

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Helpline No. 0172-2864100



Sh.Devinder Kumar, S/o Ram Charan Dass,
House No. 2069, Sipahi Mohalla, Kaziwara,
Ambala City (9468160600)

.....Appellant

..Vs

Public Information Officer,
O/o SP(HQ), Mohali
First Appellate Authority
O/o IGP, Roopnagar Range, Roopnagar

.....Respondent

AC No. 3192 of 2021

Present : (i) Sh. Devinder Kumar the appellant
(ii) For the respondent : Smt. Rajwinder Kaur, HC (8283060022) (in the Commission office)

ORDER

The RTI application is dated 01.04.2021 vide which the appellant has sought the following information

"Certified copy of the application filed by Ms. Amanpreet Kaur R/o Village Saneta, SAS Nagar against Gaurav Kumar 2) Certified copy of compromise dated 24.03.2021 3) Certified copy of statement of Amanpreet Kaur dated 24.03.2021 4) certified copy of final inquiry report."

On not receiving the information, the appellant filed first appeal with the First Appellate Authority (hereinafter FAA) on 10.05.2021 and second appeal was filed in the Commission on 13.07.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 13.10.2021 i.e. today.
3. The appellant has sent a letter through mail that he has received the information.
4. The respondent states that the information has already been sent to the appellant on 27.05.2021.
5. Since, the appellant has received the information, 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.

Sd/-

Dated : 13.10.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh.Manjit Singh, House No. 2877,
Phase 7, Mohali (6239713150)

.....Complainant

..Vs

Public Information Officer,
O/o SSP, Mohali

.....Respondent

CC No. 894 of 2021

Present : (i) Sh. Manjit Singh the complainant (in the Commission)
(ii) For the respondent: Smt. Rajwinder Kaur, HC (8283060022) in the Commission

ORDER

The RTI application is dated 05.05.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 09.07.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 13.10.2021 i.e. today.
3. The complainant Sh. Manjit Singh states that misleading information has been given to him so far. He has also filed his reply.
4. The respondent states that the information demanded by the complainant has already been sent to him.
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.



CC No. 894 of 2021

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.

7. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) 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 the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

8. 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.

9. 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 : 13.10.2021

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

Copy is forwarded by Regd. Post for necessary compliance to :-

First Appellant Authority
o/o SSP, Mohali

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Sh.Sanjeev Khullar, House No. 37/97,
Mohalla Paramjit Gaj, Kapurthala (9855864458)

.....Complainant

..Vs

Public Information Officer,
O/o Public Relation Officer
Kapurthala

.....Respondent

CC No. 926 of 2021

Present : None for the parties.

ORDER

The RTI application is dated 09.04.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 14.07.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 13.10.2021 i.e. today.
3. 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.



CC No. 926 of 2021

4. 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.

5. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) 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 the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

6. 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.

7. 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 : 13.10.2021

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

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District Public Relation Officer
Kapurthala

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Sh. Gurmej Singh Mann,
S/o Sh. Milkha Singh, R/o 5A, A.S.S.M College Flats
VPO Mukandpur, Sub Tehsil Banga
Distt. SBS Nagar – 144507

.....Complainant

..Vs

Public Information Officer,
O/o MC, Kharar, Distt. SAS Nagar

.....Respondent

CC No. 919 of 2021

Present : (i) Sh. Gurmej Singh Mann the complainant
(ii) For the respondent : Sh. Jaswinder Singh, Draftsman (8295271122) through Webex.

ORDER

The RTI application whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 13.07.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 13.10.2021 i.e. today.
3. 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.



CC No. 919 of 2021

4. 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.

5. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) 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 the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

6. 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.

7. 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 : 13.10.2021

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

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o/o Deputy Director, Local Government,
Patiala

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Sh. Jasbir Singh, Guru Nanak Nagar,
Village Bholapur, Jahbewal, Post Office Ramgarh
District Ludhiana – 141123 (9888296107)

.....complainant

..Vs

Public Information Officer,
O/o EO, Nagar Council, Kharar,
Distt. Mohali

.....Respondent

CC No. 915 of 2021

Present : (i) Sh. Jasbir Singh the complainant
(ii) For the respondent : None is present on behalf of the respondent.

ORDER

The RTI application is dated 10.05.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 13.07.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 13.10.2021 i.e. today.

3. 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.



CC No. 915 of 2021

4. 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.

5. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) 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 the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

6. 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.

7. 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**.

Sd/-

Dated : 13.10.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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