

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

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Helpline No. 0172-2864100 (10:00 AM to 04.00 PM on working days)



Shri Amandeep Singh Manaise, Advocate,
S/o Shri P.S. Manaise, # 26, HM Sector 59,
Sector IV, Mohali.

..... Complainant

Vs

Public Information Officer,
O/o Block Dev. & Panchayat Officer,
Dhariwal, Distt. Gurdaspur.

Remanded Back:

First Appellate Authority,
DDPO, Mini Secretariat,
Judicial Complex, Gurdaspur

.....Respondents

Complaint Case No. 1147 of 2021

Present:- (i) **Complainant- absent.**
(ii) **Shri Pawan Kumar, Superintendent and Shri Shivpal, Panchayat Secretary are present in person before the Bench.**

ORDER

1 The RTI application is dated 13.07.2021 vide which the complainant has sought information as enumerated in his RTI application. The complaint was filed in the Commission on 10.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 27.12.2021 in Commission's office at Chandigarh. Shri Amandeep Singh Manaise, Advocate, Complainant has neither come present in person nor through CISCO Webex, but when contacted on mobile phone during the course of hearing, he states that partial information has been provided to him by the PIO.

3. Shri Pawan Kumar, Superintendent and Shri Shivpal, Panchayat Secretary come present to attend the hearing in person and state that the information sought by the Complainant does not relate to their office, rather it relates to the office of the Revenue Department, but still the information was sent to the Complainant through registered post on 13.10.2021. The respondent submits a copy of letter no. SPL-II dated 12.10.2021 along with a copy of letter no. SPL-1 dated 12.10.2021 and photocopy of postal receipt dated 13.10.2021.

4. The Bench observes that the complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of 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 Versus 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 Hon'ble 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 provisions of Section 18 of the RTI, 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

6. The instant matter is remanded back to the First Appellate Authority i.e. Shri Harjinder Singh Sandhu, DDPO, Gurdaspur. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) 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.

7. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

8. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

Chandigarh
27.12.2021

Sd/-
((Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab

Copy to (Through Regd. Post)

**First Appellate Authority,
Shri Harjinder Singh Sandhu,
DDPO, Mini Secretariat,
Judicial Complex, Gurdaspur.**



Shri Amandeep Singh Manaise, Advocate,
S/o Shri P.S. Manaise, # 26, HM Sector 59,
Sector IV, Mohali.

..... Complainant

Vs

Public Information Officer,
O/o Block Dev. & Panchayat Officer,
Dhariwal, Distt. Gurdaspur.

Remanded Back:

First Appellate Authority,
DDPO, Mini Secretariat,
Judicial Complex, Gurdaspur

..... Respondents

Complaint Case No. 1148 of 2021

Present:- (i) **Complainant- absent.**
(ii) **Shri Pawan Kumar, Superintendent and Shri Shivpal, Panchayat Secretary, in person before the Bench.**

ORDER

1 The RTI application is dated 15.07.2021 vide which the complainant has sought information as enumerated in his RTI application. The complaint was filed in the Commission on 10.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 27.12.2021 in Commission's office at Chandigarh. Shri Amandeep Singh Manaise, Advocate, Complainant has neither come present in person nor through CISCO Webex, but when contacted on mobile phone during the course of hearing, he states that partial information has been provided to him by the PIO.

3. Shri Pawan Kumar, Superintendent and Shri Shivpal, Panchayat Secretary come present to attend the hearing in person and state that the information sought by the Complainant does not relate to their office, rather it relates to the office of the Revenue Department, but still the information was sent to the Complainant through registered post on 13.10.2021. The respondent submits a copy of letter no. SPL-II dated 12.10.2021 along with a copy of letter no. SPL-1 dated 12.10.2021 and photocopy of postal receipt dated 13.10.2021.

4. The Bench observes that the complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of 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 Versus 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 Hon’ble 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 provisions of Section 18 of the RTI, 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

6. The instant matter is remanded back to the First Appellate Authority i.e. Shri Harjinder Singh Sandhu, DDPO, Gurdaspur. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) 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.

7. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

8. In view of the above, **the case is disposed off and closed.** Copy of the order be sent to the parties.

Chandigarh
27.12.2021

Sd/-
((Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab

Copy to (Through Regd. Post)

**First Appellate Authority,
Shri Harjinder Singh Sandhu,
DDPO, Mini Secretariat,
Judicial Complex, Gurdaspur.**



Shri Amrik Singh, S/o Late Shri Teja Singh,
R/o Village Sekhuwas, P.O. Ghurenab,
Tehsil Lehra, Distt. Sangrur.

..... Complainant

Vs

Public Information Officer,
O/o Director, Rural Dev. & Panchayat Deptt.,
Punjab, Mohali.

Remanded Back:

First Appellate Authority,
District Development and
Panchayat Officer (DDPO),
Sangrur.

..... Respondents

Complaint Case No. 1131 of 2021

Present:- (i) **Shri Amrik Singh, Complainant in person.**
(ii) **None present on behalf of the PIO.**

ORDER

1 The RTI application is dated 25.05.2021 vide which the complainant has sought information as enumerated in his RTI application. The complaint was filed in the Commission on 07.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 27.12.2021 in Commission's office at Chandigarh. Shri Amrik Singh, Complainant comes in person before the Bench and he states that no information has been provided to him by the PIO.

3. Neither the PIO has come present nor he has deputed any of his representatives to attend the hearing for today. However, the Commission has received an e-mail, which is a copy of letter no.263 dated 27.12.2021 sent by the PIO-cum-BDPO, Lehragaga and he submits in the letter that Shri Hardip Singh, Panchayat Secretary, Gram Panchayat Sekhuwal has been directed to attend the hearing in the present case, who is unable to attend the hearing and requests for adjournment.

4. The Bench observes that RTI application of the complainant has been referred by the PIO O/o Director, Rural Development & Panchayats Department, Punjab to the DDPO Sangrur and the letter dated 27.12.2012 has been received from the PIO/BDPO, Lehragaga, District Sangrur wherein it has been stated that duty to attend the hearing in this case has been assigned to Shri Hardip Singh, Panchayat Secretary, Gram Panchayat, Sekhuwas, District Sangrur, who has not come present. The Bench further observes that the grievance of the complainant still remains unaddressed.

5. The Bench also observes that the complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of 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 Versus 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 Hon'ble 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 provisions of Section 18 of the RTI, 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

7. The instant matter is remanded back to the First Appellate Authority i.e. **Shri Vaneet Kumar Sharma, DDPO, Sangrur**. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) 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.

8. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

9. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

Chandigarh
27.12.2021

Sd/-
((Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab

Copy to (Through Regd. Post) :-

First Appellate Authority, Shri Vaneet Kumar Sharma, DDPO, Sangrur.