

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
SECTOR 16, CHANDIGARH.**

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Shri Amrik Singh ,
Village Bhanri, PO Wajidpur
Tehsil and District Patiala.

.....Appellant

Versus

Public Information Officer
O/o Block Development and
Panchayat Officer, Patiala.

First Appellate Authority
O/o District Development and
Panchayat Officer, Patiala.

...Respondents

AC No.3579/2021

Present: (i) **Shri Amrik Singh, Appellant, in person.**
(ii) **Shri Bhupinder Singh, Panchayat Secretary, Vill. Bhanri, Block Patiala/PIO**
(iii) **Shri Malkinder Singh, Gram Rozgar Sewak, Village Bhanri and**
(iv) **Shri Harpreet Singh, Sarpanch, Gram Panchayat, Bhanri, Block Patiala.**

ORDER

1. The RTI application is dated 18.03.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 20.04.2021 and the second appeal was filed in the Commission on 09.08.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 17.11.2021 in Commission's office at Chandigarh. Accordingly, the case has been heard today. Shri Amrik Singh, appellant comes present to attend the hearing in person before the Bench. He states that he has sought information regarding income and grants received by Gram Panchayat, Bhanri and the accounts relating to its expenditure, which has not been provided to him.

3. Shri Bhupinder Singh, Panchayat Secretary/PIO comes present in person along with Shri Malkinder Singh, GRS and Shri Harpreet Singh, Sarpanch, Gram Panchayat, Bhanri. Shri Bhupinder Singh, Panchayat Secretary/PIO that the appellant had made a complaint on this subject and an enquiry in this regard is pending with Additional Deputy Commissioner (Development), Patiala and the relevant record has been deposited with the office of ADC (D), Patiala in connection with this enquiry. He states that information has been sought by the appellant relating to the said records. He further states that he has brought along certain record relating to MGNREGA scheme.

Cont...P-2



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AC No.3579/2021

4. The Bench directs the PIO Shri Bhupinder Singh to sit in the adjoining court room and show the said record to the appellant and report back to the Bench. Thereafter, after perusing the record, the appellant states before the Bench that the said record is not relevant to the issues raised by him in his RTI Application.

5. Post deliberations, the Bench directs the PIO Shri Bhupinder Singh, Panchayat Secretary, Bhanri, Block Patiala, District Patiala to file an affidavit within a period of one month on non judicial stamp paper duly signed by the PIO and attested by the Notary Public to the effect that the records relating to the information sought by the appellant in AC No.3579/2021 have been deposited with the office of Additional Deputy Commissioner (Development), Patiala in connection with enquiry pending with ADC (D) which is being conducted into a complaint made by the appellant along with others. It be further stated that the appellant was shown the record relating to MGNREGA and he was not satisfied with the same. It be further stated that in view of the pending enquiry into the complaint made by appellant in this regard, the information cannot be supplied and the statement made is true and correct. Original affidavit be sent to the appellant and photocopy of the same be sent to the Commission for record.

6. With the aforesaid directions, **the appeal case is disposed off and closed.** Copy of the order be sent to the parties.

**Chandigarh
17.11.2021**

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

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Shri Sukha Singh,
S/o Shri Salinder Singh,
Village Rania, Tehsil Ajnala,
Distt. Amritsar.

.....Complainant

Versus

Public Information Officer
O/o Block Development and
Panchayat Officer, Chogawan,
Tehsil Ajnala, District Amritsar.

Remanded Back

First Appellate Authority
O/o District Development and
Panchayat Officer, Amritsar.

...Respondents

CC No.1032/2021

Present: (i) **Complainant- absent.**
(ii) **None on behalf of PIO O/o BDOP Chogawan, District Amritsar.**

ORDER

1. The RTI application is dated 24.05.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 06.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 17.11.2021 in Commission's Office at Chandigarh. Accordingly, the case was scheduled to be heard today. Shri Sukha Singh, complainant has not come present to attend the hearing in person before the Bench.
3. The PIO O/o BDPO Chogawan, District Amritsar has also not come present nor has deputed any of his representatives to attend the hearing in person.
4. The Bench observes that 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. In case the complainant has any grouse about the provided information, 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 time limit in accordance with the provisions of RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned. The Bench observes that the complainant must be given an opportunity to avail of the above said remedy.

6. The instant matter is remanded back to the First Appellate Authority i.e. **Shri Gurpreet Singh Gill, District Development & Panchayat Officer, Amritsar**. 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
17.11.2021**

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

Copy to (By Regd. Post):

**First Appellate Authority
Shri Gurpreet Singh Gill,
District Development & Panchayat Officer,
Amritsar.**

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Shri Harinderpal Singh,
H.No.278, Near Purana Talab,
Hira Mehal Colony,
Nabha, District Patiala.

.....Complainant

Versus

Public Information Officer

O/o Director, Public Instruction (SE), Punjab
PSEB Complex, Phase-8,
S.A.S. Nagar (Mohali).

Remanded Back

First Appellate Authority

Director, Public Instruction (SE), Punjab
PSEB Complex, Phase-8,
S.A.S. Nagar (Mohali).

... Respondents

CC No.1033/2021

Present:

- (i) **Complainant- absent.**
(ii) **Shri Kripa Dutt, Legal Advisor, along with Shri Sunil Kumar Goyal,
Sr. Assistant O/o DPI (SE). Punjab, Mohali.**

ORDER

(Heard in person/on mobile phone)

1. The RTI application is dated 11.06.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 09.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 17.11.2021 in Commission's Office at Chandigarh. Accordingly, the case has been heard today. Shri Harinderpal Singh, complainant has not come present to attend the hearing in person before the Bench.
3. Shri Kripa Dutt, Legal Advisor, along with Shri Sunil Kumar Goyal, Sr. Assistant O/o DPI (SE). Punjab, Mohali comes present to attend the hearing in person. He states that information has been supplied to the complainant by registered post on 20.08.2021. He further states that information on point No.1 cannot be supplied being third party and also produces a letter of Govt. Of Punjab dated 09.08.2021 in this regard.
4. Since he complainant is absent, he is contacted on mobile phone. He states that he has received partial information and is not satisfied with the information supplied. The Bench observes that 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. In case the complainant has any grouse about the provided information, 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 time limit in accordance with the provisions of RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned. The Bench observes that the complainant must be given an opportunity to avail of the above said remedy.

6. The instant matter is remanded back to the First Appellate Authority i.e. **Shri Sukhjital Singh, Director, Public Instruction(SE), Punjab, Mohali**. 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
17.11.2021**

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

Copy to (By Regd. Post):

**First Appellate Authority, Shri Sukhjital Singh,
Director, Public Instruction(SE), Punjab, PSEB Complex, Phase-8, Mohali.**

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Shri Amandeep Singh,
S/o Shri Mela Singh
R/o Gobindpura Patran,
Tehsil Munak, Distt. Sangrur.

.....Complainant

Versus

Public Information Officer

O/o Director,
Public Instruction (SE), Punjab
PSEB Complex, Phase-8,
S.A.S. Nagar (Mohali).

...Respondent

CC No.1048/2021

Present: (i) Complainant- absent.
(ii) Shri Jagjit Singh, Senior Assistant, Establishment-4 Branch, O/o DPI(SE), Punjab, Mohali, in person.

ORDER

(Heard in person/on mobile Phone)

1. The RTI application is dated 20.05.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 11.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 17.11.2021 in Commission's Office at Chandigarh. Accordingly, the case has been heard today. Shri Amandeep Singh, complainant has not come present to attend the hearing in person before the Bench.
3. Shri Jagjit Singh, Senior Assistant, Estt.-4 Branch, O/o DPI (SE), Punjab, Mohali comes present to attend the hearing in person. He states that information has been supplied to the complainant by registered post on 11.06.2021.
4. The complainant is contacted on mobile phone. On the asking of the Bench, the complainant confirms the receipt of information and give his consent to close the case.
5. In view of the above, no further cause of action is left in the matter. **The complaint case is disposed off and closed.** Copy of the order be sent to the parties.

**Chandigarh
17.11.2021**

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

**PUNJAB STATE INFORMATION COMMISSION
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Shri Jasbir Singh,
Guru Nanak Nagar,
Village Jhabewal, PO Ramgarh,
District Ludhiana.

.....Complainant

Versus

Public Information Officer
O/o Sub Divisional Magistrate,
Sri Muktsar Sahib.

Remanded Back
First Appellate Authority
O/o Sub Divisional Magistrate,
Sri Muktsar Sahib..

...Respondents

CC No.1036/2021

Present: (i) **Complainant- absent.**
(ii) **None on behalf of the PIO/ respondent.**

ORDER

(Heard on mobile phone)

1. The RTI application is dated 17.06.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 10.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 17.11.2021 in Commission's Office at Chandigarh. Accordingly, the case has been heard today. Shri Jasbir Singh, complainant has not come present to attend the hearing in person before the Bench.
3. Neither the PIO has come present to attend the hearing in person nor he has deputed any of his representatives to attend the hearing.
4. The complainant is contacted on mobile phone. On the asking of the Bench, the complainant denies receipt of any information. The Bench observes that 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.”

Cont..P-2



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. In case the complainant has any grouse about the provided information, 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 time limit in accordance with the provisions of RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned. The Bench observes that the complainant must be given an opportunity to avail of the above said remedy.

6. The instant matter is remanded back to the First Appellate Authority i.e. **Smt. Swarnjit Kaur, Sub Divisional Magistrate, Sri Muktsar 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
17.11.2021**

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

Copy to (By Regd. Post):

**First Appellate Authority
Smt. Swarnjit Kaur,
Sub Divisional Magistrate,
Sri Muktsar Sahib.**

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Shri Jasbir Singh,
Guru Nanak Nagar,
Village Jhabewal, PO Ramgarh,
District Ludhiana.

