

PUNJAB STATE INFORMATION COMMISSION

**Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.**

Ph: 0172-2864113, Helpline No. 0172-2864100

Email: - psic22@punjabmail.gov.in

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Sh. Bittu (9872455496)

Vill. Bolapu, Jhabewal,
PO Ramgarh,
Ludhiana 141123,

Complainant

Versus

Public Information Officer

O/o State Transport Commissioner, Pb,
Chandigarh

Remanded Back-

(Regd. Post) First Appellate Authority

O/o State Transport Commissioner, Pb,
Chandigarh.

Encl. RTI application

Respondent

Complaint Case No.: 553 of 2021

Heard through CISCO Webex

Present:

(i) Nobody one behalf of the complainant.

(ii) For the respondent: Sh. Gurbax Singh (APIO) & Ms. Sukhwinder Kaur, Clerk
(9914759734).

ORDER

1. The RTI application is dated 25.03.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 03.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 27.10.2021 through CISCO Webex application.
3. In today's hearing, respondent, Ms. Sukhwinder Kaur states that reply has already been sent to the complainant.
4. Complainant is absent despite being aware about the date of hearing, which shows his casual attitude towards the Notice of the Commission as well as to the RTI Act.
5. 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).

Complaint Case No.: 553 of 2021
Through CISCO WEBEX

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: 27.10.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Vill. Bolapu, Jhabewal,
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Complainant

Versus

Public Information Officer

O/o State Transport Commissioner, Pb, Chandigarh

Remanded Back-

(Regd. Post) First Appellate Authority
O/o State Transport Commissioner, Pb,
Chandigarh.

Encl. RTI application

Respondent

Complaint Case No.: 565 of 2021
Heard through CISCO Webex

Present: (i) Nobody one behalf of the complainant.
(ii) For the respondent: Sh. Gurbax Singh (APIO).

ORDER

1. The RTI application is dated 18.03.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 04.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 27.10.2021 through CISCO Webex application.
3. In today's hearing, respondent, Sh. Gurbax Singh states that information has already been sent to the complainant through registered post.
4. Complainant is absent despite being aware about the date of hearing, which shows his casual attitude towards the Notice of the Commission as well as to the RTI Act.
5. 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).

Complaint Case No.: 565 of 2021
Through CISCO WEBEX

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: 27.10.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Sh. Jasbir Singh

Vill. Bolapur, Jhabewal,
Guru Nanak Nagar
PO Ramgarh,
Ludhiana 123455,

Complainant

Versus

Public Information Officer

O/o State Transport Commissioner, Pb,
Chandigarh

Respondent

Complaint Case No.: 561 of 2021

Heard through CISCO Webex

Present: (i) Sh. Jasbir Singh, the complainant in person.
(ii) For the respondent: Sh. Gurbax Singh (APIO)

ORDER

1. The RTI application is dated 02.03.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 04.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 27.10.2021 through CISCO Webex application.
3. In today's hearing both the parties are present. Complainant states that he is satisfied with the supplied information on 08.09.2021 and request s to close this case.
4. In view of above, no cause of action is required in this case. Therefore, the present case stands **disposed of & closed**. Copy of the order be sent to the parties.

Dated: 27.10.2021

**(Anumit Singh Sodhi)
State Information Commissioner
Punjab**

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Sh. Sanjeev Goyal

S/o Sh. Ashok Kumar,
Kothi No. 148, Model Town,
Phase-I, Near TV Tower,
Bathinda-151001

Appellant

Versus

Public Information Officer

O/o Additional Deputy Commissioner (D),
Bathinda

First Appellate Authority

O/o Deputy Commissioner,
Bathinda

Respondent

Appeal Case No.: 160 of 2021

Heard through CISCO WEBEX

Present:

(i) Sh. Sanjeev Goyal, the appellant in person.

(ii) For the respondent: Ms. Neeru Garg (DDPO) (9878600439)

ORDER

1. This order may be read with the previous order dated 5.8.2021 respondent; Ms. Neeru Garg was directed to supply the information within ten days to the appellant after receipt of this order under the intimation to the Commission. The case was adjourned to 27.10.2021.
2. In today's hearing both the parties are present. Respondent, Ms. Neeru Garg states that the information has already been provided to the appellant as per the previous orders of the Commission dated 05.08.2021.
3. The appellant states that the information supplied to him is not attested by the authorities concerned.
4. The court after hearing both the parties orders that the attested information may be supplied to the appellant again within week under intimation to the Commission. It is also observed that appellant had not pointed out deficiency till date in the supplied information. Therefore, no course of action required in this case and the case stands **disposed off/closed**. Copy of the order be sent to the parties.

Dated: 27.10.2021

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Appellant

Sh. Gurmit Singh (9814502523)

S/o Harbans Singh

R/o Vill Bharta Khurd,

Tehsil Nawanshaher, Distt. SBS Nagar

Versus

Public Information Officer

O/o DDPO, SBS Nagar

First Appellate Authority

O/o ADC (D), SBS Nagar

Respondent

Appeal Case No.: 553 of 2021

Through CISCO WEBEX

Present: (i) Sh. Gurmeet Singh – appellant.

(ii) For the respondent: Sh. Jeewan Lal (Superintendent-Aur) (9592252333)

ORDER:

1. The order may be read with earlier order dated: 29.9.2021 wherein the appellant showed his dissatisfaction on the supplied affidavit. The matter was adjourned for further hearing on 27.10.2021 i.e. today.
2. In today's hearing both the parties are present. The respondent PIO is once again directed to supply an affidavit duly attested by the authorized officer, as per queries raised by the appellant in RTI application within week to the appellant under intimation to the Commission.
3. Appellant is absent despite being aware about the date of hearing.
4. In view of above, it is considered that the affidavit will be supplied as per court's direction; therefore, there is no cause of action required in the present case and the case stands **disposed off/closed**. Copy of the order be sent to the parties.

Dated: 27.10.2021

**(Anumit Singh Sodhi)
State Information Commissioner
Punjab**