



Sh. Lakhbir Singh, S/o Sh. Kartar Singh  
House No. 70/01, Moon Avenue, Majitha Road,  
Amritsar (9872635236)

.....Complainant

..Vs

**Public Information Officer,**  
O/o ADGP, Intelligence, Punjab  
Mohali

**REGISTERED POST**

**Remanded back to**  
**First Appellate Authority**  
O/o ADGP, Intelligence, Punjab  
Mohali

.....Respondent

**CC No. 714 of 2021**

**Through CISCO WEBEX**

Present: (i) None is present on behalf of the complainant  
(ii) For the respondent : Sh. Rajinder Singh, ASI (9779718110)

**ORDER**

1. The RTI application is dated 22.04.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 07.06.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 11.08.2021 through CISCO Webex.

3. The complainant is absent today.

4. The respondent Sh. Rajinder Singh states that the Intelligence wing is exempted from RTI under Section 24(4) of the RTI Act 2005.

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).*



**CC No. 714 of 2021**

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 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 observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties through registered post.

Dated : 11.08.2021

Sd/-  
(Amrit Partap Singh Sekhon)  
State Information Commissioner  
Punjab



Smt. Neena Gupta, W/o Sh. Sushil Kumar  
# 1410, Phase-1, Urban Estate, Dugri Road  
Ludhiana – 141013 (9855014101)

.....Complainant

..Vs

**Public Information Officer,**  
O/o DGP Punjab  
Punjab Police Headquarter, Sector 9,  
Chandigarh

**REGISTERED POST**

**Remanded Back to**  
**First Appellate Authority**  
O/o DGP Punjab, Sector 9,  
Chandigarh

.....Respondent

**CC No. 718 of 2021**  
**Through CISCO WEBEX**

Present: (i) None is present on behalf of the complainant  
(ii) For the respondent : Sh. Manmehakpal, Constable (7986973371)

## **ORDER**

The RTI application is dated 03.05.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 07.06.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 11.08.2021 through CISCO Webex.
3. The complainant is absent today.
4. The respondent states that the information is lying with the PIO, o/o DCP, Ludhiana and they have already transferred the case to the concerned department.
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:-



**CC No. 718 of 2021**

*(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 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 observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Dated : 11.08.2021

Sd/-  
(Amrit Partap Singh Sekhon)  
State Information Commissioner  
Punjab



Sh. Sunil Kumar Joshi,  
Flat No. 404, GHGS 43  
Sector 20, Panchkula (9416900129)

.....Appellant

..Vs

**Public Information Officer,**  
O/o Assistant Inspector General of Police, BOI  
Punjab Police Headquarters, Sector 9,  
Chandigarh

**First Appellate Authority**  
O/o Assistant Inspector General of Police, BOI  
Punjab Police Headquarters, Sector 9,  
Chandigarh

.....Respondent

**AC No.1785 of 2021**  
**(In the Commission office)**

Present: (i) Sh. Sunil Kumar Joshi the appellant  
(ii) For the respondent : Sh. Ram Parshad, Sr. Assistant (9855464748) o/o  
Bureau of Investigation

**ORDER**

This order may be read with reference to the previous orders dated 28.07.2021 and 14.07.2021 vide which the respondent stated that the matter is under process.

2. Today, the appellant Sh. Sunil Kumar Joshi states that he is not satisfied with the reply of the respondent. He states that he wants to transfer his case to another bench. He has also given in writing that ***"I would request for transfer of my case to CIC PI"***.

3. The respondent Sh. Ram Parshad states that the matter is under process, hence the information cannot be provided to the appellant.

4. After hearing the parties and going through the case file, I would like that this case ***AC No.1785 of 2021*** may be transferred to Hon'ble Chief Information Commissioner, Punjab.

5. In view of the foregoing, the case file is sent to Deputy Registrar for placing the same before the Hon'ble Chief Information Commissioner for appropriate orders.

**Sd/-**

**Dated : 11.08.2021**

**(Amrit Partap Singh Sekhon)**  
**State Information Commissioner**  
**Punjab**

**Deputy Registrar**



Sh. Amarjit Singh Dhamotia, Whistle Blower (M-9888490031)  
Distt President Ludhiana-NCAG,  
H.No 60-35-P-376-1, Street No.8,  
Maha Singh Nagar, PO Dhandari Kalan  
Ludhiana-141014

.....Appellant

..Vs

**Public Information Officer,**  
O/o SSP Mohali

**First Appellate Authority**  
O/o SSP Mohali

.....Respondent

**AC No.2590 of 2021**  
**Through CISCO WEBEX**

Present: (i) Sh. Amarjit Singh Dhamotia the appellant  
(ii) For the respondent : Smt. Rajwinder Kaur, HC(8283060022)

**ORDER**

The RTI application is dated 11.03.2021 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 11.04.2021 and second appeal was filed in the Commission under Section 19 on 03.06.2021 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 11.08.2021 through CISCO Webex.
3. The appellant states that no information has been given to him so far.
4. The respondent states that she has sent their reply to the Commission via email  
ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਸਬੰਧੀ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਆਪ ਵੱਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਸਬੰਧੀ ਜਵਾਬ ਕੰਪਲੇਟ ਸ਼ਾਖਾ, ਜਿਲ੍ਹਾ ਐਸ.ਏ.ਐਸ ਨਗਰ ਪਾਸੇ ਹਾਸਲ ਕੀਤਾ ਗਿਆ ਹੈ। ਜਿਹਨਾਂ ਦੀ ਰਿਪੋਰਟ ਮੁਤਾਬਿਕ ਆਪ ਦੀ ਦਰਖਾਸਤ ਦਾ ਸਬੰਧ ਚੀਫ ਐਡਮਿਨਿਸਟ੍ਰੇਟਰ ਗਮਾਡਾ ਸੈਕਟਰ 62 ਜਿਲ੍ਹਾ ਐਸ.ਏ.ਐਸ ਨਗਰ ਨਾਲ ਸੀ ਇਸ ਲਈ ਆਪ ਦੀ ਦਰਖਾਸਤ ਚੀਫ ਐਡਮਿਨਿਸਟ੍ਰੇਟਰ ਗਮਾਡਾ ਸੈਕਟਰ 62 ਨੂੰ ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਲਈ ਭੇਜ ਦਿੱਤੀ ਗਈ ਸੀ। ਇਸ ਲਈ ਆਪ ਆਪਣੀ ਦਰਖਾਸਤ ਸਬੰਧੀ ਸੂਚਨਾ ਗਮਾਡਾ ਸੈਕਟਰ 62 ਜਿਲ੍ਹਾ ਐਸ.ਏ.ਐਸ ਨਗਰ ਪਾਸ ਹਾਸਲ ਕਰ ਸਕਦੇ ਹੋ। ਚੀਫ ਐਡਮਿਨਿਸਟ੍ਰੇਟਰ ਗਮਾਡਾ ਸੈਕਟਰ 62 ਜਿਲ੍ਹਾ ਐਸ.ਏ.ਐਸ ਨਗਰ ਨੂੰ ਭੇਜੀ ਹੋਈ ਦਰਖਾਸਤ ਦੀ ਕਾਪੀ ਇਸ ਪੱਤਰ ਨਾਲ ਲੱਛ ਕਰਕੇ ਆਪ ਨੂੰ ਭੇਜੀ ਜਾ ਰਹੀ ਹੈ ਜੀ।
5. After hearing the parties and examining the case file, it is observed that the respondent has sent their reply to the appellant with a copy to the Commission. ***Copy of the reply as submitted by the Respondent today be sent to the appellant alongwith the order.***



**AC No.2590 of 2021**

6. In view of the above the reply filed by the respondent appears to be convincing, hence, no cause of action is left.

7. In view of the above , no cause of action is left, hence the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

**Dated : 11.08.2021**

**Sd/-**  
**(Amrit Partap Singh Sekhon)**  
**State Information Commissioner**  
**Punjab**