

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864118, Email: - psic28@punjabmail.gov.in

Visit us: - www.infocommpunjab.com



COMPLAINT CASE NO. 1095 OF 2021

Sh. Naresh Kumar Mehta, (9914787532)
Ex Councillor,
S/o Sh. Piara Lal,
R/o Shop No. 8, Fire Brigade Market,
Lohgarh Chowk, Amritsar.

...Complainant

Versus

Public Information Officer,
O/o Town Improvement Trust,
Amritsar.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Sh. Naresh Kumar Mehta, Complainant.
None on behalf of the Respondents.

ORDER:

The RTI application is dated 05.01.2021 whereby the Complainant has sought information as mentioned in his RTI application. He filed complaint in the Commission on 27.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act) and Notice of hearing was issued to the parties for 23.11.2021.

The Complainant states that no information has been provided to him by the PIO whereas the PIO is absent for today's hearing. However, a letter has been received in the Commission vide diary no. 23872, dated 22.10.2021 mentioning there in that information/reply has been sent to the complainant.

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.

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COMPLAINT CASE NO. 0511 OF 2021

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 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
23.11.2021**

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy to intimation and necessary action along with RTI application dated 05.01.2021.

First Appellate Authority,
O/o Executive Officer,
Town Improvement Trust,
Ranjit Avenue, Amritsar.

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APPEAL CASE NO. 1702 OF 2021

Sh. Gurpreet Singh, (9464647801)
S/o Sh. Harbans Singh,
R/o House No. 37, Ward No. 3, Morinda-140101

...Appellant

Versus

Public Information Officer,
O/o Punjab Subordinate Service Selection Board,
S.A.S. Nagar (Mohali).

First Appellate Authority
O/o Punjab Subordinate Service Selection Board,
S.A.S. Nagar (Mohali).

...Respondents

HEARD THROUGH CISCO WEBEX/TELEPHONE

PRESENT: Sh. Gurpreet Singh, Appellant.
Sh. Tej Pal Singh, Superintendent –cum – PIO.

ORDER:

This order may be read with reference to the previous order dated 06.10.2021.

The Appellant states that no information has been provided to him.

The PIO states that advertisement no. 02/2013 relating 1192 posts of Clerk filled by the Punjab Subordinate Services Selection Board, which was challenged in the Hon'ble Punjab and Haryana High Court by various writ petitions. Due to the above reasons the information sought by the appellant cannot be provided to him. The same has been conveyed to him in writing vide letter no. 1/66/2013-6E(SSSB)/1234, dated, Mohali: 09.09.2020.

In view of the above, the Bench observed that no further action is required in this case at this stage, hence **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
23.11.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 2948 OF 2021

Sh. Om Parkash, (7983365046; 7696145018)
S/o Late Sh. Dev Raj,
R/o Parshuram Bhawan, Barnala.

...Appellant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
Vigilance Bureau, Patiala.

First Appellate Authority
O/o 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.
ASI Kundan Singh on behalf of the PIO.
Inspector Amandeep Kaur on behalf of the FAA.

ORDER:

This order may be read with reference to the previous order dated 06.10.2021.

The Respondent state that information sought by the appellant is relating to third party as well as an inquiry is pending in this case; therefore, requisite information cannot be supplied to the Appellant under section 8 (1) (g) and (h) of the RTI Act, 2005 and same is conveyed to the Appellant in writing vide letter no. 8968/VB/I/R.TI. dated 09.11.2021.

The Appellant is again absent without any intimation to the Commission. It is presumed that appellant is satisfied with the response provided by the respondents.

In view of the above, the Bench observed that no further action is called for, hence **disposed of and closed.** Copies of the order be sent to the parties.

Chandigarh
23.11.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 3815 OF 2021

Sh. Ajay Kumar Mehta, (9814646309)
R/o C-118, East Mohan Nagar,
Chamrang Road, Amritsar.

...Appellant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
Vigilance Bureau, Amritsar.

First Appellate Authority
O/o Director, Vigilance Bureau, Punjab,
S.A.S Nagar (Mohali).

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Sh. Ajay Kumar Mehta, Appellant.
Inspector (Ms.) Rupinder Kaur on behalf of the PIO &
Inspector (Ms.) Amandeep Kaur on behalf of the FAA.

ORDER:

The RTI application is dated 17.05.2021 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 23.06.2021 and Second Appeal was filed in the Commission on 24.08.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and Notice of hearing was issued to the parties for 23.11.2021.

The Appellant states that he has requested to the Commission in writing that his Appeal cases No. 0123/2021, 0124/2021, 0125/2021, 1144/2021, 1145/2021, 1225/2021, 1841/2021, 1842/2021, 2018/2021, 3815/2021, 4620/2021 and 4659/2021 may be transferred from this Bench to any other Bench.

Inspector (Ms.) Rupinder Kaur on behalf of the PIO states that his complaint not received in the office therefore information cannot be provided to him. She further states that information sought by the appellant is not specific and same has been conveyed to him in writing vide letter no. 2927/R.T.I. dated 21.06.2021.

Inspector (Ms.) Amandeep Kaur on behalf of the FAA states that sufficient reply has already been sent to the appellant by the PIO.

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APPEAL CASE NO. 3815 OF 2021

After perusal of the case file, it is observed that as the Appellant wanted to transfer his Appeal cases No. 0123/2021, 0124/2021, 0125/2021, 1144/2021, 1145/2021, 1225/2021, 1841/2021, 1842/2021, 2018/2021, 3815/2021, 4620/2021 and 4659/2021 from the Bench of the undersigned and hence made a request for transferring of the instant Appeal case from this Bench to another Bench, hence, the above mentioned original case files be sent to the Deputy Registrar for placing it before the Hon'ble Chief Information Commissioner for appropriate orders. Copies of the order be sent to the parties.

**Chandigarh
23.11.2021**

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy forwarded to the following for intimation and further necessary action: -

- 1) **PIO O/o** Commissioner, Municipal Corporation, Amritsar.
- 2) **PIO O/o** Municipal Corporation, Amritsar.
- 3) **PIO O/o** Town Improvement Trust, Ranjit Avenue, Amritsar.
- 4) **PIO O/o** Chief Director, Vigilance Bureau, Punjab, S.A.S Nagar (Mohali).
- 5) **PIO O/o** Director, Vigilance Bureau, Punjab, S.A.S Nagar (Mohali).

**Chandigarh
23.11.2021**

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy of the above said forwarded to

The Deputy Registrar
O/o Punjab State Information Commission,
Sector -16, Chandigarh

for further necessary action along with Twelve (12) Case files No. 0123/2021, 0124/2021, 0125/2021, 1144/2021, 1145/2021, 1225/2021, 1841/2021, 1842/2021, 2018/2021, 3815/2021, 4620/2021 and 4659/2021.