

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



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

.....Appellant

..Vs

Public Information Officer,
O/o BDPO, Dehlon, Distt. Ludhiana
First Appellate Authority
O/o DDPO, Ludhiana

.....Respondent

AC No. 3848 of 2021
Through video conference

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Sh Sanjiv Kumar, Clerk, o/o BDPO, Dehlon (9041689112)

ORDER

The RTI application is dated 28.12.2020 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 30.01.2021 and second appeal was filed in the Commission on 19.08.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 13.12.2021 i.e. today.
3. The appellant has informed on phone that he has received the information and is satisfied.
4. The respondent states that the complete information has been provided to the appellant.
5. Since, the appellant has received the information and is satisfied, hence no cause of action is left, therefore, the appeal case filed by the appellant is **disposed of and closed**.
Copy of the order be sent to the parties.

Sd/-

Dated :13.12.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



Sh.Sanjiv Kumar, S/o Late Sh. Tilak Raj
Village Sangwal, PO Sansarpur
Tehsil Dasuya, Distt. Hoshairpur

.....Complainant

..Vs

Public Information Officer,
O/o BDPO, Dasuya , Distt. Hoshiarpur

.....Respondent

CC No. 1083 of 2021
Through video conference

Present : (i) Sh. Sanjiv Kumar the complainant through Video conference
(ii) For the respondent : None is present on behalf of the respondent

ORDER

1. The RTI application is dated NIL whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 24.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 13.12.2021 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).

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



CC No. 1083 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.

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 : 13.12.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

CC: First Appellate Authority (Registered Post)
O/o DDPO, Hoshiarpur

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



Sh.Sarabjit Singh, S/o Sh. Tarsem Singh
Village Thatha, Tehsil Batala
Distt. Gurdaspur (9872402860)

.....Appellant

..Vs

Registered post: **Public Information Officer,**
O/o BDPO, Fatehgarh Churian
Distt. Gurdaspur

First Appellate Authority
O/o DDPO Gurdaspur

.....Respondent

AC No. 3797 of 2021
Through video conference

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

ORDER

The RTI application is dated 17.11.2020 vide which the appellant has sought following information :-

1. ਪਿੰਡ ਠੱਠਾ ਵਿਖੇ ਪਿੰਡ ਦੀ ਪਹਾੜ ਬਾਹੀ ਵਾਲੇ ਸਮਸਾਨ ਘਾਟ ਦੀ ਅੱਠ ਕਨਾਲ ਜਮੀਨ ਹੈ ਇਸ ਵਿੱਚੋਂ ਪੰਜ ਕਨਾਲ ਵਿੱਚ ਪਾਪੂਲਰ ਦੇ ਦਰਖਤ ਜੋ ਸਾਲ 2013 ਵਿੱਚ ਲੱਗੇ ਸੀ। ਇਸ ਵਿੱਚੋਂ ਉਹੋ ਜਿਹਾ ਦਰਖਤ ਕੱਟੇ ਗਏ ਹਨ ਉਹੋ ਕਿਸ ਪ੍ਰਵਾਨਗੀ ਨਾਲ ਕੱਟੇ ਗਏ ਹਨ। ਜਾਣਕਾਰੀ ਦੀ ਤਸਦੀਕ ਸੁਦਾ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ ਜੀ।
2. ਇਸ ਸਮਸਾਨ ਘਾਟ ਦੀ ਅੱਠ ਕਨਾਲ ਜਗਾ ਹੈ ਇਸ ਵਿੱਚੋਂ ਪੰਜ ਕਨਾਲ ਜਮੀਨ ਵਿੱਚ ਪਿਛਲੇ ਚਾਰ ਸਾਲ ਤੋਂ ਖੇਤੀ ਕੀਤੀ ਜਾ ਰਹੀ ਹੈ। ਹੁਣ ਵੀ ਇਸ ਵਿੱਚ ਕਣਕ ਬੀਜੀ ਗਈ ਹੈ। ਇਸ ਨੂੰ ਕਿਸ ਅਧਾਰ ਤੇ ਖੇਤੀ ਲਈ ਵਰਤਿਆ ਜਾ ਰਿਹਾ ਹੈ ਇਸ ਦੀ ਜਾਣਕਾਰੀ ਦੀ ਤਸਦੀਕ ਸੁਦਾ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ ਜੀ।
3. ਇਸ ਪੰਜ ਕਨਾਲ ਜਮੀਨ ਦੀ ਜੋ ਆਮਦਨ ਪਿਛਲੇ ਚਾਰ ਸਾਲ ਤੋਂ ਪ੍ਰਾਪਤ ਹੋਈ ਹੈ। ਇਸ ਦੀ ਜਾਣਕਾਰੀ ਦੀ ਤਸਦੀਕ ਸੁਦਾ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ ਜੀ।

