

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864118, Email: - psic28@punjabmail.gov.in

Visit us: - www.infocommpunjab.com



COMPLAINT CASE NO. 0013 OF 2021

Shri Ashwani Chawla, (9914405765)
Bureau Chief, Sach Kahoon,
R/o # 2872-B, Sector-42-C,
Chandigarh.

...Complainant

Versus

Public Information Officer,
O/o The Secretary,
Subordinate Service Selection Board, Punjab,
S.A.S. Nagar (Mohali).

...Respondent

HEARD THROUGH CISCO WEBEX-VC/TELEPHONE

PRESENT: Shri Ashwani Chawla, Complainant.
Shri Mohit, Sr. Assistant on behalf of the Respondents.

ORDER:

This order may be read with reference to the previous order dated 11.05.2021.

The Complainant states that no information has been provided to him.

The Respondent states that available information/reply has been provided to the complainant vide letter no. 1/66/2013-6E(SSSB)/150, dated, Mohali: 12.10.2020 and letter no. 1/66/2013-E6(SSSB)/1783, dated, Mohali: 23.11.2020. Copy of the same sent to the Commission receipt diary no. 10400, dated 11.05.2021.

In these circumstances, it is relevant to invite the attention of the Complainant to the judgment of the 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 Vs. State of Manipur and another, in Para 31 whereby, 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. 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.

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- 02 -

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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 about the provided information, 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.

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.

In view of the observations noted above, the instant Complaint Case is hereby,
Disposed Off and Closed. Copies of the order be sent to the parties.

Chandigarh
29.07.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 0108 OF 2021

Shri Jasbir Singh, (9888296107)
Guru Nanak Nagar, Village Bholapur Jhabewal,
Post Office Ramgarh, District Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o Director, Vigilance Bureau, Punjab,
Vigilance Bhawan, Sector-68,
S.A.S. Nagar (Mohali).

First Appellate Authority

O/o Director, Vigilance Bureau, Punjab,
Vigilance Bhawan, Sector-68,
S.A.S. Nagar (Mohali).

...Respondents

HEARD Through CISCO WEBEX – VC/TELEPHONE

PRESENT: Sh. Jasbir Singh, Appellant.
Sh. Sukhminder Singh, Inspector on behalf of the Respondents.

ORDER:

This order may be read with reference to the previous order dated 06.05.2021.

The Appellant states that no information has been provided to him.

The Respondent states that against appellant's complaint letter dated 06.07.2020, FIR No. 8/20 has been registered at PS Vigilance Bureau, Ludhiana and it is now pending in the Court. He further states that appellant has suitably been informed in this regard and the rest of the information cannot be provided.

As the enquiry is not completed till date, the case is **closed and disposed off** with the directions to the Respondent – PIO that whenever the enquiry is completed, report of the same should be given to the Appellant within 15 days from the date of the completion of the enquiry positively, under intimation to the Commission.

The Appellant is at liberty to approach the Commission if the Respondent – PIO will not comply with the above mentioned order passed by the Commission today. Copies of the order be sent to the parties.

Chandigarh
29.07.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner

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APPEAL CASE NO. 0114 OF 2021

Shri Tarlochan Singh, (9530643010)
S/o Sh. Naranjan Singh,
R/o Village & Post Office Hazara,
Jalandhar-144025

...Appellant

Versus

Public Information Officer,
O/o The Registrar of Firms & Societies, Punjab,
Chandigarh.

First Appellate Authority
O/o The Director, Industries & Commerce, Punjab,
Udyog Bhawan, Sector-17, Chandigarh.

...Respondents

HEARD THROUGH CISCO WEBEX-VC/TELEPHONE

PRESENT: None on behalf of the Appellant.
Sh. Jaswant Rai, Superintendent –cum – APIO for the Respondents.

ORDER:

This order may be read with reference to the previous order dated 11.05.2021.

The Respondent verbally states that available information has already been supplied to the appellant and the remaining information is not available in the official record due to very old record.

The Appellant is absent and he was also absent on the last date of hearing i.e. 11.05.2021.

The appellant has not attended the hearing consequently twice entailing thereby that he does not want to follow up his case further. It is presumed that he is satisfied with the provided information.

In wake of aforementioned, this Appeal Case is hereby, **disposed of and closed.**

Copies of order may be sent to the parties.

Chandigarh
29.07.2021

Sd/-
(Hem Inder Singh)
State Information Commissioner