

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

Ph: 0172-2864116, Email: - psic26@punjabmail.gov.in

Visit us: - www.infocommpunjab.com, Cisco Webex Code:15857-23975

Helpline No.: 0172-2864100 (From 10.00 AM to 04.00 PM on working days)



Smt. Balbir Kaur,
W/o Late Shri Jaspal Singh,
HL 370, Phase-9, Mohali.

.....Complainant

Versus

Public Information Officer

O/o Greater Mohali Area Development
Authority (GMADA), Mohali.

Remanded Back:

First Appellate Authority

O/o Chief Administrator,
Greater Mohali Area Development
Authority (GMADA), Mohali.

...Respondents

CC No.1184/2021

Present: (i) **Shri Ajaypal Singh, Advocate on behalf of the Appellant.**
(ii) **Parminder Singh, Senior Assistant O/o GMADA, Mohali,
on behalf of PIO/Respondent.**

ORDER

(Heard in person/through Cisco Webex)

1. The RTI application is dated 30.03.2021 vide which the Complainant has sought information as enumerated in her RTI application. Complaint was filed in the Commission on 29.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 19.01.2021 in Commission's office at Chandigarh. Accordingly, the case has been heard today. Shri Ajaypal Singh, Advocate comes present to attend the hearing on behalf of the complainant.
3. Shri Parminder Singh, Sr. Assistant O/o GMADA, Mohali comes present to attend the hearing in person on behalf of the PIO. He states that the information sought by the complainant has been supplied vide letter dated 17.01.2021 by registered post.
4. On the asking of the Bench, the representative of the complainant states that the information supplied to the complainant is partial and misleading and that the complainant is not satisfied with the same.
5. The Bench observes that the representative of the complainant admits receipt of information but states that the information supplied is incomplete and misleading and that the complainant is not satisfied with the same. The Bench further observes that the complainant has not availed the provision under 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 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 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.

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 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.

7. The instant matter is remanded back to the First Appellate Authority i.e. **Smt.Sukhwinder Kumari, Estate Officer (Policy), GMADA, 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. She is directed to give an early date to hear the complainant and decide the matter. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), she 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
19.01.2022**

Copy to (By Regd. Post):

**First Appellate Authority,
Smt. Sukhwinder Kumari
Estate Officer (Policy),
GMADA, Mohali.**

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

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Shri Bhagat Ram
S/o Late Shri Khushi Ram
R/o VPO Sham Chaurasi,
District Hoshiarpur.

..... Complainant

Versus

Public Information Officer
O/o Deputy Director,
Local Government, Jalandhar.

Remanded Back:

First Appellate Authority
Addl. Dy. Commissioner,
Urban Development, Jalandhar

...Respondents

CC No.1174/2021

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

ORDER

1. The RTI application is dated 19.02.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 23.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 19.01.2021 in Commission's office at Chandigarh. Shri Bhagat Ram has not come present to attend the hearing in person or through cisco webex nor any intimation has been received from him.
3. Neither the PIO O/o Deputy Director, Local Govt., Jalandhar has come present to attend the hearing in person or through cisco webex nor he has supplied any information to the complainant.
4. The Bench observes that the grievance of the complainant still remains unaddressed. The Bench also observes that complainant has not availed the provision under 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 Vs. State of Manipal and another in para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the

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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.

6. The instant matter is remanded back to the First Appellate Authority i.e. **Shri Himanshu Jain, Addl. Deputy Commissioner, Urban Development, Jalandhar**. 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. 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
19.01.2022
Copy to (By Regd. Post):

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

First Appellate Authority, Shri Himanshu Jain, Additional Deputy Commissioner,
Urban Development, Jalandhar.

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Shri Tejinder Singh
133, KSM Road,
Rajpura, Distt. Patiala.

.....Complainant

Versus

Public Information Officer

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

First Appellate Authority-cum-

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

...Respondents

Complaint Case No.1182/2021

Present: (i) **Shri Tejinder Singh, Appellant, in person.**
(ii) **Shri Charanjit Singh, Senior Assistant, O/o DPI (SE), Punjab, Mohali
on behalf of the PIO/respondent.**

ORDER

(Heard in person /Through Cisco Webex)

1. The RTI application is dated 04.08.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 28.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 19.01.2021 in Commission's office at Chandigarh. Shri Tejinder Singh, complainant comes present to attend the hearing in person before the Bench. He states that no information has been supplied on his representation.
3. Shri Charanjit Singh, Senior Assistant, O/o DPI (SE), Punjab, Mohali comes present to attend the hearing through cisco webex. He states that the information has been supplied to the complainant by registered post on 18.01.2022 and an e.mail has also been sent to the Commission in this regard. He also states that a court case is pending in this regard in the Hon'ble High Court. Copy of the same is handed over to the complainant during the hearing itself. After perusing the contents of letter handed over to him, he states that the information is incomplete and not satisfactory. He also alleges delay in the supply of information being not in accordance with timeline under the RTI Act.
4. The Bench observes that though the information has been supplied to the complainant, but the grievance of the complainant still remains unaddressed. The Bench also observes that complainant has

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not availed the provision under 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 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 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 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.

6. The instant matter is remanded back to the First Appellate Authority i.e. **Shri Sukhjot Pal Singh, Director, Public Instruction (Sec.Edu.), 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 a date to hear the complainant in the month of February, 2022 and decide the matter. 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
19.01.2022**

Copy to (By Regd. Post):

**First Appellate Authority, Shri Sukhjot Pal Singh,
Director, Public Instruction (SE), Punjab, Mohali.**

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

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Shri Jaspal Singh
S/o Shri Dalip Singh
R/o Village Chathewala,
Tehsil Talwandi Sabo,
District Bathinda.

..... Complainant

Versus

Public Information Officer
O/o Gram Panchayat , Chathewala,
Block Talwandi Sabo,
District Bathinda.

Remanded Back:

First Appellate Authority
District Development and
Panchayat Officer, Bathinda.

...Respondents

CC No.1183/2021

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

ORDER

1. The RTI application is dated 14.07.2021 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 23.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The notice of hearing was issued to the parties for 19.01.2021 in Commission's office at Chandigarh. Shri Jaspal Singh, appellant has not come present to attend the hearing in person or through cisco webex nor any intimation has been received from him.
3. Neither the PIO O/o Gram Panchayat, Chathewala, Block Talwandi Sabo, District Bathinda has come present to attend the hearing in person nor through cisco webex nor he has deputed any of his representatives to attend the hearing nor he has supplied any information to the complainant.
4. The Bench observes that the grievance of the complainant still remains unaddressed. The Bench also observes that complainant has not availed the provision under 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 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 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.

6. The instant matter is remanded back to the First Appellate Authority i.e. **Shri Iqbaljit Singh, District Development and Panchayat Officer, Bathinda**. 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. 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
19.01.2022
Copy to (By Regd. Post):

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

First Appellate Authority, Shri Iqbaljit Singh, District Development & Panchayat Officer, Bathinda.

