

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

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

**Visit us: - www.infocommpunjab.com**



**Sh. Vikas Kalia,**  
# E-8, GH 30, Mansa Devi Complex,  
Sector 5, Panchkula-134114

...Complainant

**Versus**

**Public Information Officer,**  
O/o Punjab School Education Board,  
Vidya Bhawan, Block E, 5th Floor,  
Phase-8, S.A.S. Nagar (Mohali)

...Respondents

## **COMPLAINT CASE NO. 0613 OF 2023**

**PRESENT:** None on behalf of the Complainant.

Ms. Rakesh Khullar, Assistant Secretary (94632 20951); Harmandeep Singh, Superintendent (9316212000); Amar Singh & Charanjit Singh along with Shri Deepak Kumar, Sr. Assistants (9855390008) for the Respondents.

### **ORDER:**

The RTI application dated 16.08.2023 vide which the complainant had sought information as enumerated in his RTI application. The complaint filed by the complainant in the Commission on 05.10.2023 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. 24.04.2025.

2. The complainant has been absent in Court hearing whereas the respondent stated that demanded information has already been supplied to the complainant vide letter dated 15.12.2023. Copy of the same taken on record and be sent to complainant along with this order.

4. Post deliberations, the Bench observes that the complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Information Commissioner and another Versus 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 Hon'ble 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."*

Cont..Pg.02

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

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

**Visit us: - www.infocommpunjab.com**



**-02-**

**COMPLAINT CASE NO. 0613 OF 2023**

As such, since the complainant has approached the Commission under the provisions of Section 18 of the RTI, 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

6. The instant matter is remanded back to the **First Appellate Authority i.e. Secretary O/o Punjab School Education Board, S.A.S. Nagar (Mohali)**. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) 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. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

8. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

**CHANDIGARH**  
**24.04.2025**

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

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

**The First Appellate Authority – cum –**  
Secretary,  
O/o Punjab School Education Board,  
Vidya Bhawan, Block E, 5th Floor,  
Phase-8, S.A.S. Nagar (Mohali).

**for information and necessary compliance. RTI application dated 16.08.2023 is enclosed.**

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

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

**Visit us: - www.infocommpunjab.com**



**Shri Amolak Singh, (8437573941)**

S/o Sh. Baldev Singh,

R/o Village Nizamdin Wala, Block Makhu,

Tehsil Zira, District Ferozepur-142044

....Complainant

**Versus**

**Public Information Officer,**

**O/o Tehsildar,**

**Block Zira, Distt Ferozepur.**

...Respondents

## **COMPLAINT CASE NO. 0614 OF 2023**

**PRESENT:** None for the Parties.

### **ORDER:**

The RTI application is dated 03.10.2022 vide which the complainant had sought information as enumerated in his RTI application. The complaint filed by the complainant in the Commission on 21.12.2023 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. 24.04.2025.

2. Both parties absent in Court hearing, however, the hearing notices sent to the appellant and respondent were returned with remarks that 'person is not found' and the same is being returned to the sender'. Copy of the same is placed on record.

3. Post deliberations, the Bench observes that the complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Information Commissioner and another Versus 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 Hon'ble 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."*

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

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

**Visit us: - www.infocommpunjab.com**



**-02-**

**COMPLAINT CASE NO. 0614 OF 2023**

As such, since the complainant has approached the Commission under the provisions of Section 18 of the RTI, 2005, no directions for providing further information can be given by the Commission.

4. 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

5. The instant matter is remanded back to the **First Appellate Authority i.e. Deputy Commissioner, Ferozepur**. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) 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.

6. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

7. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

**CHANDIGARH**  
**24.04.2025**

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,  
Ferozepur.

**for information and necessary compliance. RTI application dated 03.10.2022 is enclosed.**

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

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

**Visit us: - www.infocommpunjab.com**



**Shri Amolak Singh, (8437573941)**

S/o Sh. Baldev Singh,

R/o Village Nizamudin Wala, Block Makhu,

Tehsil Zira, District Ferozepur-142044

....Complainant

**Versus**

**Public Information Officer,**

**O/o Tehsildar,**

**Block Zira, Distt Ferozepur.**

...Respondents

## **COMPLAINT CASE NO. 0615 OF 2023**

**PRESENT:** None for the Parties.

### **ORDER:**

The RTI application is dated 03.10.2022 vide which the complainant had sought information as enumerated in his RTI application. The complaint filed by the complainant in the Commission on 06.10.2023 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. 24.04.2025.

2. Both parties absent in Court hearing, however, the hearing notices sent to the appellant and respondent were returned with remarks that 'person is not found' and the same is being returned to the sender'. Copy of the same is placed on record.

3. Post deliberations, the Bench observes that the complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Information Commissioner and another Versus 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 Hon'ble 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."*

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

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

**Visit us: - www.infocommpunjab.com**



**-02-**

**COMPLAINT CASE NO. 0615 OF 2023**

As such, since the complainant has approached the Commission under the provisions of Section 18 of the RTI, 2005, no directions for providing further information can be given by the Commission.

4. 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

5. The instant matter is remanded back to the **First Appellate Authority i.e. Deputy Commissioner, Ferozepur**. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) 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.

6. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

7. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

**CHANDIGARH**  
**24.04.2025**

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,  
Ferozepur.

**for information and necessary compliance. RTI application dated 03.10.2022 is enclosed.**

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

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

**Visit us: - www.infocommpunjab.com**



**Shri Hajari Lal, (9703730000)**

S/o Shri Johari Mall,

Johari Banquet Hall,

Near Thana 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. 0618 OF 2023**

**PRESENT:** Shri Hajari Lal, Complainant.

Shri Manish Bansal and Manoj Kumar, Sr. Assistants (994812444) on behalf of the Respondents.

## **ORDER:**

The RTI application is dated 18.08.2023 vide which the complainant had sought information as enumerated in his RTI application. The complaint filed by the complainant in the Commission on 04.10.2023 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. 24.04.2025.

2. The complainant stated that the demanded information has not been provided to him, while the respondent stated that the requisite reply/information has already been provided to the complainant vide letter dated 04.09.2023 and the respondent today i.e. 24.04.2025 again handed over the same to the complainant during the hearing, before the Bench, copy of the same placed on record.

3. Post deliberations, the Bench observes that the complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Information Commissioner and another Versus 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 Hon'ble 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."*

Cont..Pg.02



# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

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

**Visit us: - www.infocommpunjab.com**



**-02-**

**COMPLAINT CASE NO. 0618 OF 2023**

As such, since the complainant has approached the Commission under the provisions of Section 18 of the RTI, 2005, no directions for providing further information can be given by the Commission.

4. 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

5. The instant matter is remanded back to the **First Appellate Authority i.e. General Manager, PUNSUP, Punjab**. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) 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.

6. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

7. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

**CHANDIGARH**  
**24.04.2025**

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 06.08.2023 is enclosed.**



# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

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

**Visit us: - www.infocommpunjab.com**



**Shri Parminder Singh, (98142 33701)**

S/o Shri Harbans Singh,

R/o VPO Mansurwal Dona,

Tehsil & District Kapurthala.

....Complainant

**Versus**

**Public Information Officer,**

**O/o Deputy Commissioner,**

Kapurthala.

.....Respondents

## **COMPLAINT CASE NO. 0619 OF 2023**

**PRESENT:** Shri Parminder Singh, Complainant.

Shri Satbir Singh, Superintendent Grade – II – cum – APIO (9888241178) on behalf of the Respondents.

### **ORDER:**

The RTI application is dated 20.07.2023 vide which the complainant had sought information as enumerated in his RTI application. The complaint filed by the Complainant in the Commission on 04.10.2023 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. 24.04.2025.

2. The complainant stated that the information as sought has not been provided to him whereas the respondent stated that the information as demanded by the complainant has already been supplied to complainant vide letter dated 18.08.2023, copy of the same taken on record.

3. Post deliberation, the complainant is advised to visit the respondent's office on 28.04.2025 at 11 a.m. for the required information, and the PIO is directed to provide the remaining information, if any, on the spot.

4. Post deliberations, the Bench observes that the complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Information Commissioner and another Versus 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:-

Cont..Pg.02

# PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

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

Visit us: - www.infocommpunjab.com



**-02-**

## **COMPLAINT CASE NO. 0619 OF 2023**

31. *We uphold the said contention and do not find any error in the impugned judgment of the Hon'ble 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 provisions of Section 18 of the RTI, 2005, no directions for providing further information can be given by the Commission.

4. 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

5. The instant matter is remanded back to the **First Appellate Authority i.e. Additonal Deputy Commissioner (General), Kapurthala**. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) 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.

6. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

7. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

**CHANDIGARH**  
**24.04.2025**

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

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

**The First Appellate Authority – cum –**  
Additional Deputy Commissioner,  
(General), Kapurthala.

**for information and necessary compliance. RTI application dated 20.07.2023 is enclosed.**

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

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

**Visit us: - www.infocommpunjab.com**



**Shri Vijay Kumar, (7681968073)**

S/o Shri Tarsem Lal,

R/o Guru Nabha Dass Colony,

Sarna, Tehsil & Distt Pathankot.

..Complainant

**Versus**

**Public Information Officer,**

**O/o Deputy Commissioner,**

Pathankot.

...Respondents

## **COMPLAINT CASE NO. 0621 OF 2023**

**PRESENT:** Shri Vijay Kumar, Complainant.  
None on behalf of the Respondent.

### **ORDER:**

The RTI application is dated 19.06.2023 vide which the complainant had sought information as enumerated in his RTI application. The complaint filed by the complainant in the Commission on 05.10.2023 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. 24.04.2025.

2. The complainant stated that the information sought has not been provided to him whereas the respondent remained absent in Court hearing.

3. Post deliberations, the Bench observes that the complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Information Commissioner and another Versus 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 Hon'ble 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."*

Cont..Pg.02

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

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

**Visit us: - www.infocommpunjab.com**



**-02-**

**COMPLAINT CASE NO. 0621 OF 2023**

As such, since the complainant has approached the Commission under the provisions of Section 18 of the RTI, 2005, no directions for providing further information can be given by the Commission.

4. 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

5. The instant matter is remanded back to the **First Appellate Authority i.e. Deputy Commissioner, Pathankot**. The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) 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.

6. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

7. In view of the above, **the case is disposed off and closed**. Copy of the order be sent to the parties.

**CHANDIGARH**  
**24.04.2025**

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,  
Pathankot.

**for information and necessary compliance. RTI application dated 19.06.2023 is enclosed.**

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

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

**Visit us: - www.infocommpunjab.com**



**Shri Vineet Chawdhry IAS Retd , (9418813499)**

Ex Chief Secretray, HP,

Villa No 254, Omaxe Cassia, Phase III, Zone 2,

New Chandigarh, P.O. Tira, SAS Nagar-160036

...Complainant

**Versus**

**Public Information Officer,**

O/o Department of Power, Govt of Punjab,

Civil Secretariat-2, Sector 9, Chandigarh.

...Respondents

## **COMPLAINT CASE NO. 0622 OF 2023**

**PRESENT:** None on behalf of the Complainant.

Ms. Harpreet Kaur, Sr. Assistant (9914649925) O/o Department of Power along with Er. (Ms.) Yamini, A.E.E. Comm. (9646110129) O/o PSPCL on behalf of the Respondent.

### **ORDER:**

The RTI application is dated 19.08.2023 vide which the complainant had sought information as enumerated in his RTI application. The complaint filed by the complainant in the Commission on 09.10.2023 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. 24.04.2025.

2. The complainant has been absent in Court hearing, whereas the respondent stated that letter dated 28.05.2023 has not received as mentioned by the complainant in his RTI application, therefore they are unable to provide the required information. During the course of Court hearing, copy of letter dated 28.05.2023 was handed over to the respondents.

3. Post deliberations, the Bench observes that the complainant has not availed the provision of the Section 19(1) of the RTI Act by filing an appeal with the First Appellate Authority (FAA). As such, the FAA has not been able to address the grievances of the complainant. The attention of the Complainant is drawn to the decision of the judgment of Hon'ble Supreme Court of India rendered on 12.12.2011 in Information Commissioner and another Versus 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 Hon'ble 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."*

Cont..Pg.02

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

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

**Visit us: - www.infocommpunjab.com**



**-02-**

**COMPLAINT CASE NO. 0622 OF 2023**

As such, since the complainant has approached the Commission under the provisions of Section 18 of the RTI, 2005, no directions for providing further information can be given by the Commission.

4. 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 complaint case and the First Appellate Authority has not had the occasion to review the decision of PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

5. The instant matter is remanded back to the **First Appellate Authority i.e. Principal Secretary, Department of Power, Punjab, Chandigarh.** The Commission hereby directs the FAA to treat the copy of the Complaint (enclosed herewith) 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.

6. In case, the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal before Punjab State Information Commission Section 19(3) of the RTI Act, 2005.

7. In view of the above, **the case is disposed off and closed.** Copy of the order be sent to the parties.

**CHANDIGARH**  
**24.04.2025**

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, Department of Power,**  
**Punjab Civil Secretariat-II, Sector-9, Chandigarh.**

**for information and necessary compliance. RTI application dated 19.08.2023 is enclosed.**