

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

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Sh. Ashwani Chawla,
Bureau Chief, Sach Kahoon,
2872 B,
Sector 42 C,
Chandigarh. M : 9914405765

..Complainant

Vs

Public Information Officer,
O/o Punjab Vidhan Sabha, PB,
Chandigarh.

....Respondent(s)

Complaint Case No. 12/2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Sh. Ashwani Chawla, appellant.

Ms. Balbir Kaur, 9876196262 Under Secretary-cum-PIO on telephone on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 6.10.2021.

2. The appellant has sought the following information:-

1. ਲੋਕ ਸਭਾ ਸੰਸਦ ਦੇ ਮੈਂਬਰਾਂ ਸਿਧੂ, ਅਮਰਿੰਦਰ ਸਿੰਘ ਅਤੇ ਸੁਨੀਲ ਯਾਦਵ, ਸੁਖਬੀਰ ਬਾਦਲ ਦੀ ਪੈਂਸ਼ਨ ਸਬੰਧੀ ਲੋਕ ਸਭਾ ਅਤੇ ਰਾਜਸਭਾ ਨੂੰ ਵਿਧਾਨ ਸਭਾ ਦੀ ਤਰਫ਼ੋਂ ਮਿਲੇ ਗਏ ਪਤਾ ਅਤੇ ਲੋਕ ਸਭਾ ਅਤੇ ਰਾਜਸਭਾ ਦੀ ਤਰਫ਼ੋਂ ਮਿਲੇ ਜਵਾਬ ਦੀ ਕਾਪੀ ਦੀ ਜਾਣ।

2. ਪੰਜਾਬ ਵਿਧਾਨ ਸਭਾ ਦੇ ਵਿਧਾਇਕ ਸੁਖਬੀਰ ਬਾਦਲ ਅਤੇ ਸੁਨੀਲ ਯਾਦਵ ਨੂੰ ਮਿਲੇ ਪੈਂਸ਼ਨ ਦੀ ਜਾਣਕਾਰੀ ਦੀ ਜਾਣ ਕਿ ਇਨ੍ਹਾਂ ਦੋਨਾਂ ਪੂਰਵ ਵਿਧਾਇਕਾਂ ਨੂੰ ਕੀਤੀ ਜਾ ਰਹੀ ਪੈਂਸ਼ਨ ਦੀ ਜਾਣਕਾਰੀ ਹੈ।

3. ਸੁਖਬੀਰ ਅਤੇ ਸੁਨੀਲ ਯਾਦਵ ਨੂੰ ਅਜੇ ਤੱਕ ਮਿਲੇ ਪੈਂਸ਼ਨ ਦੀ ਜਾਣਕਾਰੀ ਦੀ ਜਾਣ।

3. The following order dated 6.10.2021 was passed in this case:-

“.....2. The respondent-Public Information Officer states that the reply has already been filed that the information cannot be supplied to the appellant. The respondent-Public Information Officer also contended that the complainant has not filed the 1st appeal to the First Appellate Authority in this case. A copy of the reply has also been handed over to the complainant during the course of hearing.

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Complaint Case No. 12/2021

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3. It is appropriate to mention the decision of the Hon'ble Supreme Court of India Dated: 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010) in which it 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.

4. However, before taking any decision on the matter, the complainant is advised to go through the same and file the rejoinder on the submissions made by the respondent-Public Information Officer. In addition, the complainant is also directed to submit the public interest involved in seeking the information to take the matter to its logical end.

4. The complainant requested that the respondent may be directed to take the appropriate action on his RTI application as per the provisions of the RTI Act, 2005 regarding supply of information in this case.

5. In accordance with the judicial pronouncements mentioned herein no directions can be given to the respondent-Public Information Officer to supply the information in this case. Therefore, according to the request of the appellant, the present case of the appellant is remanded to the First Appellate Authority-cum-Secretary, Punjab Vidhan Sabha, without going into the merit of this case. Also the directions are issued to the First Appellate Authority to treat the same as 1st appeal and pass the appropriate speaking order in this case after hearing the concerned parties within the time period prescribed under the provisions of the RTI Act, 2005 with which the appellant also agreed to.

6. Keeping in view the above, it is observed that no further action is required to be taken in this case. Hence, the case is disposed of and closed. However, the liberty is granted to the appellant to file the 2nd appeal in this case as per the provisions of the RTI Act, 2005, if he is not satisfied with the decision of the First Appellate Authority.

sd

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated: 08.11.2021

Sh. Surinderpal Singh, **Registered**
Secretary-cum-First Appellate Authority,
Punjab Vidhan Sabha, Chandigarh.