



Sh. Sukhwinder Singh, (9463696700)

S/o Sh. Modhan Singh, Village Badwali,
P.O & Tehsil Morinda, DisttRoopnagar.

.....Appellant/Complainant

Versus

Public Information Officer

O/o Block Development and Panchayat Officer,
cumPanchayatSamiti, Dhariwal,
DisttGurdaspur.

.....Respondent

Complaint Case No.110 of 2021
(Cisco Webex Proceedings)

Present: Complainant: **Absent**

Respondent: Sh. Pawan Kumar (Supritendent) 9501865962

ORDER:

1. This order may be read with reference of previous order dated 15.06.2021.
2. Respondent, Sh. Pawan Kumar pleaded that with the compliance of the previous order of the Commission he has provided the sought information to the appellant dated through registered post dated. A copy of the same is received by the undersigned bench via email dated 18.08.2021. He further requested the commission to drop show cause notice issued on last hearing.
3. Complainant is absent without any intimation to the Commission.
4. 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.

In 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).

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.

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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 remanded to the concerned First Appellate Authority along with a copy of RTI application for their ready reference. The appeal is disposed off accordingly, with the above observations.

Chandigarh
Dated: 18.08.2021

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Pb.



Sh. Sukhdev Singh, (9463228842)

S/o Sh. Banta Singh, Village Dhupsari,
P.O Govt Multitechnical College Batala,
Distt Gurdaspur-143506.

.....Appellant/Complainant

Versus

Public Information Officer

O/o District Educational Officer, (SE),
Gurdaspur.

.....Respondent

Complaint Case No.119 of 2021

(Cisco Webex Proceedings)

Present: Complainant: **Sh. Sukhdev Singh**
Respondent: Absent

ORDER:

1. This order may be read with reference of previous order dated 15.06.2021.
2. Written submission by respondent authority:- An email dated 17.08.2021 is received by the undersigned bench vide relevant portion of which is reproduced below:-

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਅਤੇ ਹਵਾਲਾ ਅਧੀਨ ਪੱਤਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਆਰ.ਟੀ.ਆਈ ਐਕਟ ਅਧੀਨ ਸ਼੍ਰੀ ਸੁਖਦੇਵ ਸਿੰਘ ਪੁਪਸੜੀ ਵੱਲੋਂ ਪੀ.ਟੀ.ਆਈ ਟੀਚਰ ਦੀ ਖਾਲੀ ਅਸਾਮੀ ਦੀ ਸੂਚਨਾ ਦੀ ਮੰਗ ਕੀਤੀ ਸੀ। ਇਸੇ ਸਬੰਧ ਵਿੱਚ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਵਿਭਾਗ ਵੱਲੋਂ ਟੀਚਰ ਕਾਡਰ ਗਰੁਪ ਸੀ ਦੇ ਨਵੇਂ ਰੂਲ ਮਿਤੀ 21-5-2018 ਹੋਂਦ ਵਿੱਚ ਆਉਣ ਕਾਰਨ ਲਾਜ਼ਮੀ ਹੋ ਚੁੱਕੇ ਹਨ। ਇਹਨਾਂ ਨਵੇਂ ਰੂਲਾਂ ਵਿੱਚ ਪੀ.ਟੀ.ਆਈ ਦੀ ਅਸਾਮੀ ਦਾ ਕੋਈ ਉਪਬੰਧ ਨਹੀਂ ਹੈ। ਇਸ ਕਰਕੇ ਇਹ ਸੂਚਨਾ ਨਹੀਂ ਦਿੱਤੀ ਜਾ ਸਕਦੀ। ਇਹ ਨਵੇਂ ਰੂਲ ਪੰਜਾਬ ਸਰਕਾਰ ਦੀ ਰਿਕੂਰਮੈਂਟ ਬੋਰਡ ਤੋਂ ਉਪਲਬਧ ਹੋ ਸਕਦੀ ਹੈ।

3. 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.

In 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).

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.

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5. 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.
6. In view of the observations noted above, the instant case is remanded to the concerned First Appellate Authority along with a copy of RTI application for their ready reference. The appeal is disposed off accordingly, with the above observations.

Chandigarh
Dated: 18.08.2021

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Pb.

PUNJAB STATE INFORMATION COMMISSION
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Sh.Bhupinder Punj, (9915235055)

S/o Shri Braham Prakash,
186, VPO, Lohara, Ludhiana.

.....Appellant/Complainant

Versus

Public Information Officer

O/o Managing Director, PRTC,
Patiala.

.....Respondent

First Appellate Authority

O/o Managing Director, PRTC,
Patiala.

Appeal Case No.427 of 2021
(Cisco Webex Proceedings)

Present: Appellant: Sh.Bhupinder Punj
Respondent: Sh. Kanwaljit Singh

ORDER:

1. This order may be read with reference of previous order dated 15.06.2021.
2. Appellant, Sh. Bhupinder Punj acknowledge the receiving of sought information and showed his satisfaction for the same.
3. As the information stands supplied therefore, no cause of action is required in this case. Hence, the instant appeal case is **disposed & closed**.

Chandigarh
Dated: 18.08.2021

Sd/-
(Maninder Singh Patti)
State Information Commissioner, Pb.