

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



Sh. Gurpiar Singh Bhatti, (M-9465756677)
#372, Anand Nagar-A, Tripri Town, Patiala

.....Complainant

..Vs

Public Information Officer,
O/o Principal Secretary, Health & Family Welfare department,
ParivarkalyanBhawan, Pb Chandigarh

Registered post

Remanded Back To

First Appellate Authority,

O/o Principal Secretary, Health & Family Welfare department,
ParivarkalyanBhawan, Pb Chandigarh

.....Respondent

CC No.826 of 2020
(through CISCO WEBEX)

Present : (i) Sh Gurpiar Singh Bhatti, Complainant
(ii) **For the Respondent:** Ms Monika Dhiman (M-9888745518)

ORDER

The RTI application is dated 11.09.2020 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 02.11.2020 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 10.02.2021 through CISCO-Webex (video-conferencing application)

3. The Respondent states that the information has been provided to the Complainant.

4. The Complainant states that the information provided to him is not correct and he is not satisfied with the same.

5. 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.

6. 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

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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.

7. 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 instant Complaint case filed by the Complainant is **disposed of and closed**. Copy of the orders be sent to the parties.

Sd/-

Dated :10.02.2021

(Preety Chawla)
State Information Commissioner
Punjab

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.....Respondent

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Present : (i) Sh. Gurpiar Singh Bhatti, Complainant

(ii) **For the Respondent:** Ms Monika Dhiman (M-9888745518)

ORDER

The RTI application is dated 29.08.2020 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 02.11.2020 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 10.02.2021 through CISCO-Webex (video-conferencing application)

3. The Respondent states that the information has been provided to the Complainant.

4. The Complainant states that the information provided to him is not correct and he is not satisfied with the same.

5. 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.

6. 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

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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.

7. 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.

8. In view of the above, the instant Complaint case filed by the Complainant is **disposed of and closed**. Copy of the orders be sent to the parties.

Sd/-

Dated :10.02.2021

(Preety Chawla)
State Information Commissioner
Punjab