



Sh. Parmod Kumar, (9896343368)
S/o Sh. Brij Lal,
Village Rajapur, Tehsil Dera Bassi,
Distt Mohali.

.....Appellant/Complainant

Versus

Public Information Officer
O/o XEN (Panchayati Raj), PWD,
Sector 62, Mohali.

.....Respondent

Complaint Case No.1035 of 2021
(Cisco Webex Proceedings)

RTI application filed on : 09-02-2021
PIO replied on : -

Present: Appellant:
Respondent: Sh. Rajiv Kumar (Jr. Asst.), 7973765802

ORDER:

1. The Appellant/Complainant filed above mentioned appeal/complaint cases in the Commission dated 05.07.2021. Accordingly, the cases are fixed for today.
2. 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.

In 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).

3. 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.
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 remanded to the concerned First Appellate Authority along with a copy of RTI application for their ready reference. The case is disposed of accordingly, with the above observations.

Chandigarh
Dated: 06.10.2021

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Pb.

{Encl. RTI} CC: First appellant authority
O/o XEN (Panchayati Raj), PWD,
Sector 62, Mohali.



Sh. Navjot Kamboj, (9814000324)

Boys Hostle No 1, Block No 1, Room No 26,
Panjab University, Chandigarh-160014.

.....Appellant/Complainant

Versus

Public Information Officer

O/o Secretary, (B&R), Civil Secretariat, Punjab,
Chandigarh.

.....Respondent

Complaint Case No.953 of 2021

(Cisco Webex Proceedings)

RTI application filed on : 01-04-2021

PIO replied on : -

Present: Appellant: Sh. Navjot Kamboj
Respondent: Absent

ORDER:

1. The Appellant/Complainant filed above mentioned appeal/complaint cases in the Commission dated 05.07.2021. Accordingly, the cases are fixed for today.
2. 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.

In 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).

3. 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.
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.
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Chandigarh
Dated: 06.10.2021

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Pb.

{Encl. RTI} CC: First appellant authority
O/o Secretary, (B&R), Civil Secretariat, Punjab,
Chandigarh.