

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864112, Email: - psic23@punjabmail.gov.in

Visit us: - www.infocommpunjab.com; Helpline No. 0172-2864100



Shri Surjit Singh,
S/o Sh. Fauja Singh, R/o Village
Khahira Kotli, PO Dikhariwal,
Tehsil Kalanaur, Distt Gurdaspur.

....Complainant

Versus

Public Information Officer,
O/o BDPO, Block Kalanaur,
Distt.Gurdaspur.

.....Respondent

Compalint Case NO. 77/2023

RTI application filed on	:	11/11/2022
PIO replied on	:	-
First appeal filed on	:	-
First Appellate Authority order	:	-
Second Appeal dated	:	23/01/2023

PRESENT:

Appellant: Absent,
Respondent: Absent.

ORDER (2nd Hearing):

1. The above mentioned Complaint Case was fixed for hearing before the Bench of Hon'ble State Information Commissioner, Punjab Shri Anumit Singh Sodhi. The Registry Branch vide his office order no. PSIC/Legal/2024/480, dated 04.09.2024 has re-allocated the above mentioned case to the undersigned bench Accordingly, the case is fixed for hearing today.

2. The complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, in which no directions for providing further information can be given by the Commission.

The Hon'ble Supreme Court of India in its Order rendered on 12.12.2011 in Civil Appeal Nos. 10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information.

3. 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.

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4. 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.

5. In view of the observations noted above, **the instant case is remanded to the concerned First Appellate Authority along with a copy of RTI application for their ready reference** and is also directed to call the complainant **Shri Surjit Singh** within 15 days of receipt of this order provide the information/reply pertaining to this RTI application. A compliance report of the same has to be sent in the commission. The appeal is disposed of accordingly, with the above observations and directions.

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

20.11.2024

First Appellant Authority (Encl. RTI)

O/o DDPO, Gurdaspur.

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....Complainant

Versus

Public Information Officer,
O/o BDPO, Block Kalanaur,
Distt.Gurdaspur.

.....Respondent

Compalint Case NO. 106/2023

RTI application filed on	:	01/06/2022
PIO replied on	:	-
First appeal filed on	:	-
First Appellate Authority order	:	-
Second Appeal dated	:	02/02/2023

PRESENT:

Appellant: Absent,
Respondent: Absent.

ORDER (2nd Hearing):

1. The above mentioned Complaint Case was fixed for hearing before the Bench of Hon'ble State Information Commissioner, Punjab Shri Anumit Singh Sodhi. The Registry Branch vide his office order no. PSIC/Legal/2024/480, dated 04.09.2024 has re-allocated the above mentioned case to the undersigned bench Accordingly, the case is fixed for hearing today.

2. The complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, in which no directions for providing further information can be given by the Commission.

The Hon'ble Supreme Court of India in its Order rendered on 12.12.2011 in Civil Appeal Nos. 10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information.

3. 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.

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Compalint Case NO. 106/2023

4. 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.

5. In view of the observations noted above, **the instant case is remanded to the concerned First Appellate Authority along with a copy of RTI application for their ready reference** and is also directed to call the complainant **Shri Surjit Singh** within 15 days of receipt of this order provide the information/reply pertaining to this RTI application. A compliance report of the same has to be sent in the commission. The appeal is disposed of accordingly, with the above observations and directions.

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

20.11.2024

First Appellant Authority (Encl. RTI)

O/o DDPO, Gurdaspur.

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Sh. Gurmej Lal,
NCAG Office, Steet No. 5,
1331-5, Vishwakarma Bhawan,
Down Canal Road, Simlapuri, Ludhiana.

....Appellant

Versus

Public Information Officer,
O/o Commissioner of Police,
Ludhiana.
First Appellate Authority,
O/o Commissioner of Police,
Ludhiana.

....Respondents

APPEAL CASE NO. 916/2023

PRESENT:

Appellant : Sh. Gurmej Lal (On telephone call)
Respondent: Sh. Sandeep Kumar (Constable, P.S Daba, Ldh.)

ORDER :

1. The above mentioned Complaint Cases were fixed for hearing before the Bench of Hon'ble State Information Commissioner, Punjab Shri Anumit Singh Sodhi. The Registry Branch vide his office order no. PSIC/Legal/2024/480, dated 04.09.2024 has re-allocated the above mentioned case to the undersigned bench Accordingly, the case is fixed for hearing today.

PROCEEDINGS

2. The respondent PIO, Sandeep Singh, Constable, stated that the sought information/reply has been provided to the appellant, and the appellant is satisfied with the same.
3. An email dated 17.08.2023 from the Police Station Daba Ludhiana, containing a detailed report of the sought information, is received and taken on record.
4. The appellant, Sh. Gurmej Lal, confirmed receipt of the information via telephone and requested to close the case.

COMMISSION'S DECISION

5. In light of the above, the Commission closes the case, as the appellant has confirmed receipt of the sought information and expressed satisfaction.

The case is **Disposed of.**

(Sandeep Singh Dhaliwal)
State Information Commissioner, Punjab.
Chandigarh
20.11.2024