

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

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Visit us: - www.infocommpunjab.com CISCO Webex Meeting Code : 15857-23975

Helpline No. 0172-2864100 (10:00 AM to 04.00 PM on working days)



Shri Gurnam Singh,
S/o Shri Babu Singh,
Village Koloake, Tehsil Phul,
Distt. Bathinda.

..... Complainant

Vs

Public Information Officer,
O/o Block Dev. & Panchayat Officer,
Block Phul, Distt. Bathinda.

Remanded Back to

First Appellate Authority
District Development &
Panchayat Officer, Bathinda

.....Respondent

Complaint Case No. 1226 of 2021

Present:- (i) **Shri Gurnam Singh, complainant/applicant comes present through CISCO Webex.**
(ii) **None present on behalf of the respondent.**

ORDER

The present complaint was earlier allocated to the Bench of Ld. State Information Commissioner, Shri Avtar Singh Kaler in which Notice of hearing was issued for 12.01.2022. However since the Ld. State Information Commissioner, Shri Avtar Singh Kaler has demitted his office on the completion of his tenure, the case has been re-allocated to the Bench of the undersigned vide Office Order dated 03.01.2022.

1 The RTI application is dated 19.04.2021 vide which the complainant has sought information as enumerated in his RTI application. The complaint was filed in the Commission on 14.10.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 12.01.2022 through CISCO Webex. Shri Gurnam Singh, applicant comes present through CISCO Webex and states that no information has been provided to him by the PIO.

3. Neither the PIO has come present nor he has deputed any of his representative to attend the hearing for today.

4. 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 such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment

of Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos.10787- 10788 of 2011 (arising out of SLP (C) No.32768-32769/2010- Chief Information Commissioner and another Versus 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 Hon'ble 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 provisions of Section 18 of the RTI, 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

6. The instant matter is remanded back to the First Appellate Authority i.e. Ms. Neeru Gupta, District Development & Panchayat Officer, Bathinda. 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.

7. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) 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.

Sd/-

((Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab

Chandigarh
12.01.2022

Copy to (Through Regd. Post) :- Ms. Neeru Gupta, First Appellate Authority, District Development & Panchayat Officer, Bathinda.



Shri Ujjagar Singh,
S/o Shri Jagir Singh,
VPO Bhorla, Tehsil Samrala,
Distt. Ludhiana.

..... Complainant

Vs

Public Information Officer,
O/o Block Dev. & Panchayat Officer,
Samrala, Distt. Ludhiana.

.....Respondent

Remanded Back to

First Appellate Authority
District Development &
Panchayat Officer, Ludhiana.

Complaint Case No. 1221 of 2021

Present:- (i) **Shri Ujjagar Singh, complainant/applicant comes present through CISCO Webex.**
(ii) **None present on behalf of the respondent.**

ORDER

The present complaint was earlier allocated to the Bench of Ld. State Information Commissioner, Shri Avtar Singh Kaler in which Notice of hearing was issued for 12.01.2022. However since the Ld. State Information Commissioner, Shri Avtar Singh Kaler has demitted his office on the completion of his tenure, the case has been re-allocated to the Bench of the undersigned vide Office Order dated 03.01.2022.

1 The RTI application is dated 20.03.2021 vide which the complainant has sought information as enumerated in his RTI application. The complaint was filed in the Commission on 21.10.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 12.01.2022 through CISCO Webex. Shri Ujjagar Singh, applicant comes present through CISCO Webex and states that no information has been provided to him by the PIO.

3. Neither the PIO has come present nor he has deputed any of his representative to attend the hearing for today.

4. 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 such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos.10787- 10788 of 2011 (arising out of SLP (C) No.32768-32769/2010- Chief Information Commissioner and another Versus

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 Hon'ble 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 provisions of Section 18 of the RTI, 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

6. The instant matter is remanded back to the First Appellate Authority i.e. Shri Sanjeev Kumar, District Development & Panchayat Officer, Ludhiana. 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.

7. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) 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
12.01.2022**

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

Copy to (Through Regd. Post) :- Shri Sanjeev Kumar, First Appellate Authority, District Development & Panchayat Officer, Ludhiana.



