

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
SECTOR 16, CHANDIGARH.**

**Ph: 0172-2864116, Email: - psic26@punjabmail.gov.in
Visit us: - www.infocommpunjab.com, Cisco Webex Code:15857-23975
Helpline No.: 0172-2864100 (From 10.00 AM to 04.00 PM on working days)**



Shri Mohinder Pal Bhalla,
H.No.59, Purani Abkari,
Sunami Gate, Sangrur.

.....Complainant

Versus

Public Information Officer

O/o Secretary to the Govt. Of Punjab,
Department of Employment Generation,
5th Floor, Punjab Civil Secretariat-2,
Sector-9, Chandigarh.

Remanded Back

First Appellate Authority

Under Secretary,
O/o Secretary, Employment Generation, Pb.
Punjab Civil Secretariat-2,
Sector-9, Chandigarh.

...Respondents

CC No.408/2021

Present:

- (i) Complainant- absent.
- (ii) Shri Satwinder Singh, Superintendent/PIO O/o Secretary to Govt. Of Punjab, Department of Employment Generation, Punjab Civil Secretariat-2, Sector-9, Chandigarh.

ORDER

(Heard through Cisco Webex/On Mobile Phone)

1. The RTI application is dated 15.02.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 01.04.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 11.08.2021 through Cisco Webex. Accordingly, the case has been heard today through Cisco Webex. Shri Mohinder Pal Bhalla, complainant has not come present to attend the hearing.
3. Shri Satwinder Singh, Superintendent/ PIO O/o Secretary to Govt. Of Punjab, Department of Employment Generation, Punjab Civil Secretariat-2, Sector-9, Chandigarh comes present to attend the hearing through Cisco Webex. He states that the complainant who was working in the office of Director, Employment Generation, Punjab, had been requesting for his promotion to the post of Superintendent Grade-2. However, due to his ACRs of the years 1992-93 and 1994-95 containing the remarks 'doubtful integrity', he was pre-maturely retired on 30.06.1999. Since then, he has been submitting representations regarding his promotion as Superintendent Grade-2. The complainant has been supplied information vide letter dated 03.08.2021, after getting the same from the Director, Employment Generation as the post of

Superintendent Grade-2 is under the control of Director. The PIO further states that the complainant has been supplied information from time to time with reference to other appeals filed by him earlier.

4. The appellant Shri Mohinder Pal Bhalla is contacted on mobile phone. He is apprised of the version of the PIO. On the asking of the Bench, the complainant states that he has sent his written submissions in this regard to the Hon'ble Commission vide letter dated 01.08.2021.

5. The Bench observes that the complainant is not satisfied with the reply given to his RTI application. The Bench further observes that he has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such, the FAA has not been able to address the grievances of the complainant.

6. It must be noted that there is an alternate and efficacious remedy of First Appeal available under Section 19(1) of the RTI Act. It appears that the complainant has failed to avail the same in the instant complaint case. The Bench observes that the complainant must be given an opportunity to avail of the above said remedy.

7. Post deliberations with the complainant and the representative of PIO, the instant matter is remanded back to the First Appellate Authority i.e **Shri Pritam Singh, Under Secretary, O/o Secretary, Employment Generation, Punjab, Punjab Civil Secretariat-2, Sector-9, Chandigarh**. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to give an early date to hear the complainant and decide the matter. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with Punjab State Information Commission in accordance with the provisions of the RTI Act, 2005.

8. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

**Chandigarh
11.08.2021**

**Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab**

Copy to (By Regd. Post):

First Appellate Authority
Shri Pritam Singh, Under Secretary,
O/o Secretary, Employment Generation,
Punjab Civil Secretariat-2,
Sector-9, Chandigarh.

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**Shri Ved Parkash,
S/o Late Shri Lalta Parshad,
D/112, Gali No.4, Inderpuri,
Near Gurdwara, Kot Khalsa,
Amritsar.**

.....Complainant

Versus

**Public Information Officer
O/o Chief Engineer,
Punjab State Power Corporation Ltd.
(PSPCL), Border Zone, Amritsar.**

Remanded Back

**First Appellate Authority
Chief Engineer, Border Zone,
Punjab State Power Corporation Ltd.,
(PSPCL), Amritsar.**

...Respondents

CC No.413/2021

Present: (i) **Shri Ved Parkash, Complainant.**
(ii) **Shri Mahinder Singh, Addl. Assistant Engineer, South Sub Division, PSPCL, Amritsar, on behalf of the PIO/Respondent.**

ORDER

(Heard through Cisco Webex)

1. The RTI application is dated 23.12.2020 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 05.04.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 11.08.2021 through Cisco Webex. The complainant comes present to attend the hearing through Cisco Webex.
3. Shri Mahinder Singh, Addl. Assistant Engineer, South Sub Division, PSPCL Amritsar comes present to attend the hearing through Cisco Webex. He states that the information after collecting the same from six sub divisions falling under the office of Chief Engineer, Border Zone, PSPCL, has been supplied to the complainant on 09.08.2021 by registered post.
4. Due to poor audibility, the complainant is connected on mobile phone. He is apprised of the version of the representative of PIO, Shri Mahinder Singh. The complainant denies the receipt of any information as yet.

Cont..P-2

5. The Bench observes that the complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA) as has been informed by the APIO Sh.Simarpal Singh present. As such, the FAA has not been able to address the grievances of the complainant.

6. It must be noted that there is an alternate and efficacious remedy of First Appeal available under Section 19(1) of the RTI Act. It is apparent that the complainant has failed to avail the same in the instant complaint case. The Bench observes that the complainant must be given an opportunity to avail of the above said remedy.

7. Post deliberations with the complainant and the representative of PIO, the instant matter is remanded back to the First Appellate Authority i.e **Shri Sakattar Singh Dhillon, Chief Engineer, Border Zone, PSPCL, Amritsar**. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to give an early date to hear the complainant and decide the matter. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with Punjab State Information Commission in accordance with the provisions of the RTI Act, 2005.

8. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

**Chandigarh
11.08.2021**

**Sd/-
(Lt Gen Ajae Kumar Sharma (Retd))
State Information Commissioner, Punjab**

Copy to (By Regd. Post):

First Appellate Authority
Shri Sakattar Singh Dhillon,
Chief Engineer, Border Zone,
Punjab State Power Corporation Ltd.,
Amritsar.