

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864120



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Sh. Saudagar Singh, S/o Late Sh. Piara Singh,
R/o House No 880 B, LIC Colony, Sector 4,
Mundi Kharar, Distt Mohali.
M : 7986668219

Appellant

Versus

Public Information Officer,
O/o Deputy Director, Horticulture Department,
Room No. 446-447, 3rd Floor,
District Admin Complex, sector 76,
SAS Nagar (Mohali)

First Appellate Authority
O/o Director, Horticulture,
Plot No. 204(Kheti Bhawan), Near Dara Studio,
Phase VI, SAS Nagar (Mohali)

Respondents

APPEAL CASE NO. 3624 OF 2024

Present :- (i) Sh. Saudagar Singh alongwith Sh. C.L.Premy, Advocate
(ii) For the respondent : Sh. Devinder Singh, Clerk (9914007596)

ORDER

The RTI application is dated 14.08.2023 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellant Authority (hereinafter FAA) on 26.11.2023 and second appeal was filed in the Commission on 22.05.2024 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 08.01.2025 in the Commission i.e. today.

3. All the points of information were discussed during the proceedings, in the presence of both the parties. Sh. Devinder Singh, appearing on behalf of the respondent states that the information, available on record, has been supplied to the appellant and no more information relating to instant RTI application is available in their official record. The appellant expressed his satisfaction over the same and stated that he has no objection if the

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APPEAL CASE NO. 3624 OF 2024

case is disposed of accordingly. As no cognizance is required to be taken in this case, hence the present case is announced as **disposed of and closed.** Copy of the order be sent to the parties.

Sd/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :08.01.2025

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Sh. Saudagar Singh, S/o Late Sh. Piara Singh,
R/o House No 880 B, LIC Colony, Sector 4,
Mundi Kharar, Distt Mohali.
M : 7986668219

Appellant

Versus

Public Information Officer,
O/o Director, Horticulture,
Plot No. 204(Kheti Bhawan), Near Dara Studio,
Phase VI, SAS Nagar (Mohali)

First Appellate Authority
O/o Director, Horticulture,
Plot No. 204(Kheti Bhawan), Near Dara Studio,
Phase VI, SAS Nagar (Mohali)

Respondents

APPEAL CASE NO. 3625 OF 2024

Present :- (i) Sh. Saudagar Singh alongwith Sh. C.L.Premy, Advocate
(ii) For the respondent : Sh. Harmail Singh, PIO (7508018880)

ORDER

The RTI application is dated 14.08.2023 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellant Authority (hereinafter FAA) on 26.11.2023 and second appeal was filed in the Commission on 22.05.2024 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 08.01.2025 in the Commission i.e. today.

3. Appellant states that he has demanded information on five points and he has received information only on point no. five i.e. "*Certified copy of Punjab Agriculture Service Rules 1933 governing the Services of Baidars and Mailes in the State*".

4. The perusal of the case file shows that the applicant has sought information of Horticulture Department District UT, Chandigarh and the same is covered under Central



APPEAL CASE NO. 3625 OF 2024

Information Commission, New Delhi. Accordingly, the Appellant is advised to file a fresh complaint with the Central Information Commission , New Delhi for seeking requisite information.

5. For the above reasons, this complaint is rejected on the ground of lack of jurisdiction and the complainant is advised to send his complaint to the Central Information commission, which has proper jurisdiction in the matter, if he so desires.

6. Accordingly, the instant case is **disposed of and closed**. Copies of the order be sent to the parties.

Sd/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :08.01.2025

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Sh. Yogesh Mahajan, S/o Late Sh. Kuldip Raj Mahajan,
President of Anti Corruption Council, Opp. Water Tank,
Municipal Market, Mission Road, Pathankot.
M : 9814354649

Appellant

Vs

Public Information Officer-cum- Executive Engineer,
Center Works Division Public Works Department B&R, Mohali.

First Appellate Authority –cum- Superintending Engineer,
Centre Works Circle, Public Works Department B&R,
Sector-17, buys Building Chandigarh.

Respondents

APPEAL CASE NO. 5020 OF 2023

Present :- (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Amandeep Singh, JE (8146808023)

ORDER

This order may be read with reference to the previous order dated 25.09.2024, vide which the appellant was not present and the respondent was directed to send the information to the appellant.

2. Today the respondent states that the information has been sent to the appellant.
3. The appellant is absent today. He has informed on phone that he has received the information and is satisfied.
4. Since, the appellant has received the information, no further cause of action is left, hence the above said appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :08.01.2025

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Sh. Rajinderpal Sharma, Street No 4,
T- Point, Farid Nagar, GT Road,
Rampura Phul-151103.
M : 9815323266

Appellant

Versus

Public Information Officer,
O/o Chief Engineer,
Public Works Department B&R, Patiala.

First Appellate Authority,
O/o Chief Engineer (HQ),
Public Works Department B&R, Patiala.

Respondents

APPEAL CASE NO. 3108 OF 2023

Present :- (i) Sh. Rajinderpal Sharma the appellant
(ii) For the respondent : (i) Sh. Sukhpreet Singh, SDE (9888529111)

ORDER

This order may be read with reference to the previous order dated 16.10.2024 vide which the respondent was not present.

2. Today Sh. Rajinderpal Sharma the appellant states that no information has been given to him so far. For this the Appellant demands that the action should be taken against the respondent under Section 20(1) of the RTI Act 2005.

3. Respondent states that the reply has already been sent to the appellant on 31.05.2023.

4. After hearing both the parties and going through the case file, it is observed that the appellant filed RTI with the PIO, o/o Chief Engineer, PWD (B&R), Patiala on 07.02.2023. Further PIO, o/o Chief Engineer, PWD (B&R), Patiala transferred the RTI of the appellant to PIO-cum-Suptd. National Highway, Head Office, Patiala on 16.02.2023 under Section 6(3) of the RTI Act 2005. Again on 28.02.2023, PIO-cum-Suptd, National Highway, Patiala transferred the RTI to Superintending Engineer, National Highway Circle PWD (B&R) Br, Ferozpur. Again on 10.03.2023, Superintending Engineer, National Highway Circle PWD

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APPEAL CASE NO. 3108 OF 2023

(B&R) Br. Ferozepur transferred the RTI to Executive Engineer, National Highway Division, PWD B&R, Ferozepur No. 1 & 2, Bathinda under Section 6(3) of the RTI Act, as the information is lying with them.

5. Today Sh. Sukhpreet Singh, SDE is appearing and states that the reply has already been sent to the appellant on 31.05.2023. The appellant states that he has not received any reply. Copy of the same is handed over to the appellant.

6. The Commission has examined the reply which adequately addresses the RTI application. As regards the delay, the Commission has taken a lenient view and not imposing any penalty, but the PIO is warned to be careful in future. Moreover the delay is not much and in the circumstances of the case can be characterized as even trivial.

7. In view of the foregoing, no further cause of action is left. Hence, the above said appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :08.01.2025

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Sh. Ankit RTI Activist,
House No 47, Model Town, Pathankot,
Near Kali Tea Stall Model Town,
4 Marla Quarter, Pathankot-145001.
M : 7717215989
RTI Application No 46648

Appellant

Versus

Public Information Officer,
O/o Tehsildar, Pathankot.

First Appellate Authority,
O/o Deputy Commissioner Office,
Pathankot.

Respondents

APPEAL CASE NO. 2229 OF 2023

Present :- None for the parties.

ORDER

This order may be read with reference to the previous order dated 16.10.2024, vide which neither the appellant nor the respondent was present.

2. Today again neither the appellant nor the respondent is present. They have even not informed the Commission about their absence.

3. In the aforementioned circumstances, I am of the considered view that no useful purpose would be served by prolonging this matter any further. The case is, therefore **dismissed for non perusal**. Copy of the order be sent to the parties.

Sd/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :08.01.2025

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Sh. Gurpreet Singh, S/o Sh. Dev Raj,
104, Sarain Mohalla, Pathankot.
M : 9988389841
RTI Application No 49790

Appellant

Versus

Public Information Officer,
O/o Improvement Trust,
Pathankot.

First Appellate Authority,
O/o Deputy Commissioner,
Pathankot.

Respondents

APPEAL CASE NO. 2964 OF 2023

Present :- None for the parties.

ORDER

This order may be read with reference to the previous order dated 16.10.2024, vide which neither the appellant nor the respondent was present.

2. Today again neither the appellant nor the respondent is present. They have even not informed the Commission about their absence.

3. In the aforementioned circumstances, I am of the considered view that no useful purpose would be served by prolonging this matter any further. The case is, therefore **dismissed for non perusal**. Copy of the order be sent to the parties.

Sd/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :08.01.2025

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Sh. Manjit Singh, S/o Sh. Santa Singh,
Narang Colony, Street No 3,
House No 10330, Near Gurmukh Dholi,
Sri Muktsar Sahib-152026.
M : 9914200995

Appellant

Versus

Public Information Officer,
O/o Superintending Engineer,
Construction Division,
Public Works Department B&R,
Amritsar.

First Appellate Authority,
O/o Chief Engineer,
Public Works Department B&R,
Patiala.

Respondents

APPEAL CASE NO. 3171 OF 2023

Present :- None for the parties.

ORDER

This order may be read with reference to the previous order dated 16.10.2024 vide which neither the appellant nor the respondent was present.

2. Today again neither the appellant nor the respondent is present. An email has been received from the respondent stating that the information has been sent to the appellant.

3. The perusal of the file shows that the appellant is absent today for second consecutive hearing. He has even not informed the Commission about his absence. Even the last orders dated 16.10.2024 sent to him has not been returned undelivered which makes it clear that the same has been duly received by him.

4. However, since the Appellant is not present, it is not appropriate to prolong this matter any further, hence the above said appeal case filed by the appellant is **disposed of and closed**. *However, the liberty is granted to the appellant to approach the Commission within one month in case he has not received the same.* Copy of the order be sent to the parties.

Sd/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :08.01.2025

Sh. Ashok Kumar, S/o Late Sh. Sham Lal,

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R/o Bank Street , New Basti Nabha,
Distt Patiala.
M : 9780150888

Complainant

Versus

Public Information Officer,
O/o MARKFED, Sangrur.

First Appellate Authority
O/o MARKFED, Sangrur.

Respondents

COMPLAINT CASE NO. 403 OF 2023

Present :- None for the parties.

ORDER

The above said complaint case was earlier allocated to Sh. Maninder Singh Patti, SIC. After his retirement, the said complaint case was reallocated to the undersigned. The RTI application is dated 22.06.2023 vide which the appellant has sought information as enumerated in his RTI application and the complaint case was filed in the Commission on 03.07.2023 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 08.01.2025 in the Commission i.e. today.

3. Today neither the Complainant nor the respondent is present. A letter has been received from the respondent that the same matter is going on with the bench of Hon'ble CIC in AC 4715/2022.

4. After examining the case-files i. e. AC:4715 of 2022 and the RTI request placed in this case-file, it is found that contents of the RTI request filed in A. C. No. 4715 of 2022 and the present RTI application, are the same. As no cognizance is required to be taken in this case, hence the present case is **disposed of and closed.** Copy of the order be sent to the parties.

Sd/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :08.01.2025

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Shri Sawinder Singh, (98148 24772)
S/o Shri Bal Singh, V.P.O. Shutrana,
Tehsil Patran, District Patiala – 147105

Complainant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block Patran, District Patiala.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Patiala.

Respondents

COMPLAINT CASE NO. 286 OF 2021
(CONVERTED INTO APPEAL CASE)

Present :- (i) Shri Sawinder Singh the complainant
(ii) For the respondent : None is present on behalf of the respondent

ORDER

The above said complaint case was earlier allocated to Sh. Maninder Singh Patti, SIC. After his retirement, the said complaint case was reallocated to the undersigned. The RTI application is dated 12.01.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellant Authority (hereinafter FAA) and second appeal was filed in the Commission on 22.12.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 08.01.2025 in the Commission i.e. today.

3. The Appellant states that no information has been given to him so far.

4. Respondent is absent today.

5. After going through this case very minutely, it is observed that it is a complicated case and requires adjudication by the Larger Bench. Therefore, the case file is sent to the Deputy Registrar for taking further necessary action regarding the constitution of Larger Bench. Copy of the orders be sent to the parties.

Sd/-

Date :08.01.2025

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

D.R (With original case file)

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Sh. Mahinder Singh, S/o Sh. Bhalwan Singh,
R/o Village Kabarwala, Tehsil Malout,
Distt Sri Muktsar Sahib

Complainant

Versus

Public Information Officer,
O/o Deputy Commissioner,
Sri Muktsar Sahib.

First Appellate Authority
O/o Deputy Commissioner,
Sri Muktsar Sahib.

Respondents

COMPLAINT CASE NO. 488 OF 2023

Present :- None for the parties.

ORDER

The above said appeal case was earlier allocated to Sh. Maninder Singh Patti, SIC. After his retirement, the said appeal case was reallocated to the undersigned. The RTI application is dated 24.05.2023 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellant Authority (hereinafter FAA) on 24.06.2023 and complaint case was filed in the Commission on 01.08.2023 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 08.01.2025 in the Commission i.e. today.

3. Today neither the complainant nor the respondent is present.

4. 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:-



COMPLAINT CASE NO. 488 OF 2024

(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.

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 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.

6. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) 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. 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.

8. 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**.

Sd/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :08.01.2025

Remanded back to
First Appellate Authority
o/o DC, Sri Mukatsar Sahib

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Sh. Balkar Singh, S/o Sh. Jhilmal Singh,
Village Usma, Tehsil Tarn Taran.
M : 9855814144

Complainant

Versus

Public Information Officer,
O/o Additional Deputy Commissioner (D),
Tarn Taran.

Respondents

COMPLAINT CASE NO. 184 OF 2024

Present :- (i) None is present on the complainant
(ii) For the respondent : Sh. Surinder Singh, Suptd., (9814516565)

ORDER

The RTI application is dated 21.02.2024 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the . Complaint case was filed in the Commission on 23.04.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 08.01.2025 in the Commission i.e. today.

3. The complainant is not present today.

4. Respondent states that he has brought information today in the Commission.

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:-



COMPLAINT CASE NO. 184 OF 2024

(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.

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 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.

6. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) 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. 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.

8. 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**.

Sd/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :08.01.2025

Remanded back to
First Appellate Authority
O/o ADC(D) Tarn Taran

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Sh. Paramjit Singh, S/o Sh. Sukhdev Singh,
House No 370 A, Street No 8, Guru Teg,
Bahadar Nagar, Handiaya Road,
Barnala-148101

Complainant

Versus

Public Information Officer,
O/o Managing Director,
Punjab State Seed Corporation Ltd,
SAS Nagar.

Respondents

COMPLAINT CASE NO. 186 OF 2024

Present : (i) Sh. Paramjit Singh the complainant
(ii) For the respondent : (i) Sh. Balwinder Singh, PIO (9988149955)

ORDER

The RTI application is dated 27.03.2024 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the . Complaint case was filed in the Commission on 29.04.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 08.01.2025 in the Commission i.e. today.
3. Complainant states that incomplete information has been given to him so far.
4. Respondent states that pointwise reply already been sent to the appellant.
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:-

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COMPLAINT CASE NO. 186 OF 2024

(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.

6. 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.

7. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) 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.

8. 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.

9. 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**.

Sd/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :08.01.2025

Remanded back to
First Appellate Authority
O/o Managing Director
Punjab State Seeds Corporation Ltd.,
SAS Nagar

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Sh. Tejinder Singh Bhathal,
H No 98, Sunil Park, PO Rajguru Nagar,
Opposite MBD Mall, Ludhiana-141012.
M : 9646011622

Complainant

Versus

Public Information Officer,
O/o Principal Secretary,
Department of Finance, PB, Chandigarh.

Respondents

COMPLAINT CASE NO. 187 OF 2024

Present :-

ORDER

The RTI application is dated 18.03.2024 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the. Complaint case was filed in the Commission on 30.04.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 08.01.2025 in the Commission i.e. today.

3. The respondent states that the information has been sent to the complainant yesterday itself.

4. 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:-



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(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.

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 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.

6. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) 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. 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.

8. 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.

Sd/-

(Dr. Bhupinder S Batth)
State Information Commissioner
Punjab

Date :08.01.2025

First Appellate Authority
O/o Principal Secretary,
Department of Finance, PB, Chandigarh.