

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

Ph: 0172-2864117, Email: - psic27@punjabmail.gov.in

Visit us: - www.infocommpunjab.com

Helpline no. 0172-2861100



Sh. Kimiti Lal Kashyap, (M : 7589757100)
S/o Sh. Krishan Lal Kashyap,
R/o House No 12, Teacher Colony (Shanti Nagar),
Nawanshehar.

.....Complainant

..Vs

Public Information Officer,
O/o DC, SBS Nagar.

.....Respondent

CC No. 775 of 2020

Through CISCO-WEBEX

Present : (i) None is present on behalf of the complainant
(ii) Sh. Brij Mohan, Excise Officer(9463460039), Sh. Amardeep Singh, O/o Municipal Council, Nawanshahr (9417533155), Sh. Yashpal Singh, Sanitary Inspector, o/o N.C. Banga (8872940333) and Smt. Ruby , Clerk o/o N.C. Balachaur (9465969543)

ORDER

1. The RTI application is dated 19.08.2020 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 12.10.2020 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 28.01.2021 through CISCO Webex.
3. The complainant is absent today.
4. The respondents states that the information has been sent to the complainant.
5. After hearing all the respondents and examining the case file, it is observed that the information has been sent to the Complainant. The complainant is absent today. Hence, it is presumed that he is satisfied with the information provided by the respondents. Copy of the information sent by the respondent is taken on record. The complainant can collect the same from the Commission office on any working day.

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CC No. 775 of 2020

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

Dated : 28.01.2021

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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R/o House No 12, Teacher Colony (Shanti Nagar),
Nawanshehar.

.....Complainant

..Vs

Public Information Officer,
O/o DC, SBS Nagar.

Registered post :
Remanded back to
First Appellate Authority
O/o DC, SBS Nagar.

.....Respondent

CC No. 773 of 2020
Through CISCO-WEBEX

Present : (i) None is present on behalf of the complainant
(ii) Sh. Sukhwinder Singh, Jr. Assistant (9855400606), Smt. Reena Kumari, Jr. Assistant
Sh. Rajan Bhatia, Jr. Assistant and Sh. Amarjit Singh, o/o SSP, Nawanshar (9855124888)

ORDER

The RTI application is dated 19.08.2020 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 12.10.2020 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 28.01.2021 through CISCO Webex.

3. The complainant is absent today.

4. The respondents states that the information 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 have no jurisdiction to pass an order providing for an access to the information which is as under:-

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CC No. 773 of 2020

(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).

6. 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.

7. 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.

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.

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**.

Dated : 28.01.2021

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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.....Complainant

..Vs

Public Information Officer,
O/o DC, SBS Nagar.

Registered post :
Remanded back to
First Appellate Authority
O/o DC, SBS Nagar.

.....Respondent

CC No. 774 of 2020
Through CISCO-WEBEX

Present : (i) None is present on behalf of the complainant
(ii) Sh. Sukhwinder Singh, Jr. Assistant (9855400606), Smt. Reena Kumari, Jr. Assistant
Sh. Rajan Bhatia, Jr. Assistant and Sh. Amarjit Singh, o/o SSP, Nawanshar (9855124888)

ORDER

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3. The complainant is absent today.

4. The respondents states that the information 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 have no jurisdiction to pass an order providing for an access to the information which is as under:-

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CC No. 774 of 2020

(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).

6. 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.

7. 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.

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.

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**.

Dated : 28.01.2021

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab