

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

Ph: 0172-2864113, Helpline No. 0172-2864100

Email: - psic22@punjabmail.gov.in

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(Regd. Post) Sh. Jasbir Singh (9888296107)

Guru Nanak Nagar,
Village Bolapur, Jhabewal,
Post Office, Ramgarh,
District Ludhiana-141123

Complainant

Versus

(Regd. Post) Public Information Officer

O/o State Transport Commissioner Punjab,
Sector-17, Chandigarh

Remanded back

First Appellate Authority

(Regd. Post) O/o State Transport Commissioner Punjab,
Sector-17, Chandigarh

Encl. RTI application

Respondent

Complaint Case No.: 663 of 2021
Heard through CISCO WEBEX

Present: (i) Sh. Jasbir Singh- complainant
(ii) For the respondent: Sh. Gurbax Singh (APIO)

Order

1. The RTI application is dated 13.04.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 28.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 18.11.2021 through CISCO Webex application.
3. In today's hearing, the complainant Sh. Jasbir Singh requests to remand back this case to the First Appellate Authority (FFA).
4. Respondent, Sh. Gurbax Singh states that reply has already been sent to the complainant dated 25.05.2021. He submits a copy of reply vide letter dated 17.11.2021 along with supporting documents, which is taken on record.
5. On the request of the complainant this case is remanded back to the First Appellate Authority.
6. 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.: 663 of 2021

Heard through CISCO WEBEX

7. 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.

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.

If, 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: 18.11.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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(Regd. Post) Sh. Jasbir Singh (9888296107)

Guru Nanak Nagar,
Village Bolapur, Jhabewal,
Post Office, Ramgarh,
District Ludhiana-141123

Complainant

Versus

(Regd. Post) Public Information Officer

O/o Director, ,Deptt. of State Transport Punjab,
Sector-17, Chandigarh

Remanded back

First Appellate Authority

(Regd. Post) O/o Director, ,Deptt. of State Transport Punjab,
Sector-17, Chandigarh

Encl. RTI application

Respondent

Complaint Case No.: 665 of 2021
Heard through CISCO WEBEX

Present: (i) Sh. Jasbir Singh- complainant

(ii) For the respondent: Sh. Darshan Singh (Sr. Assistant) (9915215275)

Order

1. The RTI application is dated 15.04.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 28.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 18.11.2021 through CISCO Webex application.
3. In today's hearing, both the parties are present.
4. 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).

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.

Complaint Case No.: 665 of 2021
Heard through CISCO WEBEX

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.

If, 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 **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Dated: 18.11.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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(Regd. Post) **Sh. Nanak Singh Bhatti, Advocate(9855560437)** Complainant
Chamber No.33,
New Judicial Complex,
Ajnala, Distt. Amritsar.

Versus

(Regd. Post) **Public Information Officer**
O/o Regional Transport Authority,
Amritsar

Remanded back

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

Encl. RTI application

Respondent

Complaint Case No.: 642 of 2021
Heard through CISCO WEBEX

Present: None present

Order

1. The RTI application is dated 15.07.2020 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 26.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 18.11.2021 through CISCO Webex application.
3. In today's hearing, both the parties are absent despite being aware about the date of hearing, which shows their casual approach to the Notice of the Commission.
4. 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).
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.
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.
If, 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.
5. 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: 18.11.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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(Regd. Post) **Sh. Amarjit Singh (9915247186)**
s/o Sh. Balvir Singh
VPO Karnana-144513.
Tehsil Nawanshar,
Distt. SBS Nagar..

Complainant

Versus

(Regd. Post) **Public Information Officer**
O/o SSP, Bhatinda

Remanded back

(Regd. Post) **First Appellate Authority**
O/o SSP, Bathinda

Encl. RTI application

Respondent

Complaint Case No.: 648 of 2021

Heard through CISCO WEBEX

Present: (i) Nobody on behalf of the complainant.
(ii) For the respondent: Sh. Jaspal Singh (DSP) (9815047708)

Order

1. The RTI application is dated 24.05.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 27.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 18.11.2021 through CISCO Webex application.
3. In today's hearing, respondent, Sh. Jaspal Singh states that reply has already been sent to the complainant.
4. Neither the complainant is present nor did he file reply in this regard despite being aware about the date of hearing, which shows his casual approach to the Notice of the Commission.
5. 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).

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.

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.

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 **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Dated: 18.11.2021

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State Information Commissioner
Punjab

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(Regd. Post) **Sh. Amarjit Singh (9915247186)**
s/o Sh. Balvir Singh
VPO Karnana-144513.
Tehsil Nawanshar,
Distt. SBS Nagar..

Complainant

Versus

(Regd. Post) **Public Information Officer**
O/o SSP, Mansa

Remanded back

(Regd. Post) **First Appellate Authority**
O/o SSP, Mansa

Encl. RTI application

Respondent

Complaint Case No.: 651 of 2021

Heard through CISCO WEBEX

Present: (i) Nobody on behalf of the complainant.
(ii) For the respondent: Sh. Amritpal Singh (ASI) (98780009839).

Order

1. The RTI application is dated 24.05.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 27.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 18.11.2021 through CISCO Webex application.
3. In today's hearing, respondent, Sh. Amritpal Singh states that reply dated 13.10.2021 has already been sent to the complainant.
4. Neither the complainant is present nor did he file reply in this regard despite being aware about the date of hearing, which shows his casual approach to the Notice of the Commission.
5. 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).

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.

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.

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 **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Dated: 18.11.2021

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State Information Commissioner
Punjab

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(Regd. Post) **Sh. Harpreet Singh (8427498620)** Complainant
s/o Sh. Gurcharan Singh,
Vill. Manemajra,
Tehsil Chamkaur Sahib,
Distt. Ropar.

Versus

(Regd. Post) **Public Information Officer**
O/o Regional Transport Authority,
Ludhiana

Remanded back

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

Encl. RTI application

Respondent

Complaint Case No.: 684 of 2021
Heard through CISCO WEBEX

Present: None present.

Order

1. The RTI application is dated 19.02.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 01.06.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 18.11.2021 through CISCO Webex application.
3. In today's hearing, both the parties are absent despite being aware about the date of hearing, which shows their casual approach to the Notice of the Commission.
4. 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).

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.

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.

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.

5. 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: 18.11.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab