

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



Sh. Sanjeev, C/o Dr. SP Singh
House No. 67, Phase 6, Aman Park, Ludhiana

.....Complainant

..Vs

Public Information Officer,
O/o XEN, (Panchayati Raj),
PWD, Sector 62, Mohali

.....Respondent

CC No. 1081 of 2021

Present : (i) None is present on behalf of the complainant
(ii) For the Respondent: Sh. Rajiv Kumar, Jr. Assistant (7973765802) *in the Commission*

ORDER

1. The RTI application is dated 26.07.2019 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 24.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 27.12.2021 in the Commission.
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).

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CC No. 1081 of 2021

4. 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 : 27.12.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Registered post:

First Appellate Authority
o/o XEN (Panchayati Raj), PWD
Sector 62, Mohali

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Dr. Dabashis Goswami,
B-209, Adesh Medical, Adesh University Campus
Bhucho, Barnala Road, Bathinda - 151101
(7889226487)

.....Complainant

..Vs

Public Information Officer,
O/o Director General of Punjab
Punjab Police Headquarter ,
Sector 9, Chandigarh

.....Respondent

CC No. 1062 of 2021

Present : (i) None is present on behalf of the complainant
(ii) For the Respondent: Sh. Narinder Singh, Sr. Constable (87278-00286) *in the Commission*

ORDER

The RTI application is dated 07.06.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 17.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 27.12.2021 i.e. today.
3. The complainant is absent today.
4. The respondent states that the information, as exists, in the record has been sent to the Complainant
5. 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

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CC No. 1062 of 2021

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.

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.

7. 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.

8. 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.

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CC No. 1062 of 2021

9. 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/-

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Dated : 27.12.2021

Registered post
First Appellate Authority
O/o DGP, Punjab
Punjab Police Headquarter, Sector 9,
Chandigarh

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Sh Ravinder Kumar, House No. 8497, Street No 1,
Mha Singh Nagar, Daba Lohara Road,
Near Daba Police Station & Kesar Di Chakki
Ludhiana – 141115 (9914580204)

.....Complainant

..Vs

Public Information Officer,
O/o AIGP Personnel-II, Punjab
Punjab Police Headquarter, Sector 9
Chandigarh

.....Respondent

CC No. 1058 of 2021

Present : (i) Sh. Ravinder Kumar the complainant (through CISCO Webex)
(ii) For the Respondent: Sh. Avtar Singh, ASI (9417958706) *in the Commission*

ORDER

The RTI application is dated 01.07.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 16.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 27.12.2021 in the Commission.

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

4. The respondent states that the information demanded by the appellant is under process, hence cannot be provided to the complainant.

5. 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

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CC No. 1058 of 2021

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.

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.

7. 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.

8. 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.

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CC No. 1058 of 2021

9. 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 : 27.12.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

Registered post

First Appellant Authority
o/o AIGP, Personnel-II, Punjab
Punjab Police Headquarter, Sector 9,
Chandigarh

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Sh. Jasbir Singh, Guru Nanak Nagar
Village Bolapur, Jhabewal, Post Office Ramgarh,
District Ludhiana – 141123 (9888296107)

.....Complainant

..Vs

Public Information Officer,
O/o Tehsildar, Banga, Distrt. SBS Nagar

.....Respondent

CC No. 1043 of 2021

Present : None for the parties .

ORDER

The RTI application is dated 04.03.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 10.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 27.12.2021 i.e. today.
3. The complainant Sh. Jasbir Singh is absent today. He has sent a letter via mail mentioning therein that he has received the information and is satisfied.
4. Since, the complainant has received the information and is satisfied , hence no cause of action is left, therefore the complaint case filed by the complainant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated : 27.12.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Nitin Kumar Garg,
C/o Police Public Diary 15A,
Shastri Nagar, Model Town, Ludhiana
(7814322100)

.....Appellant

..Vs

Public Information Officer,
O/o Assistant Excise and Taxation Commissioner
(Mobile Wing), Jalandhar
First Appellate Authority ,
O/o Divisional Excise Taxation Commissioner,
Jalandhar

.....Respondent

AC No. 3854 of 2021

Present : (i) Sh. Nitin Kumar Garg the appellant (in the Commission)
(ii) None is present on behalf of the respondent

ORDER

The RTI application is dated 02.05.2021 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 15.06.2021 and second appeal was filed in the Commission on 27.08.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 27.12.2021 i.e. today.
3. The appellant Sh. Nitin Kumar Garg states that he has received the information and is satisfied.
4. Since, the appellant has received the information and is satisfied, therefore 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.

Sd/-

Dated : 27.12.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab