



Smt. Mamta Devi, W/o Sh. Vikram Dhawan,  
House No. 55, Gali Colony, Peer Baba Road,  
Batala, Zirakpur, Distt. Mohali (9877762767)

.....Complainant

..Vs

**Public Information Officer,**  
O/o AIG, Pers-II, Punjab Police Headquarter,  
Sector 9, Chandigarh

**Registered post**

**Remanded Back**  
First Appellate Authority  
o/o SSP, Mohali

.....Respondent

**CC No.533 of 2021**  
**Through CISCO WEBEX**

Present : (i) Smt. Mamta Devi the complainant  
(ii) For the respondent : Smt. Rajwinder Kaur, Head Constable (8283060022)

## **ORDER**

1. The RTI application is dated 30.01.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 27.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 30.06.2021 through CISCO Webex. However the above mentioned case was pre-poned to be heard on 29.06.2021 i.e. today.
3. The complainant Smt. Mamta Devi states that no information has been given to her so far.
4. The respondent Smt. Rajwinder Kaur is appearing on behalf of the PIO, o/o SSP, Mohali and states that the Complainant has filed his RTI with the PIO, o/o AIG, Pers II and they have transferred the same to their office i.e. PIO, o/o SSP, Mohali.
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



**CC No.533 of 2021**

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. 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, she 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 : 29.06.2021**

**(Amrit Partap Singh Sekhon)  
State Information Commissioner  
Punjab**



Sh. Vikram Dhawan, House No. 55, Gali Colony,  
Peer Baba Road, Batala,  
Zirakpur, Distt. Mohali (8847532494)

.....Complainant

..Vs

**Public Information Officer,**  
O/o AIG Pers-II, Punjab Police Headquarter  
Sector 9, Chandigarh

**Registered post**

**Remanded Back**  
First Appellate Authority  
o/o SSP, Mohali

.....Respondent

**CC No.532 of 2021**  
**Through CISCO WEBEX**

Present : (i) Sh.Vikram Dhawan the complainant  
(ii) For the respondent : Smt. Rajwinder Kaur, Head Constable (8283060022)

## **ORDER**

The RTI application is dated 21.02.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 27.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 30.06.2021 through CISCO Webex. However the above mentioned case was pre-poned to be heard on 29.06.2021 i.e. today.

3. The complainant Sh. Vikram Dhawan states that no information has been given to her so far.

4. The respondent Smt. Rajwinder Kaur is appearing on behalf of the PIO, o/o SSP, Mohali and states that the Complainant has filed his RTI with the PIO, o/o AIG, Pers II and they have transferred the same to their office i.e. PIO, o/o SSP, Mohali.

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



**CC No.532 of 2021**

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. 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**.

**Sd/-**

**Dated : 29.06.2021**

**(Amrit Partap Singh Sekhon)**  
**State Information Commissioner**  
**Punjab**



Sh. Vikram Dhawan, House No. 55, Gali Colony,  
Peer Baba Road, Batala,  
Zirakpur, Distt. Mohali (8847532494)

.....Complainant

..Vs

**Public Information Officer,**  
O/o AIG Pers-II, Punjab Police Headquarter  
Sector 9, Chandigarh

**Registered post**

**Remanded Back**  
First Appellate Authority  
o/o SSP, Mohali

.....Respondent

**CC No.531 of 2021**  
**Through CISCO WEBEX**

Present : (i) Sh. Vikram Dhawan the complainant  
(ii) For the respondent : Smt. Rajwinder Kaur, Head Constable (8283060022)

## **ORDER**

The RTI application is dated 29.01.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 11.05.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 30.06.2021 through CISCO Webex. However the above mentioned case was pre-poned to be heard on 29.06.2021 i.e. today.

The complainant Sh. Vikram Dhawan states that no information has been given to her so far.

3. The respondent Smt. Rajwinder Kaur is appearing on behalf of the PIO, o/o SSP, Mohali and states that the Complainant has filed his RTI with the PIO, o/o AIG, Pers II and they have transferred the same to their office i.e. PIO, o/o SSP, Mohali.

4. 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



**CC No.531 of 2021**

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.

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. 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.

6. 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.

7. 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 : 29.06.2021**

**(Amrit Partap Singh Sekhon)  
State Information Commissioner  
Punjab**



Sh. Satinder Kumar Gupta  
# 1, Sector 12, Panchkula

.....Complainant

..Vs

**Public Information Officer,**  
O/o SSP, Mohali

**Registered post**

**Remanded Back**  
First Appellate Authority  
o/o SSP, Mohali

.....Respondent

**CC No. 513 of 2021**  
**Through CISCO WEBEX**

Present : (i) Sh.Satinder Kumar Gupta the complainant  
(ii) For the respondent : None is present on behalf of the respondent

## **ORDER**

The RTI application is dated 13.03.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 26.04.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 30.06.2021 through CISCO Webex. However the above mentioned case was pre-poned to be heard on 29.06.2021 i.e. today.

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

4. The respondent is absent today.

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



**CC No.513 of 2021**

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. 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**.

**Sd/-**

**Dated : 29.06.2021**

**(Amrit Partap Singh Sekhon)**  
**State Information Commissioner**  
**Punjab**