

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



Email: psic25@punjabmail.gov.in Visit us: www.infocommpunjab.com

Sh. Vikramjit Singh, S/o Sh. Amarjit Singh,
Opp K V School , Shahabj Nagar,
Tehsil & Distt Faridkot-151203.
M : 9405510896

RTI Application No 50256

Appellant

Versus

Public Information Officer,
O/o Markfed, Punjab,
Sector-35, Chandigarh.

First Appellate Authority,
O/o Markfed, Punjab,
Sector-35, Chandigarh.

Respondents

APPEAL CASE NO. 2823 OF 2023

Present :- (i) None is present on behalf of the appellant
(ii) For the respondent: Sh. Pawan Narang, PIO (9815328463), Sh. Jaspal Singh, Dealing Asstt. (9781039675) and Sh. Baldev Krishan, Assistant RTI (9915245207)

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 05.02.2023 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellant Authority (hereinafter FAA) and second appeal was filed in the Commission on 02.05.2023 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 15.10.2024 in the Commission. However, on 15.10.2023 the abovementioned case could not be heard and was postponed to be heard on 14.01.2025 i.e today.

3. Today the respondent , o/o Markfed states that the reply has already been sent to the appellant. He further states that the information demanded by the appellant is not covered under the RTI.

4. After hearing the respondent and going through the case file it is observed that the appellant demanded information is as under:-



APPEAL CASE NO. 2823 OF 2023

Request completing the recruitment process for the post of Senior Assistant 2019 (Markfed) in Punjab.”

After going through the information demanded by the appellant, the Commission held that the query made by the appellant in the RTI application is more in the nature of eliciting explanation or clarification from the respondents rather than information as defined in section 2(f) of the RTI Act. The Commission referred to the definition of information u/s Section 2 (f) of the RTI Act, 2005 which is reproduced below:

“information” means any material in any form, including records, documents, memos, email, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.”

5. The Hon’ble Supreme Court has time and again said that the information envisaged under the Act is that which is available on the records of a public authority. At the outset the Commission observed that under the provision of the RTI Act 2005, only such information as is available and existing and held by the public authority or is under control of the public authority can be provided.
6. Keeping in view the facts of the case and the submissions made by the respondent, no further intervention of the Commission is required in the matter. The Appeal stands **disposed** accordingly. Copy of the order be sent to the parties.

Sd/-

Date :14.01.2025

(Dr.Bhupinder S. Batth)
State Information Commissioner
Punjab

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



Email: psic25@punjabmail.gov.in Visit us: www.infocommpunjab.com

Sh. Nitin Kumar Garg,
C/o Police Public Dairy, 15 A,
Shastari Nagar Model Town,
Ludhiana.
M : 7814322100

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Provincial Division, PWD B&R,
Hoshiarpur.

First Appellate Authority,
O/o Superintending Engineer,
PWD B&R, Construction Circle ,
Hoshiarpur.

Respondents

APPEAL CASE NO. 2596 OF 2023

Present :- (i) Sh. Nitin Kumar Garg the appellant
(ii) For the respondent : None is present on behalf of the respondent

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 23.12.2022 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 25.02.2023 and second appeal was filed in the Commission on 12.04.2023 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 15.10.2024 in the Commission i.e. today. However, on 15.10.2023 the abovementioned case could not be heard and was postponed to be heard on 14.01.2025 i.e today.

3. The appellant states that he has received the information and is satisfied.

4. Respondent is absent today. A letter has been received from the respondent vide Commission diary no. 532 dated 05.01.2024 mentioning therein that the information has been sent to the appellant. He has also sent the acknowledgment given by the Appellant in token of having received the information.

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



Email: psic25@punjabmail.gov.in Visit us: www.infocommpunjab.com

APPEAL CASE NO. 2596 OF 2023

5. 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/-

Date :14.01.2025

(Dr.Bhupinder S. Batth)
State Information Commissioner
Punjab

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



Email: psic25@punjabmail.gov.in Visit us: www.infocommpunjab.com

Sh. Nitin Kumar Garg,
C/o Police Public Dairy, 15 A,
Shastari Nagar Model Town,
Ludhiana.
M: 7814322100

Appellant

Versus

Public Information Officer,
O/o Executive Engineer,
Electrical Division, PWD B&R,
Amritsar.

First Appellate Authority,
O/o Superintending Engineer,
Electrical Circle, PWD B&R,
Room No. 36, 3rd floor, Block-E,
Education Bhavan, Face-8, Mohali.

Respondents

APPEAL CASE NO. 2594 OF 2023

Present :- (i) Sh. Nitin Kumar Garg the appellant
(ii) For the respondent : None is present on behalf of the respondent

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 20.01.2023 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellant Authority (hereinafter FAA) and second appeal was filed in the Commission on 12.04.2023 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 15.10.2024 in the Commission i.e. today. However, on 15.10.2023 the abovementioned case could not be heard and was postponed to be heard on 14.01.2025 i.e. today.

3. The appellant states that he has received the information and is satisfied.

4. Respondent is absent today. An email has been received from the respondent vide Commission diary no. 46 dated 21.10.2024 mentioning therein that the information has

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



Email: psic25@punjabmail.gov.in Visit us: www.infocommpunjab.com

APPEAL CASE NO. 2594 OF 2023

been sent to the appellant by the respondent. He has also sent the acknowledgment given by the Appellant in token of having received the information.

5. 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 :14.01.2025

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



Email: psic25@punjabmail.gov.in Visit us: www.infocommpunjab.com

Sh. Amarjit Singh Dhamotia,
Sr. Citizen, RTI Activist,
Whistle Blower, President ,
NCAG Office, Street No 5,
1331-5, Vishawkarma Bhawan,
Down Canal Road, Simlapuri, Ludhiana-141003.
M: 9888490031

Appellant

Versus

Public Information Officer,
O/o Deputy Commissioner,
Gurdaspur.

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

Respondents

APPEAL CASE NO. 2328 OF 2023

Present :- (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Anil Sharma, Deputy DEO-cum-PIO(EE)
(9815739805)

ORDER

This order may be read with reference to the previous order dated 06.11.2024 vide which neither the appellant nor the respondent was present. And PIO, o/o DEO(EE), Gurdaspur and DEO(SE), Gurdaspur was directed to come present.

2. The appellant is again absent today. He has not informed the Commission about his absence for today's hearing.

3. Respondent states that the reply alongwith information has been sent to the appellant. He has also brought copy of reply today in the Commission.

4. The Commission has examined the reply which adequately addresses the RTI application. After hearing the respondent and going through the reply filed by the respondent, the Commission is of the considered opinion that the Respondent has provided appropriate and permissible reply to the Appellant. ***Copy of the same be sent to the appellant alongwith these orders.***

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



Email: psic25@punjabmail.gov.in Visit us: www.infocommpunjab.com

APPEAL CASE NO. 2328 OF 2023

5. The above said appeal case is disposed of and closed. However, the liberty is granted to the appellant to approach the Commission within one month in case he is not satisfied. Copy of the order be sent to the parties.

Sd/-

Date :14.01.2025

(Dr.Bhupinder S. Batth)
State Information Commissioner
Punjab

CC:- 1. PIO O/o DEO(EE),Gurdaspur.
2. PIO O/o DEO(SE),Gurdaspur.

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



Email: psic25@punjabmail.gov.in Visit us: www.infocompunjab.com

Sh. Virendar Kumar,
S/o Sh. Ramsumer, H No 238,
Viveka Nanad Park, Maqsudan,
Jalandhar-1-144008.

Appellant

Versus

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

First Appellate Authority,
O/o Principal Secretary,
Pubic Work Department B&R,
Mini Secretariat PB, Chandigarh.

Respondents

APPEAL CASE NO. 2429 OF 2023

Present :- (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Nabhdeep Bansal, SDE-cum-PIO

ORDER

This order may be read with reference to the previous order dated 16.10.2024 vide neither the appellant nor the respondent was present and the reply sent by the respondent was scanned in the orders. Further the appellant was advised to peruse the same and sent his response/rejoinder.

2. Today the appellant is again absent. He has neither filed any response nor he has bothered to inform the Commission about his absence for today's hearing.

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 **disposed of and closed** . However, the liberty is granted to the appellant to approach the Commission within one month , if he so desires. Copy of the order be sent to the parties.

Sd/-

Date :14.01.2025

(Dr.Bhupinder S. Batth)
State Information Commissioner
Punjab

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



Email: psic25@punjabmail.gov.in Visit us: www.infocommpunjab.com

Sh. Sukhdev Singh, S/o Sh. Banta Singh,
Village Dhupsari, PO Govt Polytechnical
College Batala, Distt Gurdaspur.
M: 9463228842

Appellant

Versus

Public Information Officer,
O/o Commissioner,
Municipal Corporation,
Batala.

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

Respondents

APPEAL CASE NO. 2386 OF 2023

Present :- None for the parties.

ORDER

This order may be read with reference to the previous order dated 16.10.2024 passed by the Commission vide which neither the appellant nor the respondent is 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/-

Date :14.01.2025

(Dr.Bhupinder S. Batth)
State Information Commissioner
Punjab

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



Email: psic25@punjabmail.gov.in Visit us: www.infocommpunjab.com

Sh. Yashpal S/o Sh. Chajju Ram,
VPO Bahirampur, Tehsil & Distt Gurdaspur.
M : 9417735283

Complainant

Versus

Public Information Officer,
O/o SSP, Gurdaspur.

Respondents

COMPLAINT CASE NO. 189 OF 2024

Present :- (i) None is present on behalf of the Complainant
(ii) For the respondent : Sh. Anil Kumar, (9780002830)

ORDER

The RTI application is dated 12.06.2023 vide which the appellant has sought information as enumerated in his RTI application. Complaint case was filed in the Commission on 03.05.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 14.01.2025 in the Commission i.e. today.

3. The Complainant is absent today. Respondent states that the information has already been sent to the complainant.

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:-

(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).



COMPLAINT CASE NO. 189 OF 2024

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 :14.01.2025

**Remanded back to
First Appellate Authority
O/o SSP, Gurdaspur**

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



Email: psic25@punjabmail.gov.in Visit us: www.infocompunjab.com

Ms Bhinder Kaur, W/o Sh. Dalwara Singh,
VPO Dulwan, Tehsil Khamanoo,
Distt Fatehgarh Sahib-140802.
M : 9878656825

Complainant

Versus

Public Information Officer,
O/o BDPO, Khamanoo,
Distt Fatehgarh Sahib.

Respondents

COMPLAINT CASE NO. 190 OF 2024

Present :- (i) None is present on behalf of the Complainant
(ii) For the respondent : Sh. Rajiv Kumar, Jr. Assistant –cum-APIO(9877802046)

ORDER

The RTI application is dated 22.12.2023 vide which the appellant has sought information as enumerated in his RTI application. Complaint case was filed in the Commission on 22.04.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 14.01.2025 in the Commission i.e. today.

3. The complainant is absent today. Respondent states that the reply has already been sent to the appellant.

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:-

(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).



COMPLAINT CASE NO. 190 OF 2024

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 :14.01.2025

Remanded back to
First Appellate Authority
o/o DDPO, Fatehgarh Sahib

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



Email: psic25@punjabmail.gov.in Visit us: www.infocommpunjab.com

Ms. Sunaina, S/o Sh. Dwarka Dass
C/o Chamber No 456, New Courts,
Jalandhar.
M : 7626923404

Complainant

Versus

Public Information Officer,
O/o Commissioner of Police,
Jalandhar.

Respondents

COMPLAINT CASE NO. 191 OF 2024

Present :- None for the parties.

ORDER

The RTI application is dated 16.01.2024 vide which the appellant has sought information as enumerated in his RTI application. Complaint case was filed in the Commission on 24.04.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 14.01.2025 in the Commission i.e. today.
3. Today neither the complainant nor the respondent is present. The respondent has sent his reply that the information cannot be provided to him as an enquiry is pending.
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:-

(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).



COMPLAINT CASE NO. 191 OF 2024

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/-

Date :14.01.2025

**Remanded back to
First Appellate Authority,
O/o Commissioner of Police, Jalandhar**

**(Dr. Bhupinder S. Batth)
State Information Commissioner
Punjab**

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



Email: psic25@punjabmail.gov.in Visit us: www.infocommpunjab.com

Sh. Rajwinder Singh, S/o Sh. Gurcharan Singh,
R/o Village Dhapali, Tehsil Rampura
Phul, Distt Bathinda-151104.
M 9878998515; 9256800022

Complainant

Versus

Public Information Officer,
O/o Astt Registrar Cooperative Societies,
Phul, Distt Bathinda.

Respondents

COMPLAINT CASE NO. 192 OF 2024

Present :- (i) Sh. Rajwinder Singh the Complainant
(ii) For the respondent : Sh. Jatesh K Garg, Inspector (8360166090)

ORDER

The RTI application is dated 20.09.2023 vide which the complainant has sought information as enumerated in his RTI application. Complaint case was filed in the Commission on 26.04.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 14.01.2025 in the Commission i.e. today.

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

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:-

(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).



COMPLAINT CASE NO. 192 OF 2024

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 :14.01.2025

Remanded back to
First Appellate Authority
O/o Joint Registrar,
Cooperative Societies, Ferozepur