

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Sh. Jasbir Singh (9888296107)

Guru Nanak Nagar,
Village Jhabewal, PO Ramgarh,
Distt. Ludhiana 141123.

Appellant

Versus

Public Information Officer

O/o Secy. Regional Transport Authority,
Ferozpur

First Appellate Authority

O/o Secy. Regional Transport Authority,
Ferozpur

Respondent

Appeal Case No.: 2893 of 2021
Through CISCO WEBEX

Present: (i) Appellant –Sh. Jasbir Singh
(ii) For the respondent: Sh. Gurmeet Singh, Clerk

ORDER

1. The RTI application is dated 1.12.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 5.3.2021 and second appeal was filed in the Commission on 23.6.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for hearing through CISCO WEBEX on 23.03.2022 which was postponed due to Gazette Holiday on account of Martyrdom day of Shaheed-E-Azam Sardar Bhagat Singh and fixed for 12.5.2022 at 11.30 a.m. i.e. today.
3. In today's hearing, both the parties are present.
4. The appellant states that the sought for information as per his RTI application has been received by him and he has no objection to close this case.
5. In view of statement of the appellant, the instant case is **disposed of**. Copies of this decision be sent to the parties

Dated: 12.5.2022(11.30 AM)

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Sh. Jasbir Singh (9888296107)

Guru Nanak Nagar,
Village Jhabewal, PO Ramgarh,
Distt. Ludhiana 141123.

Appellant

Versus

Public Information Officer

O/o Principal Secy. Transport Department, Pb,
Chandigarh

First Appellate Authority

O/o Principal Secy. Transport Department, Pb,
Chandigarh

Respondent

Appeal Case No.: 2897 of 2021
Through CISCO WEBEX

Present: **(i) Appellant –Sh. Jasbir Singh.**

(ii) For the respondent: Sh. Kamal (APIO) (7837783002)

Order

1. The RTI application is dated 11.1.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 22.2.2021 and second appeal was filed in the Commission on 23.6.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for hearing through CISCO WEBEX on 23.03.2022 which was postponed due to Gazette Holiday on account of Martyrdom day of Shaheed-E-Azam Sardar Bhagat Singh and fixed for 12.5.2022 at 11.30 a.m. i.e. today.
3. In today's hearing both the parties are present.
4. The appellant states the information sought for about letter dated: 6.1.2021, which is still pending from the respondent PIO.
5. The respondent states that the matter is with Personnel Department and is personal. He further states that the matter is under investigation that is why the information cannot be given, which is exempted as per Section 8(1) (j) of the RTI Act, 2005. He adds that reply in this regard dated 28.01.2021 and 09.03.2021 had already been supplied to the appellant.
6. After hearing both the parties, the court is of the view the information sought for vide RTI application is not personal which can be supplied. Only personal detail e.g. aadhar & bank details are lying in the personal category. Respondent PIO is directed to supply reply/information to the appellant on affidavit in original to the appellant with a copy to the Commission within seven days after receipt of this order.
7. In the context of the above mentioned affidavit, no further cause of action is required in this case. Therefore, the instant case is **disposed of**. Copies of this decision be sent to the parties

Dated: 12.5.2022(11.30 AM)

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Sh. Jasbir Singh (9888296107)

Guru Nanak Nagar,
Village Jhabewal, PO Ramgarh,
Distt. Ludhiana 141123.

Appellant

Versus

Public Information Officer

O/o Addl. Chief Secy., Transport Department, Pb,
Chandigarh

First Appellate Authority

O/o Addl. Chief Secy., Transport Department, Pb,
Chandigarh

Respondent

Appeal Case No.: 2894 of 2021
Through CISCO WEBEX

Present: (i) Appellant –Sh. Jasbir Singh.

