

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 Meeting Code : 15857-23975

Helpline No. 0172-2864100 (10:00 AM to 04.00 PM on working days)



Shri Amrik Singh, S/o Late Shri Teja Singh,
R/o Village Sekhuwas, P.O. Ghurenab,
Tehsil Lehera, Distt. Sangrur.

..... Complainant

Vs

Public Information Officer,
O/o Additional Chief Secretary,
Rural Dev. & Panchayat Deptt.,
Punjab, Mohali.

Remanded Back

First Appellate Authority,
DDPO, Sangrur.

..... Respondents

Complaint Case No. 1132 of 2021

Present:- (i) **Shri Amrik Singh, complainant - absent.**
(ii) **None present on behalf of the PIO.**

ORDER

1 The RTI application is dated 25.05.2021 vide which the complainant has sought information as enumerated in his RTI application. The complaint was filed in the Commission on 07.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 28.12.2021 in Commission's office at Chandigarh. Shri Amrik Singh, Complainant has not come present to attend the hearing in person before the Bench or through CISCO Webex. However when contacted on phone he states that no information has been provided to him by the PIO.

3. Neither the PIO has come present nor he has deputed any of his representative to attend the hearing for today. However, the Commission has received a mail, which is a copy of letter no.8529 dated 15.12.2021 sent by the PIO-cum-Incharge (Complaint Wing), Rural Development & Panchayat Deptt. Punjab vide which a direction is issued to the Deputy Chief Executive Officer, Zila Parishad, Sangrur to attend the hearing before the Bench, but none has come present to attend the hearing.

4. The Bench 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. The attention of the Complainant is drawn to the decision of the judgment of 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 Versus State of Manipur & another in para 31 whereof, it has been held that while entertaining a complaint case under Section 18

Contd..p2..

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 Hon’ble 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 provisions of Section 18 of the RTI, 2005, no directions for providing further information can be given by the Commission.

5. 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

6. The instant matter is remanded back to the First Appellate Authority i.e. **Shri Vaneet Kumar Sharma, District Development & Panchayat Officer, Sangrur**. 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.

7. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) 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
28.12.2021

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

Copy to (Through Regd. Post) :-

First Appellate Authority,
Shri Vaneet Kumar Sharma
DDPO, Sangrur.



Shri Senskaran, S/o Shri Ram Kumar,
VPO Mahirajpur, Tehsil Abohar,
Distt. Fazilka.

..... Appellant

Vs

Public Information Officer,
O/o BDPO, Abohar,
Distt. Fazilka.

First Appellate Authority,
O/o DDPO,
Fazilka.

.....Respondent

Appeal Case No. 4055 of 2021

Present:- (i) **Shri Senskaran, Appellant absent.**
(ii) **None present on behalf of the PIO.**

ORDER

1. The RTI application is dated 02.06.2021 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 16.07.2021 and the Second Appeal was filed in the Commission on 07.09.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. The notice of hearing was issued to the parties for 28.12.2021 in Commission's office at Chandigarh. Shri Senskaran, appellant has not come present to attend the hearing in person before the Bench or through CISCO Webex.

3. The PIO, O/o BDPO, Abohar has also not come present to attend the hearing in person before the Bench or through CISCO Webex nor he has deputed any of his representative to attend the hearing.

4. However, the PIO-cum-BDPO, Abohar has sent an e-mail to the Commission, which is a copy of letter No.3025 dated 15.12.2021 along with a copy of duly signed application written by Shri Senskaran, appellant. The Bench peruses the application written by Shri Senskaran, appellant in which it is submitted that the appellant has inspected the relevant record from the concerned Panchayat Secretary and now he does not require the information and further requests for closure of the appeal case.

Contd..p2..

5. In view of the above, no further cause of action is left in the matter. The instant appeal case is **disposed off and closed**. Copies of the order be sent to the concerned parties.

**Chandigarh
28.12.2021**

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

