

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

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Sh. Jasbir Singh (9888296107)

Guru Nanak Nagar,
Village Jhabewal, PO Ramgarh,
Distt. Ludhiana 141123.

Appellant

Versus

Public Information Officer

O/o Secy., Regional Transport Authority,
Ludhiana

First Appellate Authority

O/o Secy., Regional Transport Authority,
Ludhiana

Respondent

Appeal Case No.: 3353 of 2021
Heard through CISCO WEBEX

Present: Appellant- Sh. Jasbir Singh.
Respondent – Sh. Sukhjinder Singh, PIO (9520800001).

Order:

1. The RTI application is dated 03.10.2020 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 15.11.2020 and second appeal was filed in the Commission on 23.07.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for hearing through CISCO WEBEX on 24.03.2022 at 11.30 a.m. i.e. today.
2. In today's hearing both appellant and respondents are present.
3. The appellant states that the respondent department has not supplied the information as per his RTI application.
4. The respondent appearing on behalf of the department states that the department has provided the information as per their official letter No. 2221 dated 12.10.2020, which was received by the undersigned Bench via an email dated 07.12.2021, is on the record of the Commission stating therein that ਸੁਭਮ ਕਪੂਰ ਨਾਮ ਦਾ ਕੋਈ ਵੀ ਕਰਮਚਾਰੀ ਨਹੀਂ ਹੈ | ਇਸ ਲਈ ਇਸ ਕਰਮਚਾਰੀ ਸੰਬੰਧੀ ਕੋਈ ਵੀ ਸੂਚਨਾ ਇਸ ਦਫਤਰ ਵਿਚ ਉਬਲਬੱਧ ਨਹੀਂ ਹੈ | In that email respondent PIO also requests to close this case.
5. After discussing with both the parties and examining the case file, I am of the considered view that supplied reply is satisfactory. Therefore, no further course is required in the present case. Hence, the case stands **disposed of & closed**. Copy of the order be sent to the parties.

Dated: 24.03.2022 (11:30 A.M.)

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Sh. Jasbir Singh (9888296107)

Guru Nanak Nagar,
Village Jhabewal, PO Ramgarh,
Distt. Ludhianam141123.

Complainant

Versus

Public Information Officer

O/o Secy., Regional Transport Authority, Ferozepur

Remanded Back

(Regd. Post) First Appellate Authority
O/o Secy., Regional Transport Authority,
Ferozepur

Encl. RTI application

Respondent

Complaint Case No: 1001 of 2021
Heard through CISCO WEBEX

Present: Complainant- Sh. Jasbir Singh
Respondent – Sh. Gurmit Singh, Clerk, RTA, Ferozepur.

Order:

1. The RTI application is dated 21.05.2021 vide which the complainant has sought information as enumerated in his RTI application. The complainant filed a complaint in the Commission on 02.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for hearing through CISCO WEBEX on 24.03.2022 at 11.30 a.m. i.e. today.
2. In today's hearing both complainant & respondent are present. Complainant requests the Commission to remand back this present case to the First Appellate Authority.
3. 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 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, 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: 24.03.2022 (11:30 A.M.)

Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Sh. Jasbir Singh (9888296107)

Guru Nanak Nagar,
Village Jhabewal, PO Ramgarh,
Distt. Ludhianam141123.

Complainant

Versus

Public Information Officer

O/o SDM, Mansa

Remanded Back

First Appellate Authority (By Name)

(Regd. Post) O/o SDM, Mansa

Encl. RTI application

Respondent

Complaint Case No: 1005 of 2021
Heard through CISCO WEBEX

Present: Complainant- Sh. Jasbir Singh
Respondent – Ms. Parminder Kaur (SA) (9915881401).

Order:

1. The RTI application is dated 24.06.2021 vide which the complainant has sought information as enumerated in his RTI application. The complainant filed a complaint in the Commission on 02.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for hearing through CISCO WEBEX on 24.03.2022 at 11.30 a.m. i.e. today.
2. In today's hearing both complainant & respondent are present. Complainant requests the Commission to remand back this present case to the First Appellate Authority.
3. 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 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, 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: 24.03.2022 (11:30 A.M.)

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Sh. Jasbir Singh (9888296107)

Guru Nanak Nagar, Vill. Jhabewal, PO Ramgarh,
Distt. Ludhiana 141123.

Complainant

Versus

Public Information Officer

O/o Asstt. Transport Officer,
Automatic Driving Test Track,
Sector 82, Mohali

Remanded Back

(Regd. Post) First Appellate Authority (By Name)

O/o Asstt. Transport Officer,
Automatic Driving Test Track,
Sector 82, Mohali

Encl. RTI application.

Respondent

Complaint Case No: 1008 of 2021
Heard through CISCO WEBEX

Present: Complainant- Sh. Jasbir Singh
Respondent – Ms. Parminder Kaur (SA) (9915881401).

Order:

1. The RTI application is dated 24.06.2021 vide which the complainant has sought information as enumerated in his RTI application. The complainant filed a complaint in the Commission on 02.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for hearing through CISCO WEBEX on 24.03.2022 at 11.30 a.m. i.e. today.
2. In today's hearing both complainant & respondent are present. Complainant requests the Commission to remand back this present case to the First Appellate Authority.
3. 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 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, 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: 24.03.2022 (11:30 A.M.)

(Anumit Singh Sodhi)
State Information Commissioner
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Sh. Jasbir Singh (9888296107)
Guru Nanak Nagar,
Village Jhabewal, PO Ramgarh,
Distt. Ludhiana 141123.

Complainant

Versus

Public Information Officer
O/o Secy., Regional Transport Authority, Ludhiana

Remanded Back

First Appellate Authority (By Name)
(Regd. Psot) O/o Secy., Regional Transport Authority, Ludhiana

Encl. RTI application

Respondent

Complaint Case No: 1011 of 2021
Heard through CISCO WEBEX

Present: Complainant- Sh. Jasbir Singh
Respondent – Sh. Sukhjinder Singh, PIO, RTA, Ludhiana

Order:

1. The RTI application is dated 31.05.2021 vide which the complainant has sought information as enumerated in his RTI application. The complainant filed a complaint in the Commission on 02.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for hearing through CISCO WEBEX on 24.03.2022 at 11.30 a.m. i.e. today.
2. In today's hearing both complainant & respondent are present. Complainant requests the Commission to remand back this present case to the First Appellate Authority.
3. 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 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, 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: 24.03.2022 (11:30 A.M.)

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Sh. Gulshan Kumar (7888456698)

Village Harna,
Distt. Fatehgarh Sahib

Complainant

Versus

Public Information Officer

O/o DGP, Commdt. General Home Guards, Pb.,
Chandigarh

Respondent

Complaint Case No: 1029 of 2021
Heard through CISCO WEBEX

Present: Complainant- Absent.

Respondent – Sh. Sukhjinder Singh, PIO, RTA, Ludhiana

Order:

1. The RTI application is dated 31.05.2021 vide which the complainant has sought information as enumerated in his RTI application. The complainant filed a complaint in the Commission on 02.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for hearing through CISCO WEBEX on 24.03.2022 at 11.30 a.m. i.e. today.
2. In today's hearing the complainant is not present but an email dated 12.01.2022 is received by the undersigned Bench from the complainant requesting therein for withdrawal of the present case, which is taken on record.
3. On the request of the complainant, no further course of action is required in present, Hence, the case stands **disposed of & closed**. Copy of the order be sent to the parties.

Dated: 24.03.2022 (11:30 A.M.)

(Anumit Singh Sodhi)
State Information Commissioner
Punjab