(ii) For the respondent: Sh. Kamal (APIO) (7837783002)

Order

1. The RTI application is dated 23.12.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 09.04.2021 and second appeal was filed in the Commission on 23.6.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for hearing through CISCO WEBEX on 23.03.2022 which was postponed due to Gazette Holiday on account of Martyrdom day of Shaheed-E-Azam Sardar Bhagat Singh and fixed for 12.5.2022 at 11.30 a.m. i.e. today.
3. In today's hearing both the parties are present.
4. The appellant states the information sought for about letter dated: 6.1.2021, which is still pending from the respondent PIO.
5. The respondent states that the matter is with Personnel Department and is personal. He further states that the matter is under investigation that is why the information cannot be given, which is exempted as per Section 8(1) (j) of the RTI Act, 2005. He adds that reply in this regard dated 28.01.2021 and 09.03.2021 had already been supplied to the appellant.
6. After hearing both the parties, the court is of the view the information sought for vide RTI application is not personal which can be supplied. Only personal detail e.g. aadhar & bank details are lying in the personal category. Respondent PIO is directed to supply reply/information to the appellant on affidavit in original to the appellant with a copy to the Commission within seven days after receipt of this order.
7. In the context of the above mentioned affidavit, no further cause of action is required in this case. Therefore, the instant case is **disposed of**. Copies of this decision be sent to the parties

Dated: 12.5.2022(11.30 AM)

(Anumit Singh Sodhi)
State Information Commissioner
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Complainant

Sh. Harpreet Singh (8102281022/9779104469)

s/o Sh. Amarjeet Singh,
R/o Burj Ladha Singh Wala,
Tehsil Rampura Phul,
Distt. Bathinda 151202.

Versus

Public Information Officer

O/o Secy., Regional Transport Authority,
Patiala

Remanded Back

First Appellate Authority (By Name)
(Regd. Post) O/o Secy., Regional Transport Authority,
Patiala

Encl. RTI application

Respondent

Complainant Case No.: 802 of 2021
Through CISCO WEBEX

Present: (i) Complainant –Absent.
(ii) For the respondent: Sh. Harjit Singh, Clerk

Order

1. The RTI application is dated 10.5.2021 vide which the appellant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 22.6.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for hearing through CISCO WEBEX on 23.03.2022 which was postponed due to Gazette Holiday on account of Martydom day of Shaheed-E-Azam Sardar Bhagat Singh and fixed for 12.5.2022 at 11.30 a.m. i.e. today.
3. In today's hearing, respondent states that reply has already been sent to the complainant on 03.03.2022.
4. The complainant is absent despite being aware about the date of hearing.
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 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.

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.

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 case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Dated: 12.5.2022(11.30 AM)

(Anumit Singh Sodhi)
State Information Commissioner
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Sh. Amarjit Singh (8102281022/9779104469)

s/o Sh. Kapoor Singh,
R/o Burj Ladha Singh Wala,
Tehsil Rampura Phul,
Distt. Bathinda 151202.

Complainant

Versus

Public Information Officer

O/o Secy., Regional Transport Authority,
Patiala

Respondent

Complainant Case No.: 799 of 2021
Through CISCO WEBEX

Present: (i) Complainant –absent
(ii) For the respondent: Sh. Harjit Singh, Clerk

Order

1. The RTI application is dated 10.5.2021 vide which the appellant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 21.6.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for hearing through CISCO WEBEX on 23.03.2022 which was postponed due to Gazette Holiday on account of Martyrdom day of Shaheed-E-Azam Sardar Bhagat Singh and fixed for 12.5.2022 at 11.30 a.m. i.e. today.
3. In today's hearing complainant is absent. Respondent, Sh. Harjeet Singh states that reply as per RTI application was sent to the complainant by registered post on 21.3.2022. He adds that a copy of reply is also sent to the Commission via an email dated 05.05.2022 along with copy of reply dated 21.03.2022, which is received and taken on record.
4. Complainant is absent despite being aware about the date of hearing.
5. After examining the case file, I am of the considered view that sufficient reply has already been supplied to the complainant and no deficiency has been pointed out by the complainant till date as no communication is received from him by the Commission after filing the present case to the Commission.
6. 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 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.
7. Despite of being a complaint case, respondent PIO suitably replied to the complainant. Therefore, no further cause of action is required in this case. Hence, the instant case is **disposed of**. Copies of this decision be sent to the parties.

Dated: 12.5.2022(11.30 AM)

(Anumit Singh Sodhi)
State Information Commissioner
Punjab