

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
SECTOR 16, CHANDIGARH.**



Ph: 0172-2864116, Email: - psic26@punjabmail.gov.in

**Visit us: - www.infocommpunjab.com, Cisco Webex Code:15857-23975
(Helpline No.0172-2864116(From 10.00 AM to 04.00PM on working days))**

Shri Jatinder Singh
S/o Late Shri Amrik Singh
Village Jhande, PO Threke,
Tehsil & Distt. Ludhiana.

..... Complainant

Versus

Public Information Officer
O/o Executive Engineer
PSPCL, Lalton Kalan,
District Ludhiana.

Remanded Back
First Appellate Authority,
O/o Chief Engineer, Central Zone,
PSPCL, Ludhiana.

...Respondents

CC No.107/2022

Present: (i) **Shri Jatinder Singh, Complainant, in person.**
(ii) **None on behalf of the PIO/respondent.**

ORDER

1. The RTI application is dated 13.01.2022 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 24.02.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 06.06.2022. The case has been heard today. Shri Jatinder Singh, complainant comes present to attend the hearing in person before the Bench. He states that no information has been received by him.

3. Neither the PIO has come present to attend the hearing in person before the Bench or through cisco webex nor he has deputed any of his representatives to attend the hearing.

4. The Bench observes that the complainant denies the receipt of any information and has directly approached the Commission by preferring complaint in the Commission. The Bench further observes that the complainant has not availed the provision of Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011

Cont..P-2

in Information Commissioner and another Versus 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 Hon'ble 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 provisions of Section 18 of the RTI, 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

6. The instant matter is remanded back to the **First Appellate Authority i.e. Shri, Parvinder Singh Khamba, Chief Engineer, Central Zone, PSPCL, Ludhiana**. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) 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 hear the complainant within ten days and decide the matter.

7. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

8. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

Chandigarh
06.06.2022

Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab

Copy to (By Regd. Post):

**First Appellate Authority, Shri Parvinder Singh Khamba,
Chief Engineer, Central Zone, PSPCL, Ludhiana.**

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Shri Bharat Chaudhary
S/o Shri Naveen Kumar,
H.No.3709, Street No.6,
Chhoti Pouri Nai Abadi,
Abohar, Fazilka-152116

.....Appellant

Versus

Public Information Officer
O/o Deputy Commissioner,
Fazilka.

First Appellate Authority
O/o Deputy Commissioner,
Fazilka.

....Respondents

AC No. 1015 of 2022

Present: (i) Appellant- absent.
(ii) Shri Mohinder Pal, Steno O/o Deputy Commissioner, Fazilka,
on behalf of the PIO/respondent.

ORDER

(Heard through cisco webex)

1. The RTI application is dated 22.07.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 24.10.2021 and the second appeal was filed in the Commission on 13.12.2021 & 24.02.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 06.06.2022. Accordingly, the case has been heard today. Shri Bharat Chaudhary, appellant has not come present to attend the hearing in person or through cisco webex.

3. Shri Mohinder Pal, Steno O/o D.C. Office, Fazilka comes present to attend the hearing on behalf of the PIO through cisco webex. He states that the RTI application of the appellant was sent to the Commissioner, Municipal Corporation, Abohar vide letter dated 04.01.2022 and that a letter dated 13.04.2022 to this effect has also been sent to the Hon'ble

Commission.

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AC No.1015/2022

4. From the perusal of case file, the Bench observes that a letter dated 05.05.2022 is available in the case file whereby information has been provided to the appellant. An e.mail dated 06.06.2022 from the appellant is also available in the case file confirming receipt of complete information from the PIO Municipal Corporation, Abohar to his satisfaction.

5. In view of the above, no further cause of action is left in the matter. **The instant appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

Chandigarh
06.06.2022

Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab

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Smt. Aruna Rani @ Smt. Jyoti Kapoor,
C/o Shri Parveen Kumar,
H.No.273, Mata Rani Mohalla,
Near Ashok Battta Hospital,
Ward No.21, Distt. Ludhiana.

..... Complainant

Versus

Public Information Officer

O/o Addl. Superintending Engineer,
Punjab State Power Corporation Ltd.
(PSPCL), Sirhind, Distt. Fatehgarh Sahib.

...Respondents

CC No.108/2022

Present: (i) Smt. Aruna Rani, Complainant, in person.
(ii) Ms. Manu Kataria, Divisional Accountant, P&M Division, ,
PSPCL Khanna, District Ludhiana, and Shri Major Singh, SDO,
Sub Division, PSPCL, Bassi Pathana, on behalf of the
PIO/respondent, in person.

ORDER

1. The RTI application is dated 11.02.2022 vide which the Complainant has sought information as enumerated in her RTI application. Complaint was filed in the Commission on 24.02.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 06.06.2022. The case has been heard today. Smt. Aruna Rani, complainant comes present to attend the hearing in person before the Bench. She states that no information has been received by her.
3. Ms. Manu Kataria, Divisional Accountant, P&M Division, PSPCL, Khanna and Shri Major Singh, SDO, Sub Division, PSPCL, Bassi Pathanan come present to attend the hearing in person before the Bench. Ms. Manu Kataria states that the complainant has sought information regarding pension of Shri Parveen Kumar who is her husband. She further states that consent of the said Shri Parveen Kumar to share his information was sought but he has refused to share the same. She further states that the information is ready and in case the Hon'ble Bench gives directions in this regard, the same can be provided to the appellant.

