

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172 2864110 · Helpline 01722864100

Email: [pcic20@punjabmail.gov.in](mailto:pcic20@punjabmail.gov.in) Visit us: [www.infocommpunjab.com](http://www.infocommpunjab.com)



Smt. Sukhwinder 9501044161

r/o H.no. 46,

Sai Vihar, New officers Colony,

Patiala 147001

....Appellant

Vs

Public Information Officer

o/o Punjab Public Service Commission,

Patiala.

First Appellate Authority

o/o Punjab Public Service Commission,

Patiala.

....Respondents

Appeal Case No. 1888/2020

## ORDER

The orders in the instant case has been reserved on 25.9.2020 for pronouncement.

2. The following information has been sought by the appellant by filing the RTI application with the respondent-Public Information Officer on 10.2.2020:-

“ਮਿਸਲ ਨੰ: ਬ.ਫ. 1256/81 ਦੀ ਨੋਟਿੰਗ ਦੀ ਤਸਦੀਕਸੁਦਾ ਕਾਪੀ”

3. During the hearing on 8.9.2020, the appellant stated that the respondent-Public Information Officer may be directed to supply the information as per her RTI application. A copy of the written arguments has been received from the respondent-Public Information Officer vide No. 1546 dated 3.9.2020, which was taken on record. On the other hand, the representative of the respondents stated that the matter concerning the sought information is sub-judice as the half portion of the file i.e. correspondence is with the Hon'ble High Court under sealed cover and the remaining portion of the file cannot be supplied due to adverse decision/contempt proceedings by the Hon'ble High Court. After hearing the parties the appellant was advised to go through the reply submitted by the respondent-Public Information Officer and was directed to file the rejoinder, if any. Copy of the submissions made by the respondent-Public Information Officer was sent to the appellant. In addition, the appellant was also directed to establish the 'larger public interest' involved in seeking the information before the next date of hearing to take the matter to its logical end and the case was adjourned to 25.9.2020.

4. During the hearing on 25.9.2020, the appellant made the submissions which has been diarized in the Commission Vide No. 12913 dated 28.9.2020. A copy of the said submissions made by the appellant are taken on record, which are reproduced below:-

*“1. That the matter pertains to my service rights which is my fundamental right guaranteed under constitution of India u/Art. 19 and 21*

Contd..P/2

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172 2864110 Helpline 01722864100

Email: [pcic20@punjabmail.gov.in](mailto:pcic20@punjabmail.gov.in) Visit us: [www.infocommpunjab.com](http://www.infocommpunjab.com)



Appeal Case No. 1888/2020

-2-

2. The information/record sought pertains to my seniority which is again my fundamental right U/Art. 16 of Constitution of India.

3. If the record sought is not provided, it will set a bad precedent for future cases.

4. The information/record is required from the another half record which is with you and not with the hon'ble high court and the information required will be presented before the Hon'ble high Court itself in order to do complete justice in Civil Writ Peition No. 12025 of 2004.

5. The information sought does not violate the rights of the third parties.

6. that there is no specific order of Hon'ble High Court qua the another half record with you which may led to contempt proceeding if the record/information is provided to me as required by me through RTI Act, 2005. That the information is not sought of the record which is at present with the Hon'ble High Court under sealed cover.

7. the information sought does not fall under the exemption provided in Act of 2005.

8. It is in the interest of justice that the above information sought be provided as early as possible as it is to be presented before Hon'ble High Court and is also in larger Public Interest as this case may help large number of government employees in service matters."

5. The respondent-Public Information Officer has also made the submissions vide No. 1546 dated 3.9.2020, which is reproduced below:-

".....ਪ੍ਰਾਰਥੀ ਵਲੋਂ ਜਿਸ ਫਾਈਲ ਦਾ ਨੋਟਿੰਗ ਭਾਗ ਮੰਗਿਆ ਜਾ ਰਿਹਾ ਹੈ ਉਸ ਦਾ ਪੱਤਰ ਵਿਹਾਰ ਭਾਗ ਮਾਨਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈਕੋਰਟ ਵਿਚ ਸਿਵਲ ਰਿਟ ਪਟੀਸ਼ਨ ਨੰ; 12025 ਆਫ 2004 ਵਿੱਚ ਸੀਲ ਕਰਕੇ ਆਪਣੀ ਕਸਟਡੀ ਅਧੀਨ ਰੱਖਿਆ ਹੋਇਆ ਹੈ। ਇਸ ਲਈ ਕੇਸ Sub-judice ਹੋਣ ਕਾਰਨ ਇਸ ਮਿਸਲ ਦਾ ਨੋਟਿੰਗ ਭਾਗ ਪ੍ਰਾਰਥੀ ਨੂੰ ਇਸ ਕਰਕੇ ਦੇਣ ਤੋਂ ਅਸਮਰਜਥਾ ਪ੍ਰਗਟ ਕੀਤੀ ਗਈ ਹੈ ਕਿਉਂਕਿ ਮਿਸਲ ਦਾ ਅੱਧਾ ਭਾਗ ਮਾਨਯੋਗ ਹਾਈਕੋਰਟ ਕੋਲ ਸੀਲਡ ਹੈ ਤੇ ਅੱਧਾ ਭਾਗ ਪ੍ਰਾਰਥੀ ਨੂੰ ਸਪਲਾਈ ਕਰਨ ਨਾਲ ਮਾਨਯੋਗ ਹਾਈਕੋਰਟ ਵੱਲੋਂ ਕਿਸੇ Adverse decision Contempt Proceeding ਦਾ ਸਾਹਮਣਾ ਨਾ ਕਰਨਾ ਪਵੇ।

ਇਸ ਲਈ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਪ੍ਰਾਰਥੀ ਦੀ ਅਪੀਲ ਉਕਤ ਕਾਰਨਾਂ ਕਰਕੇ ਖਾਰਜ ਕਰਨ ਦੀ ਖੇਚਲ ਕੀਤੀ ਜਾਵੇ ਜੀ।"

6. After hearing both the parties and going through the record of the case file, the Commission observes that the appellant has sought the noting portion of the case file which falls under Section 2 (f) of the RTI Act, 2005 and it should have been in the public domain provided the correspondence of the file is in the custody of the respondent authority. But in the instant case, the half portion of the file i.e. correspondence portion is in the custody of the Hon'ble High Court that too in the 'Sealed Cover' and neither the appellant orally states anything nor she placed on record any documentary evidence from which the claim to get

Contd..P/3

**PUNJAB STATE INFORMATION COMMISSION**

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172 2864110 Helpline 01722864100

Email: [pcic20@punjabmail.gov.in](mailto:pcic20@punjabmail.gov.in) Visit us: [www.infocommpunjab.com](http://www.infocommpunjab.com)



Appeal Case No. 1888/2020

-3-

the noting portion of the