

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864117, Email: - psic27@punjabmail.gov.in
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Helpline No. 0172-2864100



Sh Sukhdev Singh, Flat No. 404/13,
Bollywood Heights, Peer Mushalla,
Zirakpur, Distt Mohali

.....Complainant

Vs

Public Information Officer,
O/o MC, Zirakpur
Registered post
Remanded Back to
First Appellate Authority
o/o MC, Zirakpur

.....Respondent

CC.No.880 of 2020
Through CISCO-Webex

Present: (i) Sh. Sukhdev Singh the complainant
(ii) For the Respondent: Sh. Nirdosh Sharma, Building Inspector

ORDER

This order may be read with reference to the previous order dated 23.02.2021 vide which the case was adjourned to be heard on 29.04.2021. However, on 29.04.2021 the abovementioned case could not be heard and was postponed to be heard on 29.06.2021 i.e today. Further, it has also been observed that inadvertently, the date of hearing in the postponement notice issued to the parties for 29.04.2021, has been mentioned as 27.04.2021. However, it may be read as 29.04.2021.

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



CC.No.880 of 2020

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.

4. 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.

5. 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.

6. 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**.

Chandigarh
Dated: 29.06.2021

(Preety Chawla)
State Information Commissioner
Punjab



Sh. Krishan kumar Garg alias Sh Jai KrishanLal,
25A, Industrial Area, Chaka Mandi, Kaithal
Distt Haryana-136034

.....Appellant

..Vs

Public Information Officer,
O/o SHO, Khanori, DisttSangrur
First Appellate Authority,
O/o SSP Sangrur

.....Respondent

AC No. 2123 of 2020
(Through CISCO-Webex)

Present: (i) None is present on behalf of the appellant
(ii) For the Respondent: Sh. Kuldeep Singh, ASI (8054545411)

ORDER

This order may be read with reference to the previous order dated 22.03.2021 vide which the case was adjourned to be heard on 29.04.2021. However, on 29.04.2021 the abovementioned case could not be heard and was postponed to be heard on 29.06.2021 i.e today. Further, it has also been observed that inadvertently, the date of hearing in the postponement notice issued to the parties for 29.04.2021, has been mentioned as 27.04.2021. However, it may be read as 29.04.2021.

2. The appellant is absent today.
3. The respondent states that the matter sought is under enquiry.
4. After hearing the respondent it is observed that the information was not provided as an enquiry is pending. The appellant may take note that the if the matter is under enquiry the information cannot be given to the appellant under Section 8(1)(h).

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AC No. 2123 of 2020

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.

Chandigarh
Dated: 29.06.2021

Sd/-
(Preety Chawla)
State Information Commissioner
Punjab

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Sh. Manjit Singh, S/o Sh. Gurcharan Singh,
Village Manimajra, Tehsil Chamkaur Sahib,
Distt Ropar (M-84274-98620)

.....Appellant

..Vs

Public Information Officer,
O/o Tehsildar, Chamkaur Sahib
Distt Ropar

First Appellate Authority
O/o SDM, Chamkaur Sahib, Distt Ropar

.....Respondent

AC No.2704 of 2020
(through CISCO WEBEX)

Present : (i) None for the Appellant
(ii) For the Respondent: Sh. Dalvinder Singh, Naib Tehsildar (98780-00379)

ORDER

This order may be read with reference to the previous order dated 23.02.2021 vide which the above mentioned case was adjourned to be heard on 29.04.2021. However, on 29.04.2021 the case could not be heard and was postponed to be heard on 29.06.2021, i.e, today. Further, it has also been observed that inadvertently, the date of hearing in the postponement notice issued to the parties for 29.04.2021, has been mentioned as 27.04.2021. However, it may be read as 29.04.2021.

2. The Appellant is not present today.

3. The Respondent states that, as directed in the previous hearing, the Appellant had inspected the record in their office and obtained the information pertaining to point no. 1 and 7. He further states that the complete information has been provided to the Appellant. They have also filed their reply regarding the same vide Commission diary no. 4329 dated 24.02.2021.

4. The perusal of the case file ascertains that, on the previous date of hearing, the Appellant was directed to inspect the record in the office of Respondent. The Respondent states that the Appellant had inspected the same and obtained the information. The Appellant is not present today. He has not even bothered to inform the Commission about his absence. Hence, it may be presumed that the

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AC No.2704 of 2020

Appellant is satisfied with the information provided. In view of the foregoing, no further cause of action is left. Therefore, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

Dated: 29.06.2021

(Preety Chawla)
State Information Commissioner
Punjab