the Complainant.

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).

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CC No. 143 of 2020

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 : 05.11.2020

(Preety Chawla)
State Information Commissioner
Punjab

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Sh S.P Goyal, (M: 9820239110)
#2-C, Sarabha Nagar, NavDurgaMandir,
Gurudwara Road, Ludhiana.

.....Complainant

Vs

Public Information Officer,
O/o Punjab Small Industries & Export Corporation,
Udyog Bhawan, Himalaya Marg,
Sector 17-A, Chandigarh-160017

Remanded back to
First Appellate Authority
O/o Punjab Small Industries & Export Corporation,
Udyog Bhawan, Himalaya Marg,
Sector 17-A, Chandigarh-160017

.....Respondent

CC.No.107 of 2020
Through CISCO-WEBEX

Present : (i) None is present on behalf of the appellant
(ii) Sh. Ankur Chowdhary (9988812336)

ORDER

This order may be read with reference to the previous order dated 12.10.2020 passed by the Commission vide which neither the complainant nor the respondent was present.

2. The complainant is absent for third consecutive hearing today. Respondent states that the information has already been sent to the Complainant.

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).

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CC.No.107 of 2020

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.

4. 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.

5. 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 :05.11.2020

(Preety Chawla)
State Information Commissioner
Punjab

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Sh Satish Kumar,
S/o Shri Sham Lal Singla,
R/o W.No 16-A/149, Subhash Nagar,
Dhuri, Distt -Sangrur

.....Appellant

..Vs

Public Information Officer,
O/o SSP, Sangrur
First Appellate Authority
O/o IGP, Patiala

.....Respondent

AC No.1256 of 2020
Through CISCO-WEBEX

Present : (i) None is present on behalf of the appellant
(ii) Sh. Kuldeep Singh, ASI (8054545411)on behalf of the respondent

ORDER

This order may be read with reference to the previous order dated 12.10.2020 passed by the commission vide which neither the appellant nor the respondent was present.

2. The appellant is absent today.

3. The respondent Sh. Kuldeep Singh states that the information, as exists in the record has been provided to the appellant.

4. After hearing the respondent and examining the case file it is observed that the respondent has sent the information. The appellant is absent for third consecutive hearing. Hence, it is presumed that the he is satisfied with the information provided by the respondent. The reply sent by the respondent is taken on record.

5. In view of the foregoing, no cause of action is left, hence the appeal filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated :05.11.2020

(Preety Chawla)
State Information Commissioner
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Smt Harinder Kaur, W/o Late Sh Arjan Singh,
Village Katana Singh, PO Kumba, Tehsil Payal,
Distt- Ludhiana, 141418

.....Appellant

..Vs

Public Information Officer,
O/o Chief Medical Officer, Ludhiana

First Appellate Authority,
O/o Civil Surgeon, Ludhiana

Public Information Officer,
O/o SHO, Police Station Payal, Ludhiana

.....Respondent

AC No. 3806 of 2020
Through CISCO Webex

Present: (i) None for the Appellant
(ii) For the Respondent: Dr Manu, SMO

ORDER

This order may be read with reference to the previous order dated 08.10.2020 passed by the Commission.

2. The Appellant is not present today.

3. The Respondent states that the complete information has already been provided to the Appellant.

4. The perusal of the file shows that the Appellant is not present today. He was not present on the previous date of hearing also. After going through the case file, I am of the opinion that no useful purpose would be served in keeping this appeal case pending for an indefinite period. Accordingly, the appeal case filed by the appellant is **disposed of and closed**. Copies of the order be sent to the parties.

Dated : 05.11.2020

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab