

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
SECTOR 16, CHANDIGARH.**



Ph: 0172-2864116, Email: - psic26@punjabmail.gov.in

Visit us: - www.infocommpunjab.com Cisco Webex Code:15857-23975

Helpline No.:0172-2864116(10.00 AM to 04.00 PM on working days)

Shri Avtar Singh,
H. No.81, Taj City-1,
P.O:Satnampura,
Phagwara.

.....complainant

Versus

Public Information Officer

O/o Estate Officer,
PUDA, Jalandhar.

Remanded Back to

First Appellate Authority

**Mrs. Navneet Kaur Bal, Estate Officer,
O/o Jalandhar Development Authority,
Jalandhar.**

....Respondents

CC No. 154 of 2021

Present: (i) None is present on behalf of the complainant.
(ii) **Shri Sanjeev Sharma, PIO O/o Jalandhar Development Authority,
Jalandhar, the respondent.**

ORDER:

(Heard through Cisco Webex)

1. The RTI application is dated 04.08.2020 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 29.01.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The case has been heard today, dated 29.06.2021 through Cisco Webex. The complainant Shri Avtar Singh is absent for today's hearing without any intimation.
3. Shri Sanjeev Sharma, PIO comes present to attend the hearing through Cisco Webex. He states that information has already been supplied to the complainant vide letter dated 23.04.2021 by registered post.
4. The complainant is contacted on phone. He states that nothing has been received from the respondent till date.
5. The Bench further 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.
6. It must be noted that there is an alternate and efficacious remedy of First Appeal available under Section 19(1) of the RTI Act. It appears that the complainant has failed to avail the

same in the instant complaint case. The Bench observes that the complainant must be given an opportunity to avail of the above said remedy.

7. Post deliberations with the complainant and the representative of PIO, the instant matter is remanded back to the First Appellate Authority i.e Mrs. Navneet Kaur Bal, Estate Officer O/o Jalandhar Development Authority, Jalandhar. 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. 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 Punjab State Information Commission in accordance with the provisions 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
29.06.2021
Copy to (By Regd. Post):

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

First Appellate Authority
Mrs. Navneet Kaur Bal, Estate Officer,
O/o Jalandhar Development Authority,
Jalandhar.

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Shri Avtar Singh,
No.81, Taj City-1, P.O:Satnampura,
Phagwara.

.....complainant

Versus

Public Information Officer

O/o Estate Officer,
PUDA, Jalandhar.

Remanded Back to

First Appellate Authority

**Mrs. Navneet Kaur Bal, Estate Officer,
O/o Jalandhar Development Authority,
Jalandhar.**

....Respondents

CC No. 153 of 2021

Present: (i) None is present on behalf of the complainant.
(ii) Shri Sanjeev Sharma, PIO O/o Jalandhar Development Authority,
Jalandhar, the respondent.

ORDER:

(Heard through Cisco Webex)

1. The RTI application is dated 04.08.2020 vide which the Complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 29.01.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. The case has been heard today, dated 29.06.2021 through Cisco Webex. The complainant Shri Avtar Singh is absent for today's hearing without any intimation.
3. Shri Sanjeev Sharma, PIO comes present to attend the hearing through Cisco Webex. He states that information has already been supplied to the complainant vide letter dated 30.04.2021 by registered post.
4. The complainant is contacted on phone. He states that nothing has been received from the respondent till date.
5. The Bench further 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.

6. It must be noted that there is an alternate and efficacious remedy of First Appeal available under Section 19(1) of the RTI Act. It appears that the complainant has failed to avail the same in the instant complaint case. The Bench observes that the complainant must be given an opportunity to avail of the above said remedy.

7. Post deliberations with the complainant and the representative of PIO, the instant matter is remanded back to the First Appellate Authority i.e Mrs. Navneet Kaur Bal, Estate Officer O/o Jalandhar Development Authority, Jalandhar. 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. 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 Punjab State Information Commission in accordance with the provisions 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
29.06.2021
Copy to (By Regd. Post):

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

First Appellate Authority
Mrs. Navneet Kaur Bal, Estate Officer,
O/o Jalandhar Development Authority,
Jalandhar.

**PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, NEAR ROSE GARDEN,
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Helpline No.0172-2864100(10:00 AM to 04:00PM) Working Days



Shri Labh Singh, S/o Shri Surjit Singh,
D-105, Deep Nagar, Patiala.

.....Appellant

Versus

Public Information Officer

O/o Additional S.E, Civil Works,
PSPCL, Patiala.

First Appellate Authority

O/o Chief Engineer,
Civil Construction Division, PSPCL, Patiala.

....Respondents

AC No.4036 of 2020

Present: (i) None is present on behalf of the appellant.
(ii) Shri Supreet Singh, Jr. Engineer on behalf of the PIO.

ORDER:

(Heard through Cisco Webex)

1. This order may be read with reference to the order dated 03.02.2021 passed by this Bench on the previous date of hearing as the hearing dated 03.05.2021 was postponed.
2. The case has been heard today through Cisco Webex. Shri Labh Singh, appellant is absent for today's hearing.
3. Shri Supreet Singh, Jr. Engineer comes present to attend the hearing through cisco webex. He states that the information has already been supplied to the appellant vide letter dated 26.03.2021.
4. The appellant is contacted on phone. On the asking of the Bench, the appellant confirms the receipt of information to his satisfaction and gives his consent to close the case.
5. In view of the above, no further cause of action is left in the matter. **The appeal case is disposed off and closed.** Copies of the order be sent to the concerned parties.

**Chandigarh
29.06.2021**

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

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Shri Shiv Narayan Jangra
S/o Shri Ramji Dass,
Raftaar News Channel
Press Complex, ArnaBarnaChowk,
Patiala.

.....Appellant

Versus

Public Information Officer
O/o PEPSU Road Transport Corporation,
(PRTC), Patiala.

First Appellate Authority,
O/o PEPSU Road Transport Corporation,
(PRTC), Patiala.

...Respondents

AC No.1621/2020, AC No.1622/2020 and AC No.1619/2020

Present: (i) Shri Shiv Narayan Jangra, the appellant in person before the Bench.
(ii) Shri Amanvir Singh Tiwana, Traffic Manager, PRTC, Patiala/PIO

ORDER:

(Heard through Cisco Webex)

1. This order may be read with reference to the order dated 10.02.2021 passed by this Bench on the previous date of hearing as the hearing dated 03.05.2021 was postponed.

2. The cases were scheduled to be heard today through cisco webex. The appellant Shri Shiv Narayan Jangra comes present to attend the hearing before the Bench. He states that complete information has not been provided to him by the respondent.

3. Shri Amanvir Singh Tiwana Traffic Manager, PRTC Patiala/PIO attends the hearing through cisco webex. He states that the matter regarding which the information has been sought by the appellant is under consideration before the Chairman of P.R.T.C. in his capacity as Arbitrator in all the three appeal cases. He states that the arbitration proceedings are quasi-judicial proceedings in which the appellant himself has participated. The matter, being pending under arbitration proceedings, cannot be shared with the appellant. He further adds that he has already shown the complete official records to the appellant and nothing is pending in these cases.

4. The appellant states that he does not agree with the contention of the PIO.

5. On the asking of the Bench, the PIO states that he has clarified the position in another appeal case No.4103 of 2019 filed by the appellant and he reiterates the same in this regard also. The Bench

on perusing the reply of PIO in AC No.4103/2019 finds that PIO has made an attempt to narrate the entire sequence of events relating to the said appeal case. The PIO states that the information was collated from different depots and compiled in a format designed with the consent of appellant who was called to office pursuant to directions of Hon'ble Commission and information in the format was supplied to the appellant and an affidavit was also filed in AC No.4103/2019. The PIO also makes reference to the decision dated 18.09.2017 of Chief Information Commissioner in an appeal No.CIC/AT/A/2006/00586 to the effect that once it is established to a quasi-judicial proceedings, RTI Act cannot be invoked to access the information to the proceedings. The PIO states that in spite of that, their office supplied information to the appellant in compliance with the order of Commission. The PIO further brings to the notice of Bench that the appellant has filed four other appeals in the Commission seeking information similar in nature, out of which AC No.4102/2019 stands disposed off by this Bench and he has shown in the reply the comparative position in these appeal cases in the form of a chart. The P.I.O. contends that in such a situation, the appellant is not entitled to seek information as held in the decision taken by the Chief Information Commissioner (CIC) in Appeal Case No.CICI/OK/A/2006/00268-272 dated 29.12.2006 in which case the appellant had filed five applications to the Railway Authorities asking for "all records" regarding various services and categories of staff of Railways and reproduced the decision as under;-

"The CIC observed that though the RTI Act allows citizens to seek any information other than the 10 categories exempted under Section 8, it does not mean that the public authorities are required to entertain all sort of frivolous applications. The CIC held that asking for "all records" regarding various services and categories of staff in the Railways only amount to making a mockery of the Act".

6. Both the parties have been heard at length and in detail. This is the fifth hearing before the Bench in the instant appeal cases. The appellant inspite of all the aspects discussed and explained to him as also all case related documents shown to him by the PIO, is insistent that he is entitled to receive the information under RTI Act inspite of the matter being under arbitration. The Bench is now of the opinion that Appeal Cases Nos. 1619/2020, 1621/2020 and 1622/2020 need further examination and deliberation before arriving at a decision. The Bench, thus, recommends that Appeal Cases no. 1619/2020, 1621/2020 and 1622/2020 be heard by a Larger Bench.

Chandigarh
29.06.2021

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

files be sent to the Deputy Registrar O/o PSIC (Total 70 pages)