Shri Charanjit Singh,
S/o Shri Balvir Singh,
R/o Village Dangeria,
Tehsil & Distt. Fatehgarh Sahib.

..... Complainant

Vs

Public Information Officer,
O/o Block Dev. & Panchayat Officer,
Block Khera, Fatehgarh Sahib.

Remanded Back to

First Appellate Authority
District Development &
Panchayat Officer, Fatehgarh Sahib.

.....Respondent

Complaint Case No. 1219 of 2021

Present:- (i) **Shri Charanjit Singh, complainant/applicant is absent.**
(ii) **None present on behalf of the respondent.**

ORDER

The present complaint was earlier allocated to the Bench of Ld. State Information Commissioner, Shri Avtar Singh Kaler in which Notice of hearing was issued for 12.01.2022. However since the Ld. State Information Commissioner, Shri Avtar Singh Kaler has demitted his office on the completion of his tenure, the case has been re-allocated to the Bench of the undersigned vide Office Order dated 03.01.2022.

1 The RTI application is dated 04.02.2021 vide which the complainant has sought information as enumerated in his RTI application. The complaint was filed in the Commission on 13.10.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 12.01.2022 through CISCO Webex. Shri Charanjit Singh, applicant has not come present personally or through CISCO Webex.

3. Neither the PIO has come present nor he has deputed any of his representative to attend the hearing for today.

4. 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 such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos.10787- 10788 of 2011 (arising out of SLP (C) No.32768-32769/2010- Chief Information Commissioner and another Versus 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 Hon’ble 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 provisions of Section 18 of the RTI, 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

6. The instant matter is remanded back to the First Appellate Authority i.e. Shri Narpinder Singh Grewal, District Development & Panchayat Officer, Fatehgarh Sahib. 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.

7. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) 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
12.01.2022**

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

**Copy to (Through Regd. Post) :- Shri Narpinder Singh Grewal, First Appellate Authority,
District Development & Panchayat Officer, Fatehgarh Sahib.**



Shri Sohan Singh,
S/o Shri Jeet Singh,
Village Faraur, Tehsil Khamano,
Distt. Fatehgarh Sahib.

..... Complainant

Vs

Public Information Officer,
O/o Block Dev. & Panchayat Officer,
Khamano, Distt. Fatehgarh Sahib.

Remanded Back to

First Appellate Authority

District Development &
Panchayat Officer, Fatehgarh Sahib

.....Respondent

Complaint Case No. 1218 of 2021

Present:- (i) **Shri Sohan Singh, complainant/applicant is absent.**
(ii) **Ms. Kuljit Kaur, Panchayat Secretary comes present through CISCO Webex.**

ORDER

The present complaint was earlier allocated to the Bench of Ld. State Information Commissioner, Shri Avtar Singh Kaler in which Notice of hearing was issued for 12.01.2022. However since the Ld. State Information Commissioner, Shri Avtar Singh Kaler has demitted his office on the completion of his tenure, the case has been re-allocated to the Bench of the undersigned vide Office Order dated 03.01.2022.

1 The RTI application is dated 09.02.2021 vide which the complainant has sought information as enumerated in his RTI application. The complaint was filed in the Commission on 08.10.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 12.01.2022 through CISCO Webex. Shri Sohan Singh, applicant has not come present personally or through CISCO Webex.

3. Ms. Kuljit Kaur, Panchayat Secretary comes present through CISCO Webex and states that the information sought by the applicant is ready and will be sent to the applicant shortly.

4. 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 such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos.10787- 10788 of 2011 (arising out of SLP (C) No.32768-32769/2010- Chief Information Commissioner and another Versus 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 Hon’ble 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 provisions of Section 18 of the RTI, 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

6. The instant matter is remanded back to the First Appellate Authority i.e. Shri Narpinder Singh Grewal, District Development & Panchayat Officer, Fatehgarh Sahib. 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.

7. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) 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
12.01.2022**

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

**Copy to (Through Regd. Post) :- Shri Narpinder Singh Grewal, First Appellate Authority,
District Development & Panchayat Officer, Fatehgarh Sahib.**



Shri Yadwinder Singh,
S/o Shri Surjit Singh,
R/o Village Patti Deepa,
VPO Dhamot Kalan, Tehsil Payal,
Distt. Ludhiana.

..... Complainant

Vs

Public Information Officer,
O/o Block Dev. & Panchayat Officer,
Doraha, Distt. Ludhiana.

**Remanded Back to
First Appellate Authority**
District Development &
Panchayat Officer, Ludhiana

.....Respondent

Complaint Case No. 1217 of 2021

Present:- (i) **Shri Yadwinder Singh, complainant/applicant comes present through CISCO Webex.**
(ii) **None present on behalf of the respondent.**

ORDER

The present complaint was earlier allocated to the Bench of Ld. State Information Commissioner, Shri Avtar Singh Kaler in which Notice of hearing was issued for 12.01.2022. However since the Ld. State Information Commissioner, Shri Avtar Singh Kaler has demitted his office on the completion of his tenure, the case has been re-allocated to the Bench of the undersigned vide Office Order dated 03.01.2022.

1 The RTI application is dated 15.06.2021 vide which the complainant has sought information as enumerated in his RTI application. The complaint was filed in the Commission on 13.10.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 12.01.2022 through CISCO Webex. Shri Yadwinder Singh, applicant comes present through CISCO Webex and states that no information has been provided to him by the PIO.

3. Neither the PIO has come present nor he has deputed any of his representative to attend the hearing for today.

4. 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 such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos.10787- 10788 of 2011 (arising out of SLP (C) No.32768-32769/2010- Chief Information Commissioner and another Versus

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 Hon'ble 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 provisions of Section 18 of the RTI, 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

6. The instant matter is remanded back to the First Appellate Authority i.e. Shri Sanjeev Kumar, District Development & Panchayat Officer, Ludhiana. 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.

7. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) 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.

Sd/-

Chandigarh
12.01.2022

((Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab

Copy to (Through Regd. Post) :- Shri Sanjeev Kumar, First Appellate Authority, District Development & Panchayat Officer, Ludhiana.



Shri Gurpreet Singh,
S/o Shri Iqbal Singh,
VPO Dhamot Kalan, Patti Maddo,
Tehsil Payal, Distt. Ludhiana.

..... Complainant

Vs

Public Information Officer,
O/o Block Dev. & Panchayat Officer,
Doraha, Distt. Ludhiana.

Remanded Back to

First Appellate Authority
District Development &
Panchayat Officer, Ludhiana

.....Respondent

Complaint Case No. 1216 of 2021

Present:- (i) **Shri Gurpreet Singh, complainant/applicant comes present through CISCO Webex.**
(ii) **None present on behalf of the respondent.**

ORDER

The present complaint was earlier allocated to the Bench of Ld. State Information Commissioner, Shri Avtar Singh Kaler in which Notice of hearing was issued for 12.01.2022. However since the Ld. State Information Commissioner, Shri Avtar Singh Kaler has demitted his office on the completion of his tenure, the case has been re-allocated to the Bench of the undersigned vide Office Order dated 03.01.2022.

1 The RTI application is dated 17.06.2021 vide which the complainant has sought information as enumerated in his RTI application. The complaint was filed in the Commission on 13.10.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 12.01.2022 through CISCO Webex. Shri Gurpreet Singh, applicant comes present through CISCO Webex and states that no information has been provided to him by the PIO.

3. Neither the PIO has come present nor he has deputed any of his representative to attend the hearing for today.

4. 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 such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos.10787- 10788 of 2011 (arising out of SLP (C) No.32768-32769/2010- Chief Information Commissioner and another Versus

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 Hon'ble 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 provisions of Section 18 of the RTI, 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

6. The instant matter is remanded back to the First Appellate Authority i.e. Shri Sanjeev Kumar, District Development & Panchayat Officer, Ludhiana. 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.

7. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) 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.

Sd/-

Chandigarh
12.01.2022

((Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab

Copy to (Through Regd. Post) :- Shri Sanjeev Kumar, First Appellate Authority, District Development & Panchayat Officer, Ludhiana.