.....Complainant

Versus

Public Information Officer
O/o Sub Divisional Magistrate,
Fazilka.

...Respondent

CC No.1040/2021

Present: (i) Complainant- absent.
(ii) Shri Pran Sehgal, Data Entry Operator, O/o SDM Fazilka in person.

ORDER

(Heard in person/on Mobile Phone)

1. The RTI application is dated 17.06.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 10.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 17.11.2021 in Commission's Office at Chandigarh. Accordingly, the case has been heard today. Shri Jasbir Singh, complainant has not come present to attend the hearing in person before the Bench.
3. Shri Pran Sehgal, Data Entry Operator O/o SDM Fazilka comes present to attend the hearing in person on behalf of the PIO/respondent. He produces authority letter to attend the hearing. He states that information has been supplied to the complainant by registered post on 12.07.2021 and also produces a copy of the same before the Bench.
4. Shri Jasbir Singh, complainant is contacted on mobile phone. On the asking of the Bench, the complainant denies receipt of information. Then, he is read out the contents of the letter dated 12.07.2021, after which the complainant gives his consent to close the case.
5. In view of the above, the PIO is directed to send another copy of information already sent earlier by registered post on priority under intimation to the Commission. No further cause of action is left in the matter. **The complaint case is disposed off and closed.** Copy of the order be sent to the parties.

**Chandigarh
17.11.2021**

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

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Shri Navpreet Singh, Advocate,
721, 7th Floor,
District Courts, Ludhiana.

.....Complainant

Versus

Public Information Officer

O/o Director,
Public Instruction (SE), Punjab
PSEB Complex, Phase-8,
S.A.S. Nagar (Mohali).

Remanded Back

First Appellate Authority

Assistant Director, Estt.-I,
O/o Director, Public Instruction (SE), Pb.
PSEB Complex, Phase-8,
S.A.S. Nagar (Mohali).

...Respondents

CC No.1052/2021

Present: (i) **Shri J.K. Khetarpal on behalf of Shri Navpreet Singh, Complainant, in person.**
(ii) **None on behalf of PIO/respondent.**

ORDER

1. The RTI application is dated 10.06.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 12.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 17.11.2021 in Commission's Office at Chandigarh. Accordingly, the case has been heard today. Shri J.K. Khetarpal, Advocate comes present to attend the hearing in person before the Bench on behalf of Navpreet Singh, complainant. He states that no information has been provided to the complainant.
3. Neither the PIO has come present nor he has deputed any of his representatives to attend the hearing in person before the Bench.
4. The Bench observes that 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

Cont..P-2



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. In case the complainant has any grouse about the provided information, 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 time limit in accordance with the provisions of RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned. The Bench observes that the complainant must be given an opportunity to avail of the above said remedy.

6. The instant matter is remanded back to the First Appellate Authority i.e. **Shri Gurjot Singh, Assistant Director(PAS), O/o Director, Public Instruction(SE), Punjab, Mohali**. 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
17.11.2021**

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

Copy to (By Regd. Post):

**First Appellate Authority
Shri Gurjot Singh, Assistant Director,(PAS)
Director, Public Instruction (SE), Punjab
PSEB Complex, Phase-8, Mohali.**

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Shri Lakhvir Ram,
S/o Shri Jagtar Ram
R/o Village Dhansiwal,
Tehsil Garhshankar,
District Hoshiarpur.

.....Complainant

Versus

Public Information Officer
O/o Block Development and
Panchayat Officer, Garhshankar
District Hoshiarpur.

Remanded Back

First Appellate Authority
O/o District Development and
Panchayat Officer, Hoshiarpur.

...Respondents

CC No.1053/2021

Present: (i) **Shri Lakhvir Ram, Complainant, in person.**
(ii) **None on behalf of PIO O/o BDPO Garhshankar.**

ORDER

1. The RTI application is dated 05.04.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 10.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 17.11.2021 in Commission's Office at Chandigarh. Accordingly, the case has been heard today. Shri Lakhvir Ram, complainant comes present to attend the hearing in person before the Bench. He states that no information has been provided to him.
3. Neither the PIO has come present nor he has deputed any of his representatives to the hearing in person before the Bench.
4. The Bench observes that 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:-



-2-

CC No.1053/2021

“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. In case the complainant has any grouse about the provided information, 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 time limit in accordance with the provisions of RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned. The Bench observes that the complainant must be given an opportunity to avail of the above said remedy.

6. The instant matter is remanded back to the First Appellate Authority i.e. **Shri Sarabjit Singh Bains, District Development & Panchayat Officer, Hoshiarpur**. 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
17.11.2021**

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

Copy to (By Regd. Post):

**First Appellate Authority, Shri Sarabjit Singh Bains,
District Development & Panchayat Officer, Hoshiarpur.**

