

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

Ph: 0172-2864112, Email: - [psic23@punjabmail.gov.in](mailto:psic23@punjabmail.gov.in)

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## **COMPLAINT CASE NO. 1263 OF 2021**

Advocate Brij Mohan Aul, (98764 87999)  
Chamber No. 11, New Judicial Court,  
Tehsil Ajnala, District Amritsar.

...Complainant

Versus

**Public Information Officer,**  
O/o General Manager – cum –  
District Mining Officer,  
Albert Road, Amritsar.

...Respondents

## **HEARD Through CISCO WEBEX – VC/TELEPHONE**

**PRESENT:** None for the Parties.

### **ORDER:**

The RTI application is dated 23.04.2021 whereby the Complainant has sought information as mentioned in his RTI application. He filed complaint in the Commission on 03.11.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act) and Notice of hearing was issued to the parties.

The case is fixed for today, both the parties are absent.

In these circumstances, it is relevant to invite the attention of the Complainant to the judgment of the 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 whereby, 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. 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.

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- 02 -

**COMPLAINT CASE NO. 1263 OF 2021**

In case the Complainant has any grouse about the provided information, 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.

Accordingly, this case is hereby, remanded back to the First Appellate Authority who is directed to decide the RTI application afresh as per provisions of the RTI Act, 2005.

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.

In view of the observations noted above, the instant Complaint Case is hereby,  
**Disposed Off and Closed.** Copies of the order be sent to the parties.

Chandigarh  
21.02.2022

Sd/-  
(Maninder Singh Patti)  
State Information Commissioner

**Copy to intimation and necessary action along with RTI application dated 23.04.2021.**

**First Appellate Authority,**  
O/o Superintendent Engineer,  
Department of Drainage, Mining and Geology Circle,  
Amritsar.

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## APPEAL CASE NO. 4763 OF 2021

Shri Ramandeep Singh, (99146 00847)  
S/o Shri Balwinder Singh,  
R/o Ward No. 8-B, House No. 69,  
Lanka Basti, Dhuri, District Sangrur.

...Appellant

Versus

**Public Information Officer,**  
O/o Vigilance Bureau, Punjab,  
Vigilance Bhawan,  
Sector – 68, S.A.S Nagar (Mohali).

**First Appellate Authority**  
O/o Chief Director,  
Vigilance Bureau, Punjab,  
Vigilance Bhawan,  
Sector – 68, S.A.S Nagar (Mohali).

...Respondents

## HEARD Through CISCO WEBEX – VC/TELEPHONE

**PRESENT:** None on behalf of the Appellant.  
Ms. Amandeep Kaur, Inspector for the Respondents (80549 40526)

## **ORDER (FIRST HEARING):**

The RTI application is dated 12.07.2021 vide which the Appellant has sought information from the PIO O/o Vigilance Bureau, Punjab, Vigilance Bhawan, Sector – 68, S.A.S Nagar (Mohali) on the following points in his RTI application: -

**ਸੂਚਨਾ ਦਾ ਵਿਸ਼ਾ:** ਐਫ.ਸੀ. ਨੰਬਰ : 22/2017 ਨਾਲ ਸੰਬੰਧਤ

**ਸਮਾਂ ਜਿਸ ਨਾਲ ਇਹ ਸੂਚਨਾ ਸੰਬੰਧ:** ਜਨਵਰੀ, 2017 ਤੋਂ ਲੈਕੇ ਸੂਚਨਾ ਜਾਰੀ ਕਰਨ ਦੇ ਸਮੇਂ ਤੱਕ।

**ਲੋੜੀਂਦੀ ਸੂਚਨਾ ਦਾ ਵੇਰਵਾ:** ਹੱਕ ਸੂਚਨਾ ਐਕਟ 2005 ਤਹਿਤ ਸੂਚਨਾ ਲੋੜੀਂਦੀ ਹੈ ਕਿ ਤਕਨੀਕੀ ਅਤੇ ਸਿੱਖਿਆ ਅਤੇ ਉਦਯੋਗਿਕ ਸਿਖਲਾਈ ਵਿਭਾਗ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ ਨਾਲ ਸੰਬੰਧਤ ਜੋ ਵਿਜੀਲੈਂਸ ਵਿਭਾਗ ਵੱਲੋਂ ਐਫ.ਸੀ. ਨੰਬਰ 22/2017 ਜਿਸ ਮਿਤੀ, ਜਿਸ ਕੈਡਰ ਦੀ ਭਰਤੀ ਦੇ ਖਿਲਾਫ ਆਰੰਭੀ ਗਈ ਸੀ, ਉਸਦੀ ਪੜਤਾਲ ਦੀ ਕਾਪੀ, ਪੜਤਾਲ ਦੌਰਾਨ ਪੇਸ਼ ਹੋਏ ਗਵਾਹਾਨ, ਪੇਸ਼ ਕੀਤੇ ਗਏ ਸਬੂਤ, ਪੜਤਾਲ ਦੌਰਾਨ ਪਰਖਕਾਲ, ਕਰਲਫਰਮੇਸ਼ਨ ਵਿੱਚ ਰੋਕ ਲਗਾਉਣ ਸੰਬੰਧੀ ਜਾਰੀ ਕੀਤੇ ਗਏ ਪੱਤਰਾਂ ਦੀਆਂ ਕਾਪੀਆਂ ਅਤੇ ਇਸ ਪੜਤਾਲ ਤੇ ਜੋ ਅੰਤਿਮ ਸਿੱਟਾ ਲਿਆ ਸਮੇਤ ਨੋਟਿੰਗ ਪੋਰਸ਼ਨ ਲੋੜੀਂਦਾ ਹੈ।

On not receiving information from the PIO or on filing First Appeal with the First Appellate Authority (hereinafter FAA) on 16.08.2021, the Appellant filed Second Appeal in the Commission on 21.10.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and as such Notice of hearing was issued to the parties.

Cont...Pg2

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- 2 -

## **APPEAL CASE NO. 4763 OF 2021**

The case is fixed for today. The Respondent states that she has filed her written submission in the Commission vide diary no. 3261, dated 15.02.2022 mentioning therein that ...ਕਿ ਐਫ.ਸੀ. ਨੰ: 22/17 ਬਾਰੇ ਸਪੱਸ਼ਟ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਮੰਗੀ ਗਈ ਸੂਚਨਾਂ ਦਾ ਸਬੰਧ ਐਫ.ਸੀ. 22/17 ਦੀ ਬਜਾਏ ਵਿਜੀਲੈਂਸ ਇੰਕੁਆਰੀ ਨੰਬਰ 22/17 ਚੰਡੀਗੜ੍ਹ ਨਾਲ ਹੈ। ਜਿਸ ਦੀ ਪੜਤਾਲ ਦੇ ਅਧਾਰ ਤੇ ਮੁਕੱਦਮਾਂ ਨੰ. 04/2020 ਥਾਣਾ ਫੇਸ-1, ਪੰਜਾਬ, ਮੋਹਾਲੀ ਰਜਿਸਟਰਡ ਕੀਤਾ ਗਿਆ ਹੈ ਅਤੇ ਇਸ ਵਿੱਚ ਸ਼ਾਮਲ ਸੱਕੀਆਂ ਦੇ ਪ੍ਰਬੰਧਕੀ ਵਿਭਾਗ ਪਾਸੋਂ ਪੂਰਵ ਪ੍ਰਵਾਨਗੀ ਪ੍ਰਾਪਤ ਹੋਣੀ ਬਾਕੀ ਹੈ। ਇਸ ਸਮੇਂ ਇਹ ਮੁਕੱਦਮਾਂ ਤਫਤੀਸ ਅਧੀਨ ਚੱਲ ਰਿਹਾ ਹੈ। ਇਸ ਲਈ ਆਪ ਵੱਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾਂ ਆਰ.ਟੀ.ਆਈ ਐਕਟ-2005 ਦੀ ਧਾਰਾ 8(1) (h) ਤਹਿਤ ਦੇਣ ਤੋਂ ਛੋਟ ਹੋਣ ਕਾਰਨ ਮੁਹੱਈਆ ਨਹੀਂ ਕਰਵਾਈ ਜਾ ਸਕਦੀ ਹੈ। The copy of the same sent to the appellant vide letter no. 33896/VB/S-14, dated 19.10.2021 by registered post whereas the appellant is absent.

In the light of above, no further action is required in the instant Appeal Case, the case is **closed and disposed off**. Copies of the order be sent to the parties.

Chandigarh  
21.02.2022

Sd/-  
(Maninder Singh Patti)  
State Information Commissioner