

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864113, Helpline No. 0172-2864100
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Visit us: - www.infocommpunjab.com



Sh. Bhupinder Punj (9915235055)
s/o Sh. Braham Prakash,
186, VPO Lohara, Ludhiana,

Appellant

Versus

Public Information Officer
O/o Regional Transport Authority,
Ludhiana

First Appellate Authority
O/o State Transport Commissioner, Pb,
Chandigarh

Respondent

Appeal Case No.: 1476 of 2021
Heard through CISCO WEBEX

Present: (i) Sh. Bhupinder Punj, the appellant.
(ii) For the respondent: Sh. Aman (PIO cum SO) (8847212638).

Order

1. This order may be read with the previous order dated 12.08.2021 vide which inspection was fixed for 18.08.2021 and matter was adjourned for further hearing on 21.10.2021 i.e. today.
2. In today's hearing, respondent, Sh. Aman states that requisite information was supplied to the appellant on his visit to the respondent's office on 18.08.2021 as per the directions of the Commission.
3. After discussing with both the parties and examining the case file, it is observed that, two months (60 days) has elapsed no deficiency has been pointed by the appellant in the supplied information.
4. In view of above I am of the considered view that, no further cause of action is required in this case. Therefore, this instant complaint case is **disposed off & closed**.

Dated: 21.10.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Sh. Bhupinder Punj,(9915235055)

s/o Sh. Braham Prakash,
186, VPO Lohara, Ludhiana,

Appellant

Versus

Public Information Officer

O/o State Transport Commissioner, Pb,
Chandigarh

First Appellate Authority

O/o State Transport Commissioner, Pb,
Chandigarh

Respondent

Appeal Case No.: 1472 of 2021

Heard through CISCO WEBEX

Present:

(i) Sh. Bhupinder Punj, the appellant.

(ii) For the respondent: Ms. Kulwinder Kaur (PIO) along with Sh. Gurbax Singh (APIO).

ORDER

1. This order may be read with earlier order dated: 12.8.2021 vide which appellant was advised to point out specifically deficiency in the supplied information (twice 22.06.2021 and 05.08.2021). Matter was adjourned for further hearing on 21.10.2021 i.e. today.
2. In today's hearing, both the parties are present. Appellant left the meeting during the hearing of this present case. Respondent, Ms. Kulwinder Kaur states that whatever information was available in the official record has already been supplied. Nothing is left to be supplied. She adds that only one page is not clear in the supplied information.
3. After hearing the respondent and examining the case file, it is observed that, two months (60 days) has elapsed no deficiency has been pointed by the appellant in the supplied information.
4. In view of above I am of the considered view that, no further cause of action is required in this case. Therefore, this instant complaint case is **disposed off & closed**.

Dated: 21.10.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Sh. Madan Singh (9855779055)
S/o Sh. Ram Partap,
Vill. KalarBhaini,
PO Jhandi, Distt. Patiala.

Appellant

Versus

Public Information Officer
O/o BDPO, Sirhind,
Distt.Fatehgarh Sahib.

First Appellate Authority
O/o BDPO, Sirhind,
Distt.Fatehgarh Sahib.

Respondent

Appeal Case No.: 1064 of 2021
Notice of Hearing through

Present: (i) Nobody on behalf of the appellant.
(ii) Sh. Rajinder Singh, Panchayat Secretary (9781372372) - on behalf of the respondent.

ORDER

1. This order may be read with earlier orders dated: 01.09.2021 vide which a final opportunity was afforded to the respondent PIO to supply the pending information in connection with point no. 2, 3 and 5 to the appellant within fifteen days from today itself along with directions to appear in person on the next date of hearing positively. Matter was adjourned for further hearing on 21.10.2021 i.e. today.
2. In today's hearing, appellant is not present. Respondent, Sh. Rajinder Singh, Panchayat Secretary states that information in connection with point no. 2, 3 and 5 has already been provided to the appellant and till date no deficiency has been pointed out by the appellant.
3. After hearing the respondent and examining the case file, it is observed that, appellant is absent despite being aware about the date of hearing and as per respondent no deficiency has been pointed out by him. It is presumed that he has nothing to say in this regard.
4. In view of above, no further cause of action is required in this case. Therefore, this instant complaint case is **disposed off & closed**.

Dated: 21.10.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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(Regd. Post) **Sh. Bittu (9872455496)** Complainant
s/o Sh Om Kumar
Vill. Bolapur, Jhabewal, PO Ramgarh
Distt. Ludhiana 141123

Versus

(Regd. Post) **Public Information Officer**
O/o State Transport Commissioner, Pb,
Chandigarh

Remanded Back-

(Regd. Post) **First Appellate Authority**
O/o State Transport Commissioner, Pb,
Chandigarh.

Encl. RTI application

Respondent

Complaint No.: 519 of 2021 Through CISCO WEBEX

Present: (i) Nobody on behalf of the complainant.
(ii) Ms. Kulwinder Kaur (PIO) – on behalf of respondent.

Order:

1. The RTI application is dated 18.03.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 27.04.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 21.10.2021 through CISCO Webex application.
3. In today's hearing, respondent, Ms. Kulwinder Kaur states that the information has already been supplied to the complainant.
4. Complainant is absent despite being aware about the date of hearing, which shows his casual attitude towards the orders of the Commission as well as to this case.
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).

Complaint Case No.: 519 of 2021
Through CISCO WEBEX

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.

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: 21.10.2021

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State Information Commissioner
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Complainant

Sh. Bittu (9872455496)

s/o Sh Om Kumar

Vill. Bolapur, Jhabewal, PO Ramgarh

Distt. Ludhiana 141123

Versus

Public Information Officer

O/o State Transport Commissioner, Pb, Chandigarh

Remanded Back-

(Regd. Post) First Appellate Authority

O/o State Transport Commissioner, Pb,
Chandigarh.

Encl. RTI application

Respondent

Complaint No.: 520 of 2021
Through CISCO WEBEX

Present:

(i) Nobody on behalf of the complainant.

(ii) Ms. Kulwinder Kaur (PIO) – on behalf of respondent.

Order:

1. The RTI application is dated 18.03.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 27.04.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 21.10.2021 through CISCO Webex application.
3. In today's hearing, respondent, Ms. Kulwinder Kaur states that the information has already been supplied to the complainant.
4. Complainant is absent despite being aware about the date of hearing, which shows his casual attitude towards the orders of the Commission as well as to this case.
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).

Complaint Case No.: 520 of 2021
Through CISCO WEBEX

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.

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: 21.10.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab