

**PUNJAB STATE INFORMATION COMMISSION**  
Red Cross Building, Near Rose Garden,  
Sector 16, Chandigarh.  
Ph: 0172-2864115, Email: - [psic25@punjabmail.gov.in](mailto:psic25@punjabmail.gov.in)  
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Helpline No. 0172-2864100



Sh. Prince Kumar, Village Naggal Salempur  
Police Station, Banur

.....Complainant

..Vs

**Public Information Officer,**  
O/o Director Bureau, of Investigation, Punjab  
Punjab Police Headquarter, Sector 9  
Chandigarh

.....Respondent

**CC No. 17 of 2022**

Present : (i) Sh. Prince Kumar the complainant  
(ii) None is present on behalf of the respondent

**ORDER**

The RTI application is dated 28.09.2022 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 17.12.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.04.2022 i.e. today.

3. The complainant states that no information has been given to him so far.

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 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).*



**CC No. 17 of 2022**

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.

5. 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.

6. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) as the first appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to give an early date to hear the complainant and decide the matter. In case the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

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**.

*Sd/-*

**Dated : 27.04.2022**

**(Amrit Partap Singh Sekhon)**  
**State Information Commissioner**  
**Punjab**

**REGISTERED POST**

O/o Directorate, Bureau of Investigation,  
Punjab Police Headquarter, Sector 9  
Chandigarh

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Sh. Ramesh Kumar, S/o Sh. Amar Nath  
House No. U-1652, Sadar Nagar,  
Opp. Old Central Jail, Amritsar – 143008  
(9855833536)

..Vs

.....Appellant

**Public Information Officer,**  
O/o Principal Secretary, Defence Services Welfare, Punjab  
Defence Service Welfare Branch, Punjab Civil Sectt-2,  
Sector 9, Chandigarh

**First Appellate Authority ,**  
O/o Principal Secretary, Defence Services Welfare, Punjab  
Defence Service Welfare Branch, Punjab Civil Sectt-2,  
Sector 9, Chandigarh

.....Respondent

**AC No. 137 of 2022**

Present : (i) None is present on behalf of the appellant  
(ii) For the respondent : Smt. Manjit Kaur, Suptd-cum-APIO , Sh. Nand Kishore, Jr. Assistant and Smt. Hardeep Kaur, Steno

**ORDER**

The RTI application is dated 12.05.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 20.12.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.04.2022 i.e. today.

3. The appellant is absent today.

4. The respondent states that the information has already been sent to the appellant. They further states that the same matter has already been decided in AC: 62 of 2022 in the court of undersigned. Moreover the respondent has also given in writing that the information has been given to the appellant and no other information is available in their record. Copy of the same is taken on record.

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**AC No. 137 of 2022**

5. In view of the foregoing , no cause of action is left, hence the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

**Dated: 27.04.2022**

**Sd/-**  
**(Amrit Partap Singh Sekhon)**  
**State Information Commissioner**  
**Punjab**

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Sh. Rajpreet Singh, S/o Sh. Buta Singh  
Village Late Nagal, Fatehgarh Churian,  
Distt. Gurdaspur - 143602

..Vs

.....Appellant

**Public Information Officer,**  
O/o District Defence Welfare Services, Gurdaspur  
**First Appellate Authority ,**  
O/o Director Defence Service Welfare, Punjab  
Punjab Sainik Bhawan, Sector 21D,  
Chandigarh

.....Respondent

**AC No. 153 of 2022**

Present : (i) Sh. Rajpreet Singh the appellant through CISCO Webex  
(ii) For the respondent : Sh. Ramesh Kumar, Clerk (6280247814)

**ORDER**

The RTI application is dated 23.09.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 29.12.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.04.2022 i.e. today.

3. The appellant states that he is not satisfied with the information provided by the respondent.

4. The respondent states that information as exists in the record has been provided to the appellant.

5. The perusal of the file shows that the respondent has sent proper point-wise reply to the RTI of appellant. I have gone through the documents on record and pleadings of the parties. It has been observed that the information stands provided to the appellant by the respondent. Appellant is advised, for his grievances, he may approach the higher authorities.

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**AC No. 153 of 2022**

6. In view of the foregoing, no cause of action is left, hence the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

**Dated : 27.04.2022**

**Sd/-**  
**(Amrit Partap Singh Sekhon)**  
**State Information Commissioner**  
**Punjab**

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Smt Jaswant Kaur, Sh Arvinder Pal Singh,  
House No 32, Gurjivan Vihar, Dhakouli,  
Zirakpur, Distt. Mohali-160104 (9988456526)

.....Appellant

..Vs

**Public Information Officer,**  
O/o EO, MC, Zirakpur  
Distt Mohali  
**First Appellate Authority**  
O/o EO, MC, Zirakpur  
Distt. Mohali

.....Respondent

**AC No. 2402 of 2021**

Present : (i) None is present on behalf of the appellant  
(ii) For the respondent : Sh. Nirdosh Sharma, B.I.-cum-APIO (9915955511)  
and Sh. Gulshan Mehta , Advocate ( 9876468637)

**ORDER**

This order may be read with reference to the previous order passed by the Commission.

2. The appellant is absent today.
3. The respondent states that the point-wise reply has already been sent to the appellant with a copy to the Commission.
4. The perusal of the file shows that the respondent has sent point wise reply to the RTI of the appellant. During the last hearing the appellant was directed to file his rejoinder. But the appellant has failed to file his rejoinder till now.
5. After hearing the respondent and perusing the record, it is ascertained that the respondent has given proper point wise reply to the appellant. Further the information demanded by the appellant is in shape of questions. The appellant may take note that there is the judgment of

Central Information Commission vide order dated 21.04.2006 in case no. CIC/AT/A/2006/00045 has decided that –

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**AC No. 2402 of 2021**

(The RTI Act does not cast on the public authority any obligation to answer queries, as in this case, in which a petitioner attempts to elicit answers to his questions with prefixes, such as, why, what, when and whether. The petitioner's right extends only to seeking information as defined in Section 2 (f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority.)

6. In view of the foregoing, no cause of action is left, hence the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Dated : 27.04.2022

Sd/-  
(Amrit Partap Singh Sekhon)  
State Information Commissioner  
Punjab



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Sh. Harmit Singh Sandhu  
Rojana Desh Sewak, C/o Baba Kala Finance Co.,  
Phul Road, Rampura Phul, Bathinda

.....Appellant

**Vs**

**Public Information Officer,**  
O/o Tehsildar Mohali  
**First Appellate Authority**  
O/o DC Mohali

.....Respondent

**AC.No. 5098 of 2021**

Present : (i) Sh. Harmit Singh Sidhu the appellant  
(ii) For the respondent :Smt. Sonam, Patwari, Circle Bhagomajra  
(9815835553) , Sh. Sat Pal , Patwari (9855881500), O/o Circle Landran

**ORDER**

This order may be read with reference to the previous order passed by the Commission.

2. The respondent states that complete information has been given to the appellant. All the points have been discussed in the Commission today in the presence of the Respondent and Appellant. The appellant states that he is satisfied with the respondent.

3. The appellant states that he has not been provided the information within the time as prescribed under the RTI Act 2005. He has, therefore, suffered mental harassment and financial loss in attending the hearings in the Commission. It is observed that appropriate mechanism has not been provided to keep the record properly by the public authority due to which the information / request under RTI Act, 2005 are not being served properly. However, Respondent PIO is warned to be more careful in future while dealing with the matters pertaining to the RTI Act, 2005 and act swiftly.

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**AC.No. 5098 of 2021**

4. Since, the appellant is satisfied with the information provided, no cause of action is left, hence the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

**Dated : 27.04.2022**

**Sd/-**  
**(Amrit Partap Singh Sekhon)**  
**State Information Commissioner**  
**Punjab**

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Sh. Iqbal Singh , Advocate  
R/o House No. 162, Ward No. 8,  
Mohalla Mahitia Wala, Banur  
Distt Mohali - 140601

.....Appellant

..Vs

**Registered post**

**Public Information Officer,**  
o/o Naib Tehsildar cum Asstt. Returning Officer  
Nagar Council Election, Banur  
**First Appellate Authority,**  
o/o SDM, Mohali

.....Respondent

**AC No. 3339 of 2021**

Present : (i) Sh. Iqbal Singh Advocate the appellant (telephonically)  
(ii) For the respondent: Sh. Amarjit Singh, (6283263227)

**ORDER**

This order may be read with reference to the previous order passed by the Commission.

2. The appellant is contacted on phone. He states that he has received the information and amount of compensation i.e. Rs. 2000/-
3. Respondent states that the information and compensation has been given to the appellant.
4. Since the respondent has complied the orders of the commission, no cause of action is left, therefore the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Dated : 27.04.2022

Sd/-  
(Amrit Partap Singh Sekhon)  
State Information Commissioner  
Punjab