

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864113, Helpline No. 0172-2864100
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Smt. Mamta(7814044919)
H.No. 163, Sector-45-A,
Chandigarh.

Appellant

Versus

Public Information Officer
O/o Deptt. Of Technical Education &
Indl. Training Wing, Pb., Sector 36, Chandigarh

First Appellate Authority
O/ o Deptt. Of Technical Education &
Indl. Training Wing, Pb., Sector 36, Chandigarh

Respondent

Appeal Case No.: 1062 of 2021
Through CISCO WEBEX

Present: (i) Sh. Gurpreet Singh on behalf of the appellant.
(ii) For the respondent: Sh. Jaswinder Singh (APIO) (7973601360) along with Sh. Sanjeev Kumar (SA) (9855188396).

ORDER

1. The RTI application is dated 26.09.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 02.11.2020 and second appeal was filed in the Commission on 24.02.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for 22.06.2021 i.e. today through CISCO Webex application.
2. In today's hearing, representative of the appellant, Sh. Gurpreet Singh states that appellant is satisfied with the supplied reply and has no objection to close this case.
3. Respondents, Sh. Jaswinder Singh along with Sh. Sanjeev Kumar are present for today's hearing.
4. As the sufficient reply/information stands supplied, no further cause of action is required in this case.

Therefore, this instant appeal case is **disposed of & closed**. Copy of the order be sent to the parties.

Dated: 22.06.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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(Regd. Post) **Sh, Ajit Singh Jagpal**
S/o Sh Bhajan Singh,
Vill. Taharpur, Tehsil Banga,
Distt. SBS Nagar.

Complainant

Versus

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

Remanded back to

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

Encl. RTI application

Respondent

Complaint Case No.: 233 of 2021
Through CISCO WEBEX

Present: (i) None on behalf of the appellant
(ii) For the respondent: Sh. Baljeet Singh (Section Officer) (9356934000).

ORDER

1. The RTI application is dated 15.09.2020 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 23.02.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for 22.06.2021 i.e. today through CISCO Webex application.
2. In today's hearing, respondent, Sh. Baljeet Singh states that complainant has not filed First Appeal before the First Appellate Authority.
3. Neither the complainant is present for today's hearing nor did he file reply in this regard.
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 Manipal 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.: 233 of 2021
Through CISCO WEBEX

5. 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.
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 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.
7. 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.
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: 22.06.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Sh, Sandeep Pathak, Advocate(9569700007)

Lawyers' Chamber,
3rd Floor, Distt. Courts,
Bathinda.

Complainant

Versus

Public Information Officer

O/o Commissioner, MC, Bathinda

Remanded back to

First Appellate Authority,

(Regd. Post) **O/o Commissioner, MC,
Bathinda**

Encl. RTI application

Respondent

Complaint Case No.: 237 of 2021

Through CISCO WEBEX

Present: (i) Sh. Sandeep Pathak, the complainant in person.
(ii) For the respondent: Sh. Deepak Mittal (SA).

ORDER

1. The RTI application is dated 18.01.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 24.02.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for 22.06.2021 i.e. today through CISCO Webex application.
2. In today's hearing, respondent, Sh. Deepak Mittal states that reply has already been sent to the complainant dated 26.04.2021.
3. On this, complainant states that incomplete reply has been received from the respondent PIO.
4. After hearing both the parties and 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).

5. 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.: 237 of 2021
Through CISCO WEBEX

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 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.
7. 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.
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: 22.06.2021

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State Information Commissioner
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Lawyers' Chamber,
3rd Floor, Distt. Courts,
Bathinda.

Complainant

Versus

Public Information Officer

O/o Commissioner, MC,
Bathinda

Remanded back to

First Appellate Authority,

(Regd. Post) **O/o Commissioner, MC,**
Bathinda

Encl. RTI application

Respondent

Complaint Case No.: 238 of 2021

Through CISCO WEBEX

Present: (i) Sh. Sandeep Pathak, the complainant in person.
(ii) Nobody on behalf of the respondent.

ORDER

1. The RTI application is dated 18.01.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 24.02.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for 22.06.2021 i.e. today through CISCO Webex application.
2. In today's hearing, complainant states that requisite information is still pending from the respondent PIO
3. Neither the respondent PIO is present nor did he file reply in this regard.
4. After hearing the complainant and 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).

5. 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.: 238 of 2021
Through CISCO WEBEX

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 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.
7. 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.
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: 22.06.2021

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Complainant

Versus

Public Information Officer
O/o Commissioner, MC,
Bathinda

Remanded back to

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

Encl. RTI application

Respondent

Complaint Case No.: 239 of 2021
Through CISCO WEBEX

Present: (i) Sh. Sandeep Pathak, the complainant in person.
(ii) Nobody on behalf of the respondent.

ORDER

1. The RTI application is dated 18.01.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 24.02.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for 22.06.2021 i.e. today through CISCO Webex application.
2. In today's hearing, complainant states that requisite information is still pending from the respondent PIO
3. Neither the respondent PIO is present nor did he file reply in this regard.
4. After hearing the complainant and 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).

5. 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.: 239 of 2021
Through CISCO WEBEX

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 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.
7. 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.
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: 22.06.2021

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Complainant

Versus

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O/o Commissioner, MC,
Bathinda

Remanded back to

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

Encl. RTI application

Respondent

Complaint Case No.: 241 of 2021
Through CISCO WEBEX

Present: (i) Sh. Sandeep Pathak, the complainant in person.
(ii) For the respondent: DSP, City-2 Sh. Aaswant Singh (7508018004), Sh. Navjit Singh (Dealing Hand-RTI) along with Sh. Hemraj (Reader) (9463418309).

ORDER

1. The RTI application is dated 01.02.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 24.02.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for 22.06.2021 i.e. today through CISCO Webex application.
2. In today's hearing, respondent, DSP, Aaswant Singh states that only 1 point of the RTI application relates with the Police Department, which has already been supplied to the complainant.
3. Respondent, Sh. Navjit Singh and Sh. Hemraj state that information has already been supplied to the complainant and if any discrepancy is found by the complainant, he could approach/visit the respondent PIO for the inspection of the official record.
4. On this, complainant, Sh. Sandeep Pathak states that he is satisfied with the information received from the Police department in connection with point no. 4. He added that rest of the information is still pending from the respondent PIO.
5. After hearing both the parties and 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:-

Complaint Case No.: 241 of 2021
Through CISCO WEBEX

(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).

6. 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.
7. 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.
8. 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.
9. 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: 22.06.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab