

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864111, Visit us @ www.infocommpunjab.com,
Email: psic21@punjabmail.gov.in



Harbhajan Singh,
S/o Sh. Parkash Singh,
310, Guru Harkrishan Nagar,
Near Disposal Road, Khanna,
District Ludhiana.

Versus

Public Information Officer,
AIG, GRP, Pb.,
Patiala.
First Appellate Authority,
Special DGP, Railways, Punjab,
Chandigarh.

Appeal Case No. 3888 of 2022 (Video Conference Proceedings)

PRESENT:

Harbhajan Singh (Appellant) 81466-38060
ASI Naresh Kumar (for the Respondent)

ORDER:

1. The RTI application is dated **11.3.2022** vide which, the appellant has sought information **regarding salaries drawn, pay fixation etc. in respect of a number of employees**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **28.5.2022** and Second Appeal was filed in the Commission on **17.8.2022** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **2.12.2022**.

2. Both parties are present. As per the Second Appeal filed by the appellant, the respondent PIO supplied incomplete information vide Letter No.15874 Dated 26.4.2022, where after he filed a First Appeal, which was dismissed by the FAA vide letter No. 28433-34/RTI, Dated 7.7.2022. The respondent PIO, represented by ASI Naresh Kumar, has made a detailed written submission to the Commission vide No. 52488 dated 29.11.2022, making the following contention:

"The present 2nd appeal is not maintainable and considerable as the appellant has been abusing the process of law especially the provisions of the RTI Act, 2005, by indulging in the practice of filing repeated RTI applications on the same subject matter, seeking the same information more than once, merely to harass the department."

The PIO's submission includes the reply sent to the appellant vide Letter No. 15874/RTI, dated 26.4.2022, wherein, a substantial part of the requested information was denied as "third party information". The Order of FAA vide No. 28433-34/RTI, Dated 7.7.2022, upholding the PIO's decision, has also been reproduced. The submission also includes copies of earlier RTI applications submitted by the appellant Sh. Harbhajan Singh and replies to said RTI applications by the incumbent PIO.

Contd. ...2

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4. Although, the Commission concurs with the respondent PIO's contention that the appellant has filed a number of RTI applications seeking largely the same information, it is also clear that he is doing so, only because the requested information has repeatedly been denied to him as "third party information".

5. Sub-section 1 of Section 4 of the RTI Act, 2004 enumerates information that must be voluntarily published by all public authorities within 120 days from the enactment of the Act. It reads as under:

Section 4. Obligations of public authorities

(1) Every public authority shall—

(a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;

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

- (i) the particulars of its organisation, functions and duties;
- (ii) the powers and duties of its officers and employees;
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
- (ix) a directory of its officers and employees;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;**
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
- (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;
- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) the names, designations and other particulars of the Public Information Officers;
- (xvii) such other information as may be prescribed, and thereafter update these publications every year;
- (c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;
- (d) provide reasons for its administrative or quasi judicial decisions to affected persons.

6. It is evidently clear from subclause (x), underlined above, that salary / remuneration received by officers and employees of a public authority does not constitute personal or third party information and so not exempt from being disclosed to applicants.

7. The respondent PIO, office of AIG, GRP, Punjab, is hereby directed to provide a fresh pointwise reply to this RTI application along with the requested information after due certification, to the appellant. A copy of the above reply and information is also to be submitted to the Commission. This must be done before the next hearing.

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8. Next hearing on 31.1.2023 at 11.30 am at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
2.12.2022