

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. Sanjeev Kumar, S/o Sh. Prem Chand (M-9888630745)

R/o Ward No.2, Shri. Chamakaur Sahib,

Distt- Ropar

.....Complainant

..Vs

Public Information Officer,

O/o Deputy Commissioner, Roopnagar

Registered post

Remanded Back to

First Appellate Authority

O/o Deputy Commissioner, Roopnagar

.....Respondent

CC No. 672 of 2020

(Through CISCO-Webex)

Present: (i) None for the complainant

(ii) for the Respondent: Shri Shrikant, Clerk (M-9888497183)

ORDER

This order may be read with reference to the previous order dated 06.01.2021.

2. The Complainant is not present today.
3. The Respondent states that, as directed in the previous hearing, the Complainant had visited the office of the Respondent for inspection of record. He had inspected the complete record but was not satisfied with the same.
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:-

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



CC No. 672 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 view of the above, the Complaint case filed by the Complainant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

Dated: 08.03.2021

(Preety Chawla)
State Information Commissioner
Punjab