

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. Nikhil Saraf, House No. 51-52,
Kansak Enclave, Near Kansal Village,
Distt. Mohali

.....Complainant

..Vs

Public Information Officer,
O/o Home Secretary, Punjab,
Civil Sectt., Chandigarh

Remanded back to

Registered post:

Public Information Officer

o/o AIG (Per-2)

Punjab Police Headquarter, Sector 9,
Chandigarh

.....Respondent

CC No. 28 of 2021
(through CISCO-Webex)

Present: (i) None is present on behalf of the complainant
(ii) For the respondent : Sh. Parshotam Lal, ASI(LR)(in the Commission office)

ORDER

The RTI application is dated 13.11.2020 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 24.12.2020 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 09.03.2021 through CISCO Webex.

3. The complainant is absent today.

4. The respondent is appearing on behalf of the office of AIG (Per-2) states that the reply has been sent to the complainant vide no. 938 dated 19.02.2021.

5. The perusal of the file shows that the complainant has filed his RTI with the respondent PIO o/o Home Secretary, Punjab, Civil Sectt., Chandigarh, Further they have sent the RTI of the complainant to the PIO, o/o AIG (Per-2), as the information relates with them. The respondent states that the reply has already been sent to the Complainant.

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6. 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).

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.

7. 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.

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8. 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.

9. 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**.

Dated : 09.03.2021

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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ShJasvir Singh, (M-9872168214)
S/o Late ShHussan Singh, K. No-241,
Phase-I, Mohali-160055

.....Appellant

..Vs

Public Information Officer,
O/o SSP, Mohali

First Appellate Authority-cum-
O/o IGP, Ropar Range, Ropar

.....Respondent

AC No. 128 of 2021
Through CISCO-Webex

Present: (i) None for the appellant
(ii) For the Respondent: SI ManpreetKaur, (8437005738)

ORDER

1. The RTI application is dated 25.09.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 24.12.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 09.03.2021 through CISCO-Webex (Video Conferencing application)
3. The Appellant is not present today.
4. The Respondent states that the information has been provided to the Appellant. The Respondent has also filed a copy of the receiving given by the Appellant in lieu of receiving the information. Copy of the same is taken on record.
5. Since the information has been provided to the Appellant therefore, 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.

Sd/-

Dated: 09.03.2021

(Preety Chawla)
State Information Commissioner
Punjab

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