

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

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

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COMPLAINT CASE NO. 0063 OF 2021

Shri Gurjant Singh, (9417315594)
Library Assistant,
Rajiv Gandhi National University of Laws,
Patiala.

...Complainant

Versus

Public Information Officer,
O/o The Registrar,
Rajiv Gandhi University of Laws,
Patiala.

...Respondent

HEARD THROUGH VC/CISCO WEBEX/TELEPHONE

PRESENT: Advocate S. P. Verma, Representative of the Complainant.
Sh. Karam Chand Rana, Superintendent, for the respondents.

ORDER:

This order may be read with reference to the previous order dated 13.07.2021.

The Representative of the complainant states that no information has been provided to him.

The Respondent states that available information has already been supplied to the complainant vide letter dated 05.05.2021.

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. Cont...Pg2

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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
26.08.2021**

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy to intimation and necessary action along with RTI application dated 12.08.2020.

First Appellate Authority,
O/o The Registrar,
Rajiv Gandhi University of Laws,
Sidhuwal, Bhadson Road, Patiala-147006

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COMPLAINT CASE NO. 0504 OF 2021

Sh. Rajendra Singh Panwar, (9592216710)
S/o Late Sh. Bhagat Singh Panwar,
R/o Village Pipola, P.O. Jakhnidhar,
District Tehri Garhwal, Uttrakhand-249123

...Appellant

Versus

Public Information Officer,
O/o Superintendent of Police (HQ),
C/o Senior Superintendent of Police,
Kapurthala.

...Respondents

HEARD THROUGH CISCO WEBEX-VC/TELEPHONE

PRESENT: None on behalf of the Complainant.
ASI Davinder Singh on behalf of the Respondents.

ORDER:

The RTI application is dated 26.02.2021 whereby the Complainant has sought information as mentioned in his RTI application. He filed complaint in the Commission on 22.04.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act) and Notice of hearing was issued to the parties for 26.08.2021.

The Respondent states that available information/reply has been provided to the complainant vide letter no. 171/R.T.I., dated: 16.03.2021 through registered post. Copy of the same sent to the Commission receipt diary no. 15680, dated 16.07.2021.

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. 0504 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
26.08.2021**

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy to intimation and necessary action along with RTI application dated 26.02.2021.

First Appellate Authority,
O/o Inspector General of Police,
Jalandhar Division,
Jalandhar.

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COMPLAINT CASE NO. 0578 OF 2020

Sh. Tejinder Singh S/o Amrik Singh (9888008964)
Plot No. 1, Opp. House No. 3305/E,
Near Ganesh Mandir, Dhamoli,
Tehsil Rajpura, District Patiala.

...Complainant

Versus

Public Information Officer,
O/o Executive Officer,
Nagar Council, Banur, District Patiala.

...Respondent

HEARD THROUGH CISCO WEBEX/TELEPHONE

PRESENT: None for the Parties.

ORDER:

This order may be read with reference to the previous order dated 20.07.2021.

The PIO is absent. However, he has sent a letter in the Commission mentioning therein that requisite information has been sent to the complainant vide letter dated 09.08.2021.

The complainant is absent and he was also absent on the last date of hearing i.e. 20.07.2021. Last and final opportunity was given to him to present this case. It is presumed that he has satisfied with the response provided by the Respondent and did not want to pursue this case further.

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. 0578 OF 2020

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.

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
26.08.2021**

Sd/-
(Hem Inder Singh)
State Information Commissioner

C.C.: **Reqd. Post**
Sh. Baljinder Singh,
Executive Officer,
Nagar Council, Banur, District Patiala.

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COMPLAINT CASE NO. 0658 OF 2020

Shri Jagjit Singh, (9914248131)
Aman Nagar, Street No.
Backside Green Land School,
Near Jalandhar Bye-Pass, Ludhiana.

...Complainant

Versus

Public Information Officer,
O/o Principal,
Greenland Convent School,
Civil City, DUGRI,
District Ludhiana.

...Respondents

HEARD THROUGH CISCO WEBEX/TELEPHONE

PRESENT: Sh. Jagjit Singh, Complainant.
None on behalf of the Respondents.

