

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864115, Email: - psic26@punjabmail.gov.in

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Shri Malkeet Singh, (9478333130)

S/o Shri Virsa Singh,

R/o Village Kamale wala,

Tehsil & District Ferozepur.

....Complainant

Versus

Public Information Officer,

O/o District Treasury Officer,

Ferozepur.

...Respondents

COMPLAINT CASE NO. 0586 OF 2023

PRESENT: None on behalf of the Complainant.

Shri Amritpal Singh, Assistant Treasurer (98157 21370) for the Respondents.

ORDER:

The RTI application dated 15.05.2023 vide which the complainant had sought information as enumerated in his RTI application. The complaint filed by the complainant in the Commission on 15.09.2023 under Section 18 of the Right to Information Act, 2005 (hereinafter called the RTI Act). Accordingly, the notice of hearing was issued to the parties for today i.e. 15.04.2025.

2. The complainant has been absent in the court whereas the respondent stated before the Bench that information as demanded by the complainant has already been supplied to him vide letter no. Treasurer/2023-24/592 dated 26.05.2023.

3. The Bench observes that the complainant has directly approached the Commission by preferring complaint in the Commission and the complainant has not availed an alternative and efficacious remedy of first appeal available 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.

4. The attention of the complainant is drawn to the judgment of the 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 Vs. State of Manipur and another, in Para 31 whereby, it has been held that while entertaining a complaint case under Section 18 of the RTI Act, 2005.

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-02-

COMPLAINT CASE NO. 0586 OF 2023

The Commissioners have no jurisdiction to pass an order providing for an 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.

6. This case is **REMANDED BACK** to the First Appellate Authority who is directed to decide the RTI application of complainant (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act, 2005 after giving all concerned parties an opportunity to be heard.

7. In case, the complainant does not feel satisfied with the decision of the First Appellate Authority, he has the liberty to file a Second Appeal before the Commission under section 19 (3) of the RTI Act, 2005.

8. In view of the above, the instant complaint case is hereby, **disposed off and closed.**

9. Copies of the order be sent to the parties.

CHANDIGARH
15.04.2025

Sd/-
(HARPREET SINGH SANDHU)
State Information Commissioner, Punjab

Copy of above is forwarded to the following (Regd. Post):

The First Appellate Authority – cum –
Additional Director, Treasury and Accounts,
O/o Vit Te Yojana Bhawan,
Sector – 33 A, Chandigarh.

for information and necessary compliance. RTI application dated 15.05.2023 is enclosed.

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Sh. Darshan Singh,
S/o Sh. Swarn Singh,
R/o Village Charrian,
Tehsil & District Roopnagar.

....Complainant

Versus

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

...Respondents

COMPLAINT CASE NO. 0587 OF 2023

PRESENT: Shri Darshan Singh, Complainant.
Shri Dinesh Jain, Senior Assistant (99140 95055) along with Shri Sarvesh Kumar, Clerk (62803 06939) for the Respondents.

ORDER:

The RTI application is dated 29.03.2023 vide which the complainant had sought information as enumerated in his RTI application. The complaint filed by the complainant in the Commission on 19.09.2023 under Section 18 of the Right to Information Act, 2005 (hereinafter called the RTI Act). Accordingly, the notice of hearing was issued to the parties for today i.e. 15.04.2025.

2. The complainant stated that information as sought has not been provided to him whereas the Respondent stated before the Bench that requisite reply/information has already been supplied to the complainant vide letter no. 504/2023/R.T.I. dated 17.05.2023.

3. The Bench observes that the complainant has directly approached the Commission by preferring complaint in the Commission and the complainant has not availed an alternative and efficacious remedy of first appeal available 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.

4. The attention of the complainant is drawn to the judgment of the 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 Vs. State of Manipur and another, in Para 31 whereby, 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.

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-02-

COMPLAINT CASE NO. 0587 OF 2023

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.

6. This case is **REMANDED BACK** to the First Appellate Authority who is directed to decide the RTI application of complainant (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act, 2005 after giving all concerned parties an opportunity to be heard.

7. In case, the complainant does not feel satisfied with the decision of the First Appellate Authority, he has the liberty to file a Second Appeal before the Commission under section 19 (3) of the RTI Act, 2005.

8. In view of the above, the instant complaint case is hereby, **disposed off and closed.**

9. Copies of the order be sent to the parties.

CHANDIGARH

15.04.2025

Sd/-

(HARPREET SINGH SANDHU)

State Information Commissioner, Punjab

Copy of above is forwarded to the following (Regd. Post):

**The First Appellate Authority – cum –
Deputy Commissioner,
Roopnagar.**

for information and necessary compliance. RTI application dated 29.03.2023 is enclosed.

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Sh. Vasudev Garg,
R/o Mittwa Street, Water Works Road,
Mansa-151505

....Complainant

Versus

Public Information Officer,
O/o Principal Secretary,
Health & Family Welfare Department, Punjab,
Sector 34A, Chandigarh.

...Respondents

COMPLAINT CASE NO. 0593 OF 2023

PRESENT: None for the parties.

ORDER:

The RTI application is dated 06.08.2023 vide which the complainant had sought information as enumerated in his RTI application. The complaint filed by the complainant in the Commission on 18.04.2024 under Section 18 of the Right to Information Act, 2005 (hereinafter called the RTI Act). Accordingly, the notice of hearing was issued to the parties for today i.e. 15.04.2025.

2. Both the parties remained absent for today's court.

3. The Bench observes that the complainant has directly approached the Commission by preferring complaint in the Commission and the complainant has not availed an alternative and efficacious remedy of first appeal available 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.

4. The attention of the complainant is drawn to the judgment of the 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 Vs. State of Manipur and another, in Para 31 whereby, it has been held that while entertaining a complaint case under Section 18 of the RTI Act, 2005.

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-02-

COMPLAINT CASE NO. 0593 OF 2023

The Commissioners have no jurisdiction to pass an order providing for an 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.

6. This case is **REMANDED BACK** to the First Appellate Authority who is directed to decide the RTI application of complainant (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act, 2005 after giving all concerned parties an opportunity to be heard.

7. In case, the complainant does not feel satisfied with the decision of the First Appellate Authority, he has the liberty to file a Second Appeal before the Commission under section 19 (3) of the RTI Act, 2005.

8. In view of the above, the instant complaint case is hereby, **disposed off and closed.**

9. Copies of the order be sent to the parties.

CHANDIGARH

15.04.2025

Sd/-

(HARPREET SINGH SANDHU)

State Information Commissioner, Punjab

Copy of above is forwarded to the following

(Regd. Post):

The First Appellate Authority – cum –

Principal Secretary,

Health & Family Welfare Department Punjab,

Sector 34A, Chandigarh.

for information and necessary compliance. RTI application dated 06.08.2023 is enclosed.

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Sh. Hazari Lal, (9703730000)

C/o Johri Banquet Hall,

Near PS City Samana,

Distt Patiala-147101.

....Complainant

Versus

Public Information Officer,

O/o MD, PUNSUP, Punjab,

State Civil Supplies Corporation Limited,

Sector 34A, Chandigarh.

.....Respondents

COMPLAINT CASE NO. 0598 OF 2023

PRESENT: Shri Hazari Lal, Complainant.

Shri Maninder Singh, PIO (93343 00007) along with Shri Manish Kumar, APIO and Shri Jatinder Singh, Accountant for the Respondents.

ORDER:

The RTI application is dated 13.06.2023 vide which the complainant had sought information as enumerated in his RTI application. The complaint filed by the Complainant in the Commission on 22.09.2023 under Section 18 of the Right to Information Act, 2005 (hereinafter called the RTI Act). Accordingly, the notice of hearing was issued to the parties for today i.e. 15.04.2025.

2. The complainant stated that the information as sought has not been provided to him whereas the respondent stated before the Bench that the information as demanded by the complainant is in questionnaire form, hence cannot be provided to the complainant.

3. Post deliberation, the PIO is directed to file his written reply with regard to the RTI application of the complainant and the PIO has submitted the same before the Bench. Copy of the reply placed on record.

4. The Bench observes that the complainant has directly approached the Commission by preferring complaint in the Commission and the complainant has not availed an alternative and efficacious remedy of first appeal available 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.

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COMPLAINT CASE NO. 0598 OF 2023

5. The attention of the complainant is drawn to the judgment of the 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 Vs. State of Manipur and another, in Para 31 whereby, 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. 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.

7. This case is **REMANDED BACK** to the First Appellate Authority who is directed to decide the RTI application of complainant (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act, 2005 after giving all concerned parties an opportunity to be heard.

8. In case, the complainant does not feel satisfied with the decision of the First Appellate Authority, he has the liberty to file a Second Appeal before the Commission under section 19 (3) of the RTI Act, 2005.

9. In view of the above, the instant complaint case is hereby, **disposed off and closed.**

10. Copies of the order be sent to the parties.

CHANDIGARH
15.04.2025

Sd/-
(HARPREET SINGH SANDHU)
State Information Commissioner, Punjab

Copy of above is forwarded to the following (Regd. Post):

The First Appellate Authority – cum –
GM, PUNSUP, Punjab,
State Civil Supplies Corporation Limited,
Sector 34A, Chandigarh.

for information and necessary compliance. RTI application dated 13.06.2023 is enclosed.

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Shri Kishori Lal,
S/o Late Shri Rikhi Ram,
R/o # 59, Shri Ram Avenue, Gali No 7,
Tung Bala, Majitha Road, Amritsar-143001

....Complainant

Versus

Public Information Officer,
O/o Director Health Services (SB), Punjab,
Sector-34A, Chandigarh.

.....Respondents

COMPLAINT CASE NO. 0599 OF 2023

PRESENT: None for the parties.

ORDER:

The RTI application is dated 03.07.2023 vide which the complainant had sought information as enumerated in his RTI application. The complaint filed by the complainant in the Commission on 22.09.2023 under Section 18 of the Right to Information Act, 2005 (hereinafter called the RTI Act). Accordingly, the notice of hearing was issued to the parties for today i.e. 15.04.2025.

2. Both the parties remained absent for today's court.
3. The Bench observes that the complainant has directly approached the Commission by preferring complaint in the Commission. The Bench further observes that the Complainant has not availed an alternative and efficacious remedy of first appeal available 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.
4. The attention of the complainant is drawn to the judgment of the 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 Vs. State of Manipur and another, in Para 31 whereby, 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.

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COMPLAINT CASE NO. 0599 OF 2023

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.

6. This case is **REMANDED BACK** to the First Appellate Authority who is directed to decide the RTI application of complainant (enclosed herewith) as the First Appeal and decide the matter in accordance with the provisions of the RTI Act, 2005 after giving all concerned parties an opportunity to be heard.

7. In case, the complainant does not feel satisfied with the decision of the First Appellate Authority, he has the liberty to file a Second Appeal before the Commission under section 19 (3) of the RTI Act, 2005.

8. In view of the above, the instant complaint case is hereby, **disposed off and closed.**

9. Copies of the order be sent to the parties.

CHANDIGARH
15.04.2025

Sd/-
(HARPREET SINGH SANDHU)
State Information Commissioner, Punjab

Copy of above is forwarded to the following (Regd. Post):

The First Appellate Authority – cum –
Director Health Services (SB), Punjab,
Sector-34A, Chandigarh.

for information and necessary compliance. RTI application dated 03.07.2023 is enclosed.