

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, MADHYA MARG, SECTOR 16, CHANDIGARH.

Helpline 0172-2864100 Phone No-0172-2864120

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.

(Regd. Post) Sh. Satnam Singh (M: 94645-17425),
S/o Sh. Balwinder Singh,
R/o Village Mainwan, District Kapurthala.

...Complainant

V/s.

(Regd. Post) Public Information Officer,
O/o The Block Development and Panchayat Officer,
Kapurthala.

...Respondents

Complaint Case No. 123 of 2022

{Heard through Cisco Webex Meetings Software}

Present : The Complainant, Sh. Satnam Singh is absent.
None is present from the Department.

ORDER:

The date of RTI application is 06.07.2021 and the date of Complaint filed in the Commission is 08.03.2022.

In today's hearing, both the parties are absent.

The Complainant is advised to look into 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 (i.e. O/o DDPO, Kapurthala), 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.

A copy of the RTI application be sent to the concerned parties along with this order.

In view of the observations noted above, the instant case **is disposed of and closed.**

Copy of this order be sent to the parties through registered post.

Dated: 19.07.2022

**(Sanjiv Garg)
State Information Commissioner
Punjab**

Remanded Back

(Regd. Post) **First Appellate Authority,**
O/o The District Development and Panchayat Officer,
Kapurthala.

{ Encl. RTI application }

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.

(Regd. Post) Sh. Nirpal Singh (M: 98152-62360),
S/o Sh. Darshan Singh,
R/o VPO Kohara, Tehsil and District Ludhiana.

...Complainant

V/s.

(Regd. Post) Public Information Officer,
O/o The Panchayat Secretary,
Gram Panchayat, Kohara Block,
Ludhiana -2.

...Respondents

Complaint Case No. 126 of 2022

{Heard through Cisco Webex Meetings Software}

Present : The Complainant, Sh. Nirpal Singh is absent.
None is present from the Department.

ORDER:

The date of RTI application is 30.04.2021 and the date of Complaint filed in the Commission is 08.03.2022.

In today's hearing, both the parties are absent.

The Complainant is advised to look into 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 (i.e. O/o BDPO, Ludhiana), 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.

A copy of the RTI application be sent to the concerned parties along with this order.

In view of the observations noted above, the instant case **is disposed of and closed.**

Copy of this order be sent to the parties through registered post.

Dated: 19.07.2022

**(Sanjiv Garg)
State Information Commissioner
Punjab**

(Regd. Post) **Remanded Back**
First Appellate Authority,
O/o The Block Development and Panchayat Officer,
Ludhiana.

{ Encl. RTI application }

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.

(Regd. Post) Sh. Nirpal Singh (M: 98152-62360),
S/o Sh. Darshan Singh,
R/o VPO Kohara, Tehsil and District Ludhiana.

...Complainant

V/s.

(Regd. Post) Public Information Officer,
O/o The Panchayat Secretary,
Gram Panchayat, Kohara Block,
Ludhiana -2.

...Respondents

Complaint Case No. 128 of 2022

{Heard through Cisco Webex Meetings Software}

Present : The Complainant, Sh. Nirpal Singh is absent.
None is present from the Department.

ORDER:

The date of RTI application is 30.04.2021 and the date of Complaint filed in the Commission is 08.03.2022.

In today's hearing, both the parties are absent.

The Complainant is advised to look into 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 (i.e. O/o BDPO, Ludhiana), 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.

A copy of the RTI application be sent to the concerned parties along with this order.

In view of the observations noted above, the instant case **is disposed of and closed.**

Copy of this order be sent to the parties through registered post.

Dated: 19.07.2022

**(Sanjiv Garg)
State Information Commissioner
Punjab**

(Regd. Post) **Remanded Back**
First Appellate Authority,
O/o The Block Development and Panchayat Officer,
Ludhiana.

{ Encl. RTI application }

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.

(Regd. Post) Sh. Jaswant Singh (M: 94634-50248),
S/o Sh. Mewa Singh,
R/o Village Gandho Kalan, Tehsil and District Roopnagar.

...Complainant

V/s.

(Regd. Post) Public Information Officer,
O/o The Sarpanch,
Gram Panchayat, Gandho Kalan,
Tehsil and District Roopnagar.

...Respondents

Complaint Case No. 130 of 2022

{Heard through Cisco Webex Meetings Software}

Present : The Complainant, Sh. Jaswant Singh present in the Court.
None is present from the Department.

ORDER:

The date of RTI application is 25.03.2021 and the date of Complaint filed in the Commission is 09.03.2022.

In today's hearing, both the parties are absent.

The attention of the Complainant is drawn towards 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 (i.e. O/o BDPO, Roopnagar), 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.

A copy of the RTI application be sent to the concerned parties along with this order.

In view of the observations noted above, the instant case **is disposed of and closed.**

Copy of this order be sent to the parties through registered post.

Dated: 19.07.2022

**(Sanjiv Garg)
State Information Commissioner
Punjab**

Remanded Back

(Regd. Post) **First Appellate Authority,**
O/o The Block Development and Panchayat Officer,
Roopnagar.

{ Encl. RTI application }

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.

Sh. Jagjit Singh (M:99142-48131),
R/o Aman Nagar, Street Number03,
Backside Green Land School, Near Jalandhar By Pass, Ludhiana(Punjab)

...Appellant

V/s.

Public Information Officer,
O/o The District Education Officer (EE),
Amritsar.

First Appellate Authority,
O/o The District Education Officer (EE),
Amritsar.

... Respondents

Appeal Case No. 4361 of 2021

{Heard through Cisco Webex Meetings Software}

Present : The Appellant, Sh. Jagjit Singh is absent during the hearing.
Sh. Sanjeev Kumar, Senior Assistant is present from the Department.

ORDER:

This case was last heard on 28.03.2022 vide which a show cause notice was issued to the concerned PIO and further the PIO was directed to supply the information to the

In today's hearing, the Appellant, Sh. Jagjit Singh is absent during the hearing of this case.

On the other hand, the Senior Assistant, Sh. Sanjeev Kumar states that the information has been sent to the Appellant, Sh. Jagjit Singh vide dated 09.05.2022.

On this, the Senior Assistant, Sh. Sanjeev Kumar is directed to send the information to the Commission through email by today.

Later on information has been sent to the Commission vide email dated 19.07.2022 which is taken on record.

After going through the case file, it has been observed that the Appellant, Sh. Jagjit Singh has not filed any letter of deficiencies or any other letter to the concerned bench relating to today hearings.

In view of above, it presumes that the Appellant, Sh. Jagjit Singh might be satisfied with the supplied information or he doesnot wants to pursue this case any further.

So, no further action is required in this case.

This case is disposed of and closed.

Copy of the order be sent to the parties.

Dated: 19.07.2022

**(Sanjiv Garg)
State Information Commissioner
Punjab**

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.

Sh. Jagjit Singh (M:99142-48131),
R/o Aman Nagar, Street Number03,
Backside Green Land School, Near Jalandhar By Pass, Ludhiana(Punjab)

...Appellant

V/s.

Public Information Officer,
O/o The District Education Officer (EE),
Barnala (Punjab).

First Appellate Authority,
O/o The Director,
Public Instructions (Elem.) Punjab,
Vidya Bhawan, PSEB Complex, Sector 62, SAS Nagar (Mohali)

... Respondents

Appeal Case No. 4503 of 2021

{Heard through Cisco Webex Meetings Software}

Present : The Appellant, Sh. Jagjit Singh is absent during the hearing.
Ms. Kirandeep, Clerk is present from the Department.

ORDER:

This case was last heard on 28.03.2022 vide which an opportunity was given to the Respondent / PIO concerned to send the certified copies of the required information again to the appellant as per queries raised by him through RTI request, through registered post with a copy to the Commission by the next date of hearing.

An opportunity was also given to the Appellant to confirm whether he had received the information or not. He was also advised to point out deficiencies, if any, in the information supplied to him, in writing, to the respondent PIO so that the same could be removed by the respondent concerned.

In today's hearing, the Appellant, Sh. Jagjit Singh is absent during the hearing of this case.

On the other hand, the Clerk, Ms. Kirandeep states that the information has been supplied to the Appellant, Sh. Jagjit Singh vide dated 11.04.2022 and the copy of same along with postal receipts has also been sent to the Commission vide email dated 19.07.2022 and the same is taken on record. She further mentions that after the last hearing the concerned department has not received any letter or deficiencies relating to this case from the Appellant's side.

After going through the case file, it has been observed that despite giving an opportunity to the Appellant, Sh. Jagjit Singh on the previous hearing dated 28.03.2022 but he has not filed any letter of deficiencies to the concerned department as well as to the undersigned bench.

In view of above, it presumes that the Appellant, Sh. Jagjit Singh might be satisfied with the supplied information or he doesnot wants to pursue this case any further.

So, no further action is required in this case.

This case is disposed of and closed.

Copy of the order be sent to the parties.

Dated: 19.07.2022

**(Sanjiv Garg)
State Information Commissioner
Punjab**

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.

Sh. Baljinder Singh (M: 75290-31503),
R/o Village Sihal, Tehsil Dirba, District Sangrur (148035)

...Appellant

V/s.

Public Information Officer,
O/o The Sub Divisional Magistrate,
Dirba, District Sangrur.

First Appellate Authority,
O/o The Deputy Commissioner,
Sangrur.

... Respondents

Appeal Case No. 4572 of 2021

{Heard through Cisco Webex Meetings Software}

Present : The Appellant, Sh. Baljinder Singh is absent.
None is present from the department.

ORDER:

This case may be read with the reference of the previous order dated 29.03.2022.

In today's hearing, both the parties are absent.

After going through the case file and going through the letter dated 17.03.2022 which is attached in the file, it has been observed that the Appellant did not visit the concerned office on any working for inspection or for collecting the record.

Moreover, no letter of deficiencies or any other letter has been filed by the Appellant to the undersigned bench relating to today's hearing.

So, it is presumed that the Appellant, Sh. Baljinder Singh might be satisfied with the supplied information or he doesnot wants to pursue this case any further.

So, no further action is required in this case.

This case is disposed of and closed.

Copy of the order be sent to the parties.

Dated: 19.07.2022

(Sanjiv Garg)
State Information Commissioner
Punjab

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Bench: Sh. Sanjiv Garg, State Information Commissioner, Punjab.

Sh. Baljinder Singh (M: 75290-31503),
R/o Village Sihla, Tehsil Dirba, District Sangrur (148035)

...Appellant

V/s.

Public Information Officer,
O/o The Tehsildar,
Dirba, District Sangrur.

First Appellate Authority,
O/o The Sub Divisional Magistrate,
Dirba, District Sangrur.

... Respondents

Appeal Case No. 4573 of 2021

{Heard through Cisco Webex Meetings Software}

Present : The Appellant, Sh. Baljinder Singh is absent.
None is present from the department.

ORDER:

This case may be read with the reference of the previous order dated 29.03.2022.

In today's hearing, both the parties are absent.

After going through the case file and going through the letter dated 17.03.2022 which is attached in the file, it has been observed that the Appellant did not visit the concerned office on any working for inspection or for collecting the record.

Moreover, no letter of deficiencies or any other letter has been filed by the Appellant to the undersigned bench relating to today's hearing.

So, it presumes that the Appellant, Sh. Baljinder Singh might be satisfied with the supplied information or he doesnot wants to pursue this case any further.

So, no further action is required in this case.

This case is disposed of and closed.

Copy of the order be sent to the parties.

Dated: 19.07.2022

(Sanjiv Garg)
State Information Commissioner
Punjab