ORDER:

This order may be read with reference to the previous order dated 08.07.2021.

The complainant states that he has visited the respondent office for inspection and incomplete information has been provided to him whereas the PIO is 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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COMPLAINT CASE NO. 0658 OF 2020

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
26.08.2021**

Sd/-
(Hem Inder Singh)
State Information Commissioner

Copy to intimation and necessary action along with RTI application dated 30.12.2019.

First Appellate Authority,
O/o Director Public Instructions (Sec. Edu.), Punjab,
Vidya Bhawan, PSEB Complex,
Sector-68, S.A.S Nagar (Mohali).

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APPEAL CASE NO. 1964 OF 2021

Sh. Surinder Singh, (8437857289)
S/o Sh. Bakshish Singh,
R/o V.P.O. Jandoli, District Hoshiarpur-146102

...Appellant

Versus

Public Information Officer,
O/o Tehsildar,
Garhshankar, District Hoshiarpur.

First Appellate Authority
O/o Sub-Divisional Magistrate,
Garhshankar, District Hoshiarpur.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: None on behalf of the Appellant.
Sh. Vikas Sharma, Superintendent – cum – APIO for the Respondents.

ORDER:

The RTI application is dated 26.12.2020 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 29.01.2021 and Second Appeal was filed in the Commission on 22.04.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and Notice of hearing was issued to the parties for 26.08.2021.

The Respondent states that requisite information has already been supplied to the appellant and he has acknowledged the same in writing.

The Appellant is absent. However, he is telephonically confirmed to the Commission that he has received the sufficient information and wants to close the case.

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

Chandigarh
26.08.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 2203 OF 2020

Sh. Jeevan Jyoti, (6280358811)
S/o Sh. Tarlok Chand,
R/o Ward No. 11, Majitha, Amritsar.

...Appellant

Versus

Public Information Officer,
O/o The Executive Officer,
Nagar Council, Majitha,
District Amritsar.

First Appellate Authority,
O/o The Deputy Director,
Local Bodies, Amritsar.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Sh. Jeevan Jyoti, Appellant.
Sh. Amardeep Singh, Executive Officer for the Respondents.

ORDER:

This order may be read with reference to the previous order dated 08.07.2021.

The Appellant states that no information has been provided to him where as the Respondent states that he recently joined this office and seeks some to provide the information to the appellant.

Keeping in view the delay in this case, the PIO is directed to supply the requisite information to the appellant or in case no information available in the record then files an Affidavit in this regard immediately. However, the appellant is again advised to visit the respondent's office today itself and revert back within an hour. The Respondent is directed to supply the requisite information, as available in the official record.

The Respondent states that requisite information has been handed over to the appellant along with proper Affidavit. The Bench confirms from the appellant and he telephonically acknowledges the same.

In view of the above, no further cause of action is left in the matter; hence the instant appeal case is **disposed of and closed**. Copies of the order be sent to the parties.

Chandigarh
26.08.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION

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SECTOR 16, CHANDIGARH.

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APPEAL CASE NO. 3005 OF 2021

Sh. Jagdish Singh S/o Sh. Balbir Singh, ()
R/o H. No. 448, Sandhu Colony,
Majitha Road, Amritsar.

...Appellant

Versus

Public Information Officer,
O/o Principal,
BBK DAV College for Women, Amritsar.

First Appellate Authority
O/o Chairman, Local Committee,
BBK DAV College for Women, Amritsar.

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Sh. Jagdish Singh, Appellant.
Dr. Pushpinder Walia, Principal – cum – PIO along with (9878422322)
Sh. Subhash Agrawal for the Respondents. (9810033711)

ORDER:

The RTI application is dated 03.09.2020 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 Nil and Second Appeal was filed in the Commission on 01.07.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and Notice of hearing was issued to the parties for 26.08.2021.

The Appellant states that he has received incomplete information whereas the Respondent states that requisite partial information has already been supplied to the appellant vide letter no. RTI/442, dated 05.10.2020 and rest of the information relating to third party which cannot be supplied to him.

After discussion on the RTI of the appellant, during the hearing, the Court observed that sufficient reply/information has been supplied to the appellant.

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

Chandigarh
26.08.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner