



Sh. Manpreet Singh, (9991038850)
Son of Shri Baldev Singh
552/1, Manji Sahib Gurudwara

.....Appellant

..Vs

Public Information Officer,
O/o Swift Security Services Pvt. Ltd.
Mohali
First Appellate Authority
o/o Swift Security Services Pvt. Ltd.,
Mohali

.....Respondent

AC No. 2712 of 2021
Through CISCO WEBEX

Present: (i) Sh. Manpreet Singh the appellant
(ii) For the respondent : Sh. Pawan Kumar, (7837740503)

ORDER

The RTI application is dated 25.02.2021 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 21.02.2021 and second appeal was filed in the Commission on 10.06.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 18.08.2021 i.e. today through CISCO Webex.

3. Today, the appellant states that no information has been given to him so far.

4. The respondent Sh. Pawan Kumar states that the Swift Security Services (P) Ltd. is not a 'public authority' within the meaning of Section 2 (h) RTI Act 2005. He further states that he has also sent his reply to the commission office.

5. The perusal of the file shows that the respondent has sent his reply mentioning therein that :

" there is hereby submitted that there is no public authority by the name and style of Swift Security Service (Pvt) Ltd. or Swift Securities (P) Ltd. The only or establishment which is operating is Swift Securities (P) Ltd., and is a private limited company under the Indian Companies Act having no share, authority, powers or authority or body or institution of self government established or constituted

(a) by or under the Constitution;

(b) by any other law made by Parliament ;

(c) by any other law made by State legislature

(d) by notification issued or order made by the appropriate Government

And includes any-

(i) body owned, controlled or substantially financed;

(ii) non-Government organization substantially financed.



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directly or indirectly by funds provided by the appropriate Government. Accordingly, the respondents are neither public authority nor a body incorporated therein as defined u/s 2(h) of the RTI Act.

6. In view of the above the reply filed by the respondent appears to be convincing, hence, no cause of action is left. The appeal case filed by the appellant is , therefore, **disposed of as closed..** *However the appellant will be at liberty to file fresh RTI application with supported documents to get it declared as a public authority , in case he so wish.* Copy of the reply as submitted by the respondent be sent to the appellant alongwith the orders The postal order submitted by the Appellate to the Commission is returned herewith as no fee is required to file appeal in the Commission.

Copies of the order be sent to the parties

Sd/-

Dated : 18.08.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab



Sh. Kimti Lal Kashyap,
S/o Sh. Krishan Lal Kashyap,
R/o # 12, Street No. 1, Teacher Colony,
Distt. SBS Nagar

.....Complainant

..Vs

Public Information Officer,
O/o Deputy Commissioner
SBS Nagar

Remanded back to

First Appellate Authority'
O/o Deputy Commissioner
SBS Nagar

.....Respondent

CC No. 629 of 2021

Through CISCO WEBEX

Present: (i) None is present on behalf of the complainant
(ii) For the respondent : Smt. Jasbir Kumari, Sr. Assistant (9872039124),
Sh. Harsh Kumar, APIO (9646047702), Dr. Jasdev Singh, Assistant Civil
Surgeon (9530500326), Sh. Rajinder Pal, ASI (9417492051)

ORDER

The RTI application is dated 15.03.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 25.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 18.08.2021 i.e. today through CISCO Webex.

3. The complainant is absent today.

4. The respondent states 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:-



CC No. 629 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. 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.

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 Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

8. 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 : 18.08.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab



Sh. Kimti Lal Kashyap,
S/o Sh. Krishan Lal Kashyap,
R/o # 12, Street No. 1, Teacher Colony,
Distt. SBS Nagar

.....Complainant

..Vs

Public Information Officer,
O/o Deputy Commissioner
SBS Nagar

Remanded back to

First Appellate Authority'
O/o Deputy Commissioner
SBS Nagar

.....Respondent

CC No. 636 of 2021

Through CISCO WEBEX

Present: (i) None is present on behalf of the complainant
(ii) For the respondent : Smt. Jasbir Kumari, Sr. Assistant (9872039124),

ORDER

The RTI application is dated 10.03.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 25.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 18.08.2021 i.e. today through CISCO Webex.

3. The complainant is absent today.

4. The respondent states 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:-



CC No. 636 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. 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.

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 Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

8. 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 : 18.08.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab



Sh. Paramjit, S/o Sh. Durga Bahadur,
R/o Karyam Road, Nawanshahr
Distt. SBS Nagar (8427065223)

.....Complainant

..Vs

Public Information Officer,
O/o Deputy Commissioner,
Distt. SBS Nagar

REGISTERED POST

Remanded back
Public Information officer
o/o Deputy Commissioner
Distt. SBS Nagar

.....Respondent

CC No. 630 of 2021

Through CISCO WEBEX

Present: (i) None is present on behalf of the complainant
ii) For the respondent : Smt. Jasbir Kumari, Sr. Assistant (9872039124),

ORDER

The RTI application is dated 10.03.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 25.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 18.08.2021 i.e. today through CISCO Webex.

3. The complainant is absent today.

4. The respondent states 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:-



CC No. 630 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. 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.

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 Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

8. 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 : 18.08.2021

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