

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 Jasbir Singh, (M-9888296107)
Guru Nanak Nagar, Village Bolapur,
Jhabewal, PO Ramgarh,
Distt Ludhiana-141123

.....Complainant

..Vs

Public Information Officer,
O/o Sub Registrar, Morinda,
Distt Roopnagar

.....Respondent

CC No. 936 of 2021

Present: (i) Madam Sukhwinder Kaur on behalf of the complainant
(ii) For the Respondent: Sh. Sukhwinder Singh, Tehsildar Morinda (9872427055)

ORDER

1. The RTI application is dated 02.03.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 19.07.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for **13.09.2021 i.e today.**
3. Madam Sukhwinder Kaur is appearing on behalf of the complainant without authority letter. She states that no information has been given to him so far.
4. This is a Complaint Case. Therefore, at this juncture it is relevant to invite the attention of the complainant to the judgment of the Hon'ble Supreme Court of India rendered on 12-12-2011 in Civil Appeal Nos. 10788 of 2011 (arising out of SLP © No. 32768-32769/2010) 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. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

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-02-

Complaint Case No. 936 of 2021

5. An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case. The complainant is advised to approach the first appellate authority in this behalf.
6. Accordingly this case is hereby remanded back to First Appellate Authority who is directed to decide the RTI application afresh as per provisions of the RTI Act 2005.
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 2nd appeal before the Commission under Section 19(3) of the RTI Act.
8. In view of the observations noted above, the instant **case is hereby ordered to be disposed of and closed**. Copy of the order be sent to the parties.

Chandigarh
Dated : 13-09-2021

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

Copy for necessary compliance is forwarded alongwith copy of instant RTI by **Regd. Post** to :-

First Appellate Authority
O/o Sub Registrar , Morinda
Distt. Roopnagar.

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Sh Punnu Ram, (M-987200-9470)
House No-141, Azad Nagar,
Ferozepur City

.....Complainant

..Vs

Public Information Officer,
O/o Director, Information & Public Relation Department,
Punjab Civil Secretariate, Chandigarh

.....Respondent

CC No. 971 of 2021

Present : (i) Sh. Punnu Ram the complainant (through VC)
(ii) For the respondent : Smt. Usha Magar, Sr. Assistant (9988800221), Sh.
Joginder Pal Singh, APIO (9915237851) in the Commission office

ORDER

The RTI application is dated 23.04.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 28.07.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 13.09.2021 i.e. today.
3. The complainant states that no information has been given to him so far.
4. This is a Complaint Case. Therefore, at this juncture it is relevant to invite the attention of the complainant to the judgment of the Hon'ble Supreme Court of India rendered on 12-12-2011 in Civil Appeal Nos. 10788 of 2011 (arising out of SLP © No. 32768-32769/2010) 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. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

Contd..2/p..



-02-

Complaint Case No. 971 of 2021

5. An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case. The complainant is advised to approach the first appellate authority in this behalf.
6. Accordingly this case is hereby remanded back to First Appellate Authority who is directed to decide the RTI application afresh as per provisions of the RTI Act 2005.
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 2nd appeal before the Commission under Section 19(3) of the RTI Act.
8. In view of the observations noted above, the instant **case is hereby ordered to be disposed of and closed**. Copy of the order be sent to the parties.

Chandigarh
Dated : 13-09-2021

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

Copy for necessary compliance is forwarded alongwith copy of instant RTI by **Regd. Post** to :-

First Appellate Authority
O/o Director Information and Public Relation Department
Punjab, Chandigarh



Sh. Surinder Kumar Singal,
541, Sector 33 B, Chandigarh – 160020

..... Appellant

Vs

Public Information Officer
o/o SDM, Mohali

First Appellate Authority
o/o SDM, Mohali

.....Respondent

AC : 3302 of 2021

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Harbans Singh, SDM, Mohali (9988820134)

ORDER

The RTI application is dated 29.09.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 18.02.2021 and second appeal was filed in the Commission on 22.07.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 13.09.2021 i.e. today.
3. The appellant is absent today.
4. After hearing the respondent and perusing the record, it is ascertained that the RTI application vide 29.09.2020, the appellant has sought information in shape of questions. Today the appellant is absent. He has not informed the Commission about his absence for today's hearing. The appellant may take note that in the judgment of Central Information Commission vide order dated 21.04.2006 in case no. CIC/AT/A/2006/00045 has decided that -

(The RTI Act does not cast on the public authority any obligation to answer queries, as in this case, in which a petitioner attempts to elicit answers to his questions with prefixes, such as, why, what, when and whether. The petitioner's right extends only to seeking information as defined in Section

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AC : 3302 of 2021

2 (f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority.)

5. In wake of above the instant Appeal Case is hereby **disposed of and closed.**

6. Announced in the Court. Copy of the order be sent to the parties.

Sd/-

Chandigarh
Dated : 13-09-2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab