

# PUNJAB STATE INFORMATION COMMISSION

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

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**Gurdev Singh,**  
S/o Sh. Santokh Singh,  
Preet Vihar Colony,  
Lalru Mandi, Tehsil Dera Bassi,  
Mohali.

Versus

**Public Information Officer,**  
o/o Commissioner, Municipal Corporation,  
Patiala.

**First Appellate Authority,**  
Commissioner, Municipal Corporation,  
Patiala.

## **Appeal Case No. 1852 of 2022**

PRESENT:

Gurdev Singh (Appellant) 98724-87273  
(Respondent) Absent

ORDER:

*(To be read in continuity with earlier orders on **16.9.2022**)*

1. The RTI application is dated **30.11.2021** vide which the appellant has sought information **regarding his own service record**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **10.1.2022** and Second Appeal was filed in the Commission on **12.4.2022** under Section 19 of the Right to Information Act, 2005. The case was last heard on **16.9.2022**.

2. The respondent PIO is absent without intimation for the second successive hearing. This is despite the Show Cause Notice issued to him/her vide this Commission's Order of 16.9.2022. Subsequent to this Hearing however, the respondent PIO appeared before this Bench and submitted a detailed written reply to the Show Cause Notice. As per the PIO, the Commission's notices/letters were never put up to her by the concerned Pension Clerk Smt. **Manju Rani**, who received these from the RTI Branch of the Corporation. She stated that she only became aware of the Commission's Show Cause Notice after telephonic intimation from the office of this Bench. The aforesaid clerk, as per the PIO, has been issued a Show Cause Notice vide Letter No. 1337-38 dated 3.11.2022.

3. In her reply to the Commission, the PIO states that the information pertaining to points 2 to 7 of the RTI application has already been supplied to the appellant. Only the information sought at point 1 has been denied as this pertains to third parties (other pensioners). Furthermore, the PIO states that the appellant has sought the information sought at point 1 as per a "self-generated performa," which is contrary to the RTI Act.

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4. Meanwhile, during the Hearing, the appellant put forth credible arguments in support of his contention that the information sought at point 1 must be supplied to him. He states that the information pertains to the pensionary details about himself and other retirees with similar service tenures etc.. The appellant states that the information requested at point 1 of his RTI application is crucial for him to pursue legal remedies to rectify his own pension, which has been fixed lower than the other retirees without assigning any reason.

5. The Commission notes that the appellant has not sought any information by way of any personal particulars regarding the service record of other employees / pensioners. He has in fact requested pensionary details of some other retirees for the specific and limited purpose of pursuing his own case. Notably, monthly remuneration received by employees is a part of the voluntary disclosure stipulated in Section 4(1)(b) of the RTI Act, 2005.

*Sub-clause (x) Section 4(1) Every public authority shall –*

*(b) publish within one hundred and twenty days from the enactment of this Act, -*

*(x) "the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;"*

6. The Central Information Commission (No. CIC/SM/A/2011/000166) clarifies amply that just as a public servant's remuneration and other compensation does not qualify as Third Party Information and have to be disclosed, pensionary details of employees must similarly be disclosed.

7. The respondent PIO-cum-Superintendent, Pension Branch, Municipal Council, Patiala is hereby directed to provide the information sought by the appellant **Sh. Gurdev Singh** at point 1 of his RTI application dated 30.11.2021. The supplied information must be mandatorily attested by the PIO as: **"Information supplied under the RTI Act, 2005"**. This must be done before the next Hearing.

8. Further, Pension Clerk **Smt. Manju Rani** is also impleaded in this Appeal Case and directed to attend the next Hearing with an explanation for her alleged conduct of deliberately obstructing this Commission's Notices / Orders.

**9. Next hearing on 1.12.2022 at 11.30 am at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh. All parties to be present in person.**

**Sd/-**

**(ASIT JOLLY)**

State Information Commissioner, Punjab.

Chandigarh

1.11.2022

**Cc:** Commissioner, MC, Patiala, for information and further necessary action.