

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172-2864110, Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us - www.infocommpunjab.com

Whatsapp No. 62848-20189



Smt. Mohinder Kaur,
B-VIII/481, Street No. Zero-B,
Nanak Nagri,
Abohar, Distt. Fazilka.

.....Complainant

Vs.

Public Information Officer
O/o The Block Primary Education Officer,
Abohar-2,
Distt. Fazilka.

.....Respondents

Complaint Case No. 20 of 2022.

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Smt. Mohinder Kaur, Complainant.
None present on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 27.06.2022 vide which the case was adjourned for 28.10.2022, but due to administrative reasons the case is preponed and heard today.

2. The complainant is present. However none is present on behalf of the respondents. The complainant states that the complete requisite information has not been provided by the respondents.

3. It is appropriate to mention that Hon'ble Supreme Court of India in its order rendered on 12.12.2011 in Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP (C) No.32768-32769/2-10) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. 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.

An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case. Since the complainant is interested in getting the information, therefore, the matter is remanded back to Sh. Sukhbir Singh, First Appellate Authority-cum-Distt. Education Officer (EE), Fazilka, to take appropriate decision in accordance with the provisions of the RTI Act within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order. A copy of this complaint filed by the complainant is also **being sent** to him along with this order with the directions that the same may be treated as first appeal.

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..2..

Complaint Case No. 20 of 2022.

4. With these directions the case is **disposed of and closed**. However, the liberty is granted to the complainant to file the 2nd appeal in this case, if she is not satisfied with the decision of the First Appellate Authority.

Dated: 29.07.2022

@sk

Sd-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC: Sh. Sukhbir Singh,
First Appellate Authority
Cum- Distt. Education Officer (EE),
Fazilka.

(Regd.)

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Smt. Mohinder Kaur,
B-VIII/481, Street No. Zero-B,
Nanak Nagri,
Abohar, Distt. Fazilka.

.....Complainant

Vs.

Public Information Officer
O/o The Director,
Public Instructions (Elem.), PB.,
Vidya Bhawan, PSEB Complex,
Sector 62, SAS Nagar.

.....Respondents

Complaint Case No. 21 of 2022.

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Smt. Mohinder Kaur, Complainant.
Sh. Mohinder Singh, PIO-cum-Asstt. Director along with Ms. Sukhwinder Kaur,
Suptd. (8847349128) and Ms. Nidhi, Sr. Asstt. (8847499877)

ORDER

This order may be read with reference to the previous order dated 27.06.2022 vide which the case was adjourned for 28.10.2022, but due to administrative reasons the case is preponed and heard today.

2. Both the parties are present. The complainant states that the complete requisite information has not been provided by the respondents.

3. It is appropriate to mention that Hon'ble Supreme Court of India in its order rendered on 12.12.2011 in Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP (C) No.32768-32769/2-10) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. 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.

An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case. Since the complainant is interested in getting the information, therefore, the matter is remanded back to Ms. Harinder Kaur, First Appellate Authority-cum-Director Public Instructions (EE), Punjab, to take appropriate decision in accordance with the provisions of the RTI Act within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order. A copy of this complaint filed by the complainant is also **being sent** to her along with this order with the directions that the same may be treated as first appeal.

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..2..

Complaint Case No. 21 of 2022.

4. With these directions the case is **disposed of and closed**. However, the liberty is granted to the complainant to file the 2nd appeal in this case, if she is not satisfied with the decision of the First Appellate Authority.

Dated: 29.07.2022

@sk

Sd-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC: Ms. Harinder Kaur, (Regd.)
First Appellate Authority
Cum- Director, Public Instructions (EE), Punjab,
Vidya Bhawan, PSEB Complex,
Sector 62, SAS Nagar.

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Smt. Mohinder Kaur,
B-VIII/481, Street No. Zero-B,
Nanak Nagri,
Abohar, Distt. Fazilka.

.....Complainant

Vs.

Public Information Officer
O/o The Director,
Public Instructions (Elem.), PB.,
Vidya Bhawan, PSEB Complex,
Sector 62, SAS Nagar.

.....Respondents

Complaint Case No. 1107 of 2021.

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Smt. Mohinder Kaur, Complainant.
Sh. Mohinder Singh, PIO-cum-Asstt. Director along with Ms. Sukhwinder Kaur,
Suptd. (8847349128) and Ms. Nidhi, Sr. Asstt. (8847499877)

ORDER

This order may be read with reference to the previous order dated 27.06.2022 vide which the case was adjourned for 28.10.2022, but due to administrative reasons the case is preponed and heard today.

2. Both the parties are present. The complainant states that the complete requisite information has not been provided by the respondents.

3. It is appropriate to mention that Hon'ble Supreme Court of India in its order rendered on 12.12.2011 in Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP (C) No.32768-32769/2-10) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. 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.

An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case. Since the complainant is interested in getting the information, therefore, the matter is remanded back to Ms. Harinder Kaur, First Appellate Authority-cum-Director Public Instructions (EE), Punjab, to take appropriate decision in accordance with the provisions of the RTI Act within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order. A copy of this complaint filed by the complainant is also **being sent** to her along with this order with the directions that the same may be treated as first appeal.

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..2..

Complaint Case No. 1107 of 2021.

4. With these directions the case is **disposed of and closed**. However, the liberty is granted to the complainant to file the 2nd appeal in this case, if she is not satisfied with the decision of the First Appellate Authority.

Dated: 29.07.2022

@sk

Sd-
(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC: Ms. Harinder Kaur, (Regd.)
First Appellate Authority
Cum- Director, Public Instructions (EE), Punjab,
Vidya Bhawan, PSEB Complex,
Sector 62, SAS Nagar.

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Whatsapp No. 62848-20189



Sh. Darshan Singh Kang, (M: 9464363290)
Anti Corruption Wing,
Samrala,
Distt. Ludhiana- 141114.

.....Appellant

Vs.

Public Information Officer
O/o District Education Officer (Elem.),
Ludhiana.

First Appellate Authority
O/o District Education Officer (Elem.),
Ludhiana.

.....Respondents

Appeal Case No. 4716 of 2021.

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Sh. Darshan Singh Kang, appellant.
Ms. Seema Goyal, PIO, O/o District Education Officer (Elem.), Ludhiana.
Mrs. Asha Rani, BPEO, Mangat-2 along with Sh. Amandeep Singh. Head
Teacher, O/o Govt. Primary School, Sukhdev Nagar, Ludhiana.

ORDER

This order may be read with reference to the previous order dated 29.06.2022 vide which the case was adjourned for 17.10.2022, but due to administrative reasons the case is preponed and heard today.

2. The respondents state that the attested copies of sought for information has been supplied to the appellant vide letter dated 05.07.2022. The appellant states that he has sought information from the PIO, O/o Distt. Education Officer (Elem.), Ludhiana, but the information is provided by the concerned school.

3. The RTI application and the response submitted by the respondent have been perused. The information sought by the appellant relates with the Govt. Primary School, Sukhdev Nagar, Ludhiana, so the RTI application was transferred U/s 6(3) of the RTI Act, 2005 to the BPEO, Mangat-2 and the BPEO, Mangat-2 has written to the concerned school to provide the information. During the course of hearing, the information provided by the concerned school has been counter signed by the BPEO, Mangat-2 and handed over to the appellant, to which the appellant has shown his satisfaction. The Commission is of the view that no further action is required. Therefore, the case is **disposed of and closed**.

Dated: 29.07.2022
@sk

Sd-
(Suresh Arora)
Chief Information Commissioner,
Punjab.