

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864113, Helpline No. 0172-2864100
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Visit us: - www.infocommpunjab.com



Appellant

Sh. Ravinder Kumar Sathi (9815476077)
61/1, Tagore Nagar,
Jalandhar 144002.

Versus

Public Information Officer
O/o Regional Transport Authority,
Jalandhar

First Appellate Authority
O/o State Transport Commissioner, Pb,
Chandigarh.

Respondent

Appeal Case No.: 1653 of 2021
Through CISCO WEBEX

Present: (i) Sh. Ravinder Kumar Sethi, the appellant.
(ii) For the respondent: Sh. Manish (PIO)

ORDER:

1. The RTI application is dated 24.11.2020 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 18.01.2021 and second appeal was filed in the Commission on 31.03.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for hearing through CISCO WEBEX on 14.09.2021 i.e. today.
2. In today's hearing Sh. Ravinder Kumar Sathi, appellant is present. He affirms that he has received the information but late and shows his resentment for the same.
3. The Commission while taking suo moto cognizance of the situation advises the respondent PIO not to harass the information seekers and information may be provided in time.
4. In view of receipt of information by the appellant, there is no further cause of action is required in this case and present appeal case stands **disposed off/closed**.

Dated: 14.09.2021(11:30 AM)

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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**Sh. Shantnu Kumar(
Manager, Pb. & Sind Bank,
Branch MGN College,
Jalandhar City.**

Complainant

Versus

Public Information Officer
O/o Regional Transport Authority,
Jalandhar

Remanded back to:

First Appellate Authority
(Regd. Post) O/o Regional Transport Authority,
Jalandhar

Encl. RTI Application.

Respondent

Complaint Case No.: 324 of 2021
Through CISCO WEBEX

Present: (i) None on behalf of the complainant.
(ii) For the respondent: Sh. Manish (PIO)

ORDER

1. The RTI application is dated 13.03.2020 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 15.03.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for 14.09.2021 through CISCO Webex application.
2. In today's hearing, respondent, Sh. Manish is present and complainant is absent without any intimation to the Commission.
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).

Complaint Case No.: 324 of 2021
Through CISCO WEBEX

4. 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.
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 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. In case the complainant has any grouse, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.
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: 14.09.2021(11:30 A.M.)

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Sh. Jagjit Singh (7470100029)

VPO Sekha Kalan,
Tehsil Bagha Purana,
District Moga-142049

Appellant

Versus

Public Information Officer

O/o Department of Personnel,
Punjab Civil Secretariat, Chandigarh

First Appellate Authority

O/o Department of Personnel,
Punjab Civil Secretariat, Chandigarh

Respondent

Appeal Case No.: 351 of 2021
Through CISCO WEBEX

Present: (i) None on behalf of the appellant.
(ii) For the respondent: Sh. Pardeep Kumar (SA) (9530718971).

ORDER

1. This order may be read with reference to the previous order dated 20.07.2021 vide which respondent Sh. Amanvir Singh stated that the sought as per RTI applicant has already been supplied to the appellant on 31.12.2020 but appellant denied of receiving information from the department.

Respondent PIO was directed to send the information again to the appellant within 10 days through email on the appellant's email address jagjitsekha@gmail.com under intimation to the Commission. Appellant was advised to intimate the Commission regarding receiving the information. Matter was adjourned for further hearing on 14.09.2021 i.e. today.

2. In today's hearing, respondent, Sh. Pardeep Kumar states that requisite information again sent to the appellant as per previous orders of the Commission dated 20.07.2021 comprising 173 pages and an email in this regard is also sent to the undersigned Bench dated 04.08.2021 (which is received and taken on record).
3. After examining the documents placed on record, it is observed that previous order was sent to the parties through registered post and appellant is absent despite being aware about the date of hearing. Appellant had not pointed out deficiency, in the supplied information till date. It is presumed that appellant is satisfied with the same and does not want to pursue this case further.
4. In wake of above, no further cause of action is required in this case and present appeal case stands **disposed off/closed**.

Dated: 14.09.2021(11:30 AM)

(Anumit Singh Sodhi)
State Information Commissioner
Punjab