ਨੱਥੀ:- ਦੱਸ ਰੁਪਏ ਦਾ ਪੋਸਟਲ ਆਡਰ ਨੰ: 38F 847348 ਤੇ ਅਧਾਰ ਕਾਰਡ ਦੀ ਫੋਟੋ ਕਾਪੀ ਨੱਥੀ ਹੈ ਜੀ।

On not receiving the information, the appellant filed First appeal with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 24.08.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

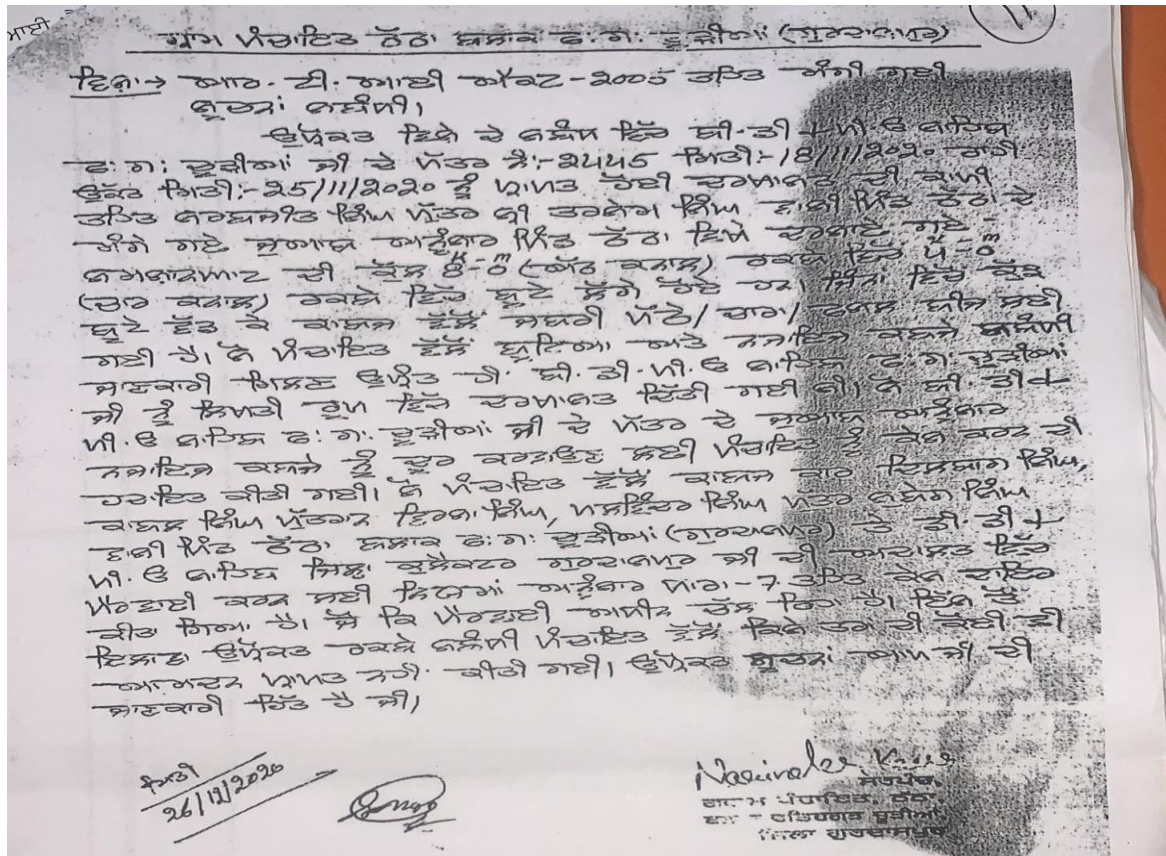
2. Notice of hearing was issued to the parties for 13.12.2021 i.e. today.

PUNJAB STATE INFORMATION COMMISSION
 Red Cross Building, Near Rose Garden,
 Sector 16, Chandigarh.
 Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
 Visit us: - www.infocommpunjab.com
 Helpline No. 0172-2864100



AC No. 3797 of 2021

3. The appellant Sh. Sarabjit Singh states that no information has been given to him so far.
4. The respondent is absent today.
5. The perusal of the file shows that the respondent has sent copy of information to the Commission office, which is as under:-



The same is taken on record. However, **copy of the information as submitted by the respondent be sent to the appellant alongwith these orders.**

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



AC No. 3797 of 2021

6. 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 :13.12.2021

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

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



Sh Pritam Singh, S/o Sh Banta Singh,
R/o Village Tanana, Tehsil Ajanala,
Distt Amritsar (M-8872084751)

.....Complainant

..Vs

Public Information Officer,
O/o BDPO, Chaugawan, Distt Amritsar

.....Respondent

CC No. 1078 of 2021
(Through Video-Conferencing)

Present : (i) Sh Pritam Singh, appellant along with Sh N.S Bhatti
(ii)for the Respondent: Sh Sukhdev Singh, Panchayat Secy (98144-20651)
alongwith Sh.N.S. Bhatti

ORDER

1. The RTI application is dated 14.07.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 23.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 13.12.2021 through Video-Conferencing facility in the Office of DC, Amritsar.
3. The Complainant Sh Pritam Singh states that no information has been provided to him so far.
4. The respondent states that the information, as exists, in the record has already been sent to the Complainant
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:-

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



CC No. 1083 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.

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. **Sd/-**

Dated : 13.12.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

CC: First Appellate Authority (Registered Post)
O/o DDPO, Amritsar

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



Sh Amar Singh, #5-Baba Bota Singh Nagar,
Near Dera Bhuriwala, Tara Taran Road,
Amritsar

.....Appellant

..Vs

Public Information Officer,
O/o Director, Rural Development and Panchayat department,
Sector 62, Punjab, SAS Nagar

First Appellate Authority ,
O/o Director, Rural Development and Panchayat department,
Sector 62, Punjab, SAS Nagar

.....Respondent

AC No. 3850 of 2021
(Through Video-Conferencing)

Present : (i) Sh Amar Singh, appellant. *(telephonically)*
(ii) for the Respondent: Sh Lal Chand, Panchayat secretary *(in the Commission office)*

ORDER

1. The RTI application vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 26.08.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 13.12.2021 through Video-Conferencing facility in the Office of DC, Amritsar.
3. The respondent states that the complete information has been provided to the Appellant and the Appellant is satisfied with the same.
4. The Appellant is not present today. However, he was contacted telephonically and states that he has received the information and is satisfied with the same. He has also filed his submissions via Commission diary no. 27629 dated 10.12.2021, which is taken on record.

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



AC No. 3850 of 2021

5. Since, the appellant is satisfied, therefore, no further cause of action is left. Hence, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Dated : 13.12.2021

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

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



Sh Vijay Singh Rana,
S/o Sh Bhuri Singh Rana,
House No F-13/1481, Street No. 7,
Jagdamba Colony, Amritsar-143001 (9873382777)

.....Appellant

..Vs

Public Information Officer,
O/o DEOS(SE) Tarn Taran
First Appellate Authority ,
O/o Circle Education Officer, Jalandhar

.....Respondent

AC No. 3817 of 2021

(Through Video-Conferencing)

Present : (i) None for the appellant.

(ii) For the Respondent: Sh Narinder, Sr Asstt (9501017512)

ORDER

1. The RTI application is dated 10.05.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 24.08.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 13.12.2021 through Video-Conferencing facility in the Office of DC, Amritsar.
3. The Appellant is not present today.
4. The Respondent states that the complete information has been provided to the Appellant. He has also filed their reply via e-mail along with a copy of the receiving given by the Appellant in lieu of receiving the information. Copy of the same is taken on record.
5. Since, the information has been received by the Appellant therefore, no further cause of action is left. Hence, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

Dated : 13.12.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100



Sh. Inderjeet Singh, S/o Sh. Kirpal Singh
R/o L-112, Gali No. 3, New Kapoor Nagar,
Sultanwind Road, Amritsar – 143001 (8054710482)

.....Appellant

..Vs

Public Information Officer,
O/o AIGP (crime), Bureau of Investigation, Punjab Police Headquarter,
Sector 9, Chandigarh
First Appellate Authority
O/o DGP Punjab, Punjab Police Headquarter, Sector 9,
Chandigarh

.....Respondent

AC No. 2846 of 2021
(Through Video-Conferencing)

Present : (i) None for the appellant.

(ii) For the Respondent: Sh Prem Singh, SI (94639-64161) O/o Commissioner of police, Amritsar (Through VC) and Sh Ram Parshad, Sr Asstt (9855464748) in the Commission office.

ORDER

This order may be read with reference to the previous order dated 29.09.2021 vide which the appellant was absent and the respondent stated that the information has been sent to the appellant.

2. Today again, the Appellant is not present today.

3. The Respondent Sh. Prem Singh states that the complete information has already been provided to the Appellant.

4. After hearing both the parties and perusing the case file, it is ascertained that the Appellant is not present today. He was not present on the previous date of hearing also. He has not even bothered to inform the Commission about his absence. The Respondent states that the information has been sent to the Appellant. Hence, it may be presumed that the Appellant is satisfied with the information provided.

5. In view of the above, no further cause of action is left. Hence, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Dated : 13.12.2021

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

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
Visit us: - www.infocommpunjab.com
Helpline No. 0172-2864100