Cont..P-2

4. The Bench, post deliberations with the complainant and the PIO, observes that the request of the complainant made as per her RTI application is genuine. The Bench is of the opinion that the respondents must make available the information to the appellant and as such, directs the PIO to provide information to the complainant within seven days. The representative of the PIO assures the Bench to do the needful.

5. In view of the assurance given by the representative of PIO, **the instant complaint case is disposed off and closed.** Copies of the orders be sent to the concerned parties.

Chandigarh
06.06.2022

Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab

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Shri Satnam Singh
S/o Sh.Mahinder Singh,
Lineman (Retd.)
Village Bhera, PO Talwara,
District Hoshiarpur.

..... Complainant

Versus

Public Information Officer

O/o Addl. Superintending Engineer, Operational
Punjab State Power Corporation Ltd.
(PSPCL), Urban Division, Hoshiarpur.

...Respondent

CC No.110/2022

Present:

- (i) **Shri Satnam Singh, Complainant, in person.**
- (ii) **Shri Kuldeep Singh, XEN, PSPCL, City Division, Hoshiarpur, on behalf of the PIO/respondent, in person.**

ORDER

1. The RTI application is dated Nil vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 17.02.2022 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 06.06.2022. The case has been heard today. Shri Satnam Singh, complainant comes present to attend the hearing in person before the hearing commences and states that no information has been received by him.

3. Shri Kuldeep Singh, Executive Engineer, City Division, PSPCL, Hoshiarpur comes present to attend the hearing in person before the Bench. He states that the information sought by the appellant relates to the Addl. S.E./Focal Point, Division (Special), PSPCL, Ludhiana and he has requested vide letter dated 28.03.2022 to supply information to the appellant and that in response to their letter, the information has been sent by Addl. S.E. Focal Point, PSPCL, Ludhiana to their office. The same has been brought along for handing over to the appellant.

Cont..P-2

4. Since the complainant has left, he is contacted on mobile phone. Shri Kuldeep Singh is made to talk to the complainant, who explains to the complainant the information received from the PSPCL Ludhiana and asks the complainant to collect the same from their office. The Bench also advises the complainant to collect the information from the office of Shri Kuldeep Singh, XEN, City Division, PSPCL, Hoshiarpur. Shri Kuldeep Singh assures the Bench to provide information to the complainant on his visit to their office.

5. The Bench, on perusing the copy of information brought along by Shri Kuldeep Singh, is convinced that the same is as per information sought by the complainant and thus, is not inclined to proceed further in the matter.

6. In view of the assurance given by the representative of PIO to ensure delivery of the said information to the complainant on his visit to their office, **the instant complaint case is disposed off and closed.** Copies of the orders be sent to the concerned parties.

Chandigarh
06.06.2022

Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab

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Ms. Manu Kataria,
H.No.1392/1, B.Tech.
Kacha Patiala,
Patiala-147001.

.....Appellant

Versus

Public Information Officer

O/o Addl. Superintending Engineer,
P&M Circle, Punjab State Power
Corporation Ltd.(PSPCL),
Ludhiana.

First Appellate Authority-cum-

O/o Chief Engineer, P&M,
Punjab State Power
Corporation Ltd.(PSPCL),
Ludhiana.

...Respondents

AC No.991/2021

Present:

- (i) **Ms. Manu Kataria, Appellant, in person**
- (ii) **Shri Jaswinder Singh, Addl. S.E. O&M Division, PSPCL, Khanna, District Ludhiana on behalf of the PIO/Respondent, in person.**

ORDER:

1. The RTI application is dated 15.11.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 01.01.2022 and the second appeal was filed in the Commission on 24.02.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 06.06.2022. Accordingly, the case has been heard today. Ms. Manu Kataria, appellant comes present to attend the hearing in person before the Bench. She states that she has received reply dated 20.04.2022 from the PIO that the enquiry referred to in RTI application of the appellant is still under process and unless it is not finalized, the information cannot be supplied to the appellant.

Cont..P-2

3. Shri Jaswinder Singh, Addl. S.E., O&M Division, PSPCL, Khanna, District Ludhiana comes present to attend the hearing in person before the Bench and refers to the letter of PIO dated 20.04.2022 sent to the Commission wherein it has been stated that as the enquiry in the matter is still under process, the information cannot be supplied to the appellant unless it is finalised, under Section 8(1)(h) of the RTI Act, 2005.

4. On the asking of the Bench, the appellant contends the version of the PIO and produces a copy of letter dated 15.02.2022 before the Bench. She states that as per this letter of Addl. S.E. P&M Division, Khanna written to the Addl. S.E. Distribution Division, PSPCL, Sirhind, the Inquiry Officer has submitted enquiry report to the Deputy Chief Engineer, P&M Circle, Ludhiana and further states that on the basis of said enquiry report, she has also been transferred to PSPCL, Mukerian, District Hoshiarpur.

5. Post deliberations with the appellant and the representative of PIO, the Bench directs the PIO-cum-Dy.Chief Engineer/P&M Circle, PSPCL, Ludhiana to file an affidavit on non-judicial stamp paper, within 21 (twenty one) days, to the effect that the departmental enquiry initiated as per letter dated 28.09.2021 & 30.09.2021 is still under process and copy of the enquiry report cannot be provided to the appellant under Section 8(1)(j) of RTI Application. It be further stated that nothing has been concealed therein and the statement made is true and correct. Original affidavit be sent to the appellant and copy of the same be sent to the Commission for record.

6. With the aforesaid directions, **the appeal case is disposed off and closed.**
Copies of the order be sent to the concerned parties.

Chandigarh
06.06.2022

Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab