

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864113, Visit us @ www.infocommpunjab.com,
Email: psic22@punjabmail.gov.in



FINAL ORDER

Shri Ravinder Kumar (9478820145),
S/o Shri Jaswant Singh,
Village Chhatwal, PO Jandwal,
Distt Pathankot - 145001

....Complainant

Versus

Public Information Officer,
O/o XEN, Mandi Board, Pathankot.

....Respondent

COMPLAINT CASE NO. 732 OF 2023

PRESENT: Complainant: Absent
Respondent: Shri Akshay Sharma, Junior Engineer (6280217094)

ORDER:

The application dated **30.06.2023** vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on **06.12.2023** under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for today i.e. **22.04.2025**.

2. The respondent states that the sought information has already been provided to the complainant and no deficiency has been pointed out by him till date. The perusal of the case file shows that the respondent has submitted his written reply via email dated 21.04.2025, along with the appellant's receiving.

3. The complainant is absent without intimation. It is also a fact that notice of hearing was sent to him through registered post even then he is absent, which seems his absence is intentional and willful. The prima facie appears that the complainant does not intend to pursue the case and he has nothing to say in this regard.

4. After having detailed deliberations with the respondent and examining the case file, the Commission is of the view that no further cause of action is required. Hence, this case is **disposed of and closed.**

Date: 22.04.2025

Sd/-
(Virinderjit Singh Billing)
State Information Commissioner
Punjab

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FINAL ORDER REMAND BACK TO FAA

Shri Ravinder Kumar (9478820145),
S/o Shri Jaswant Singh,
Village Chhatwal, PO Jandwal,
Distt Pathankot - 145001

...Complainant

Versus

Public Information Officer,
O/o Principal Secretary,
Higher Education, Punjab,
Chandigarh.

Regd. Post

Remanded Back to:

First Appellate Authority

O/o Special Secretary,
Higher Education, Mini Secretariat,
Punjab, Chandigarh.

Encl. RTI application

....Respondents

COMPLAINT CASE NO. 733 OF 2023

PRESENT: Complainant: Absent
Respondent: Absent

ORDER:

The application dated **30.06.2023** vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on **06.12.2023** under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for today i.e. **22.04.2025**.

2. The respondent is absent without intimation. However, the complainant is also absent without intimation. It is also a fact that notice of hearing was sent to the parties through registered post but even then both parties are absent. The complainant has filed a complaint case in the Commission.

3. It is appropriate to mention that 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. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

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COMPLAINT CASE NO. 733 OF 2023

4. Since, an alternative and efficacious remedy of first appeal is available to the complainant who is interested in getting the information, accordingly, without going into the merits of the case, the case is remanded back to the **First Appellate Authority i.e. O/o Special Secretary, Higher Education, Mini Secretariat, Punjab, Chandigarh**, to take appropriate decision in accordance with the provisions of the RTI Act, 2005, within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order.

5. With these directions, the case is **disposed of and closed**. However, the liberty is granted to the complainant to file second appeal, if he is not satisfied / does not receive the decision of the First Appellate Authority.

Date: 22.04.2025

Sd/-
(Virinderjit Singh Billing)
State Information Commissioner
Punjab

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FINAL ORDER REMAND BACK TO FAA

Shri Ravinder Kumar (9478820145),
S/o Shri Jaswant Singh,
Village Chhatwal, PO Jandwal,
Distt Pathankot - 145001

...Complainant

Versus

Public Information Officer,
O/o DPI (Colleges),
Punjab, Chandigarh.

Regd. Post

Remanded Back to:

First Appellate Authority

O/o Deputy Director, Higher Education,
PSEB, Complex, Block E, 7th Floor,
Sector 62, Phase 8, SAS Nagar -160062

Encl. RTI application

....Respondents

COMPLAINT CASE NO. 736 OF 2023

PRESENT: Complainant: Absent
Respondent: Shri Som Nath, Clerk (8968972102)

ORDER:

The application dated **22.06.2023** vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on **06.12.2023** under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for today i.e. **22.04.2025**.

2. The respondent states that he is ready to provide the sought information to the complainant, but he requested some additional time to provide the information.

3. The complainant is absent without intimation. It is also a fact that notice of hearing was sent to him through registered post even then he is absent, which seems his absence is intentional and willful. The complainant has filed a complaint case in the Commission.

4. It is appropriate to mention that 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. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

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COMPLAINT CASE NO. 736 OF 2023

5. Since, an alternative and efficacious remedy of first appeal is available to the complainant who is interested in getting the information, accordingly, without going into the merits of the case, the case is remanded back to the **First Appellate Authority i.e. O/o Deputy Director, Higher Education, PSEB Complex, SAS Nagar**, to take appropriate decision in accordance with the provisions of the RTI Act, 2005, within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order.

6. With these directions, the case is **disposed of and closed**. However, the liberty is granted to the complainant to file second appeal, if he is not satisfied / does not receive the decision of the First Appellate Authority.

Date: 22.04.2025

Sd/-
(Virinderjit Singh Billing)
State Information Commissioner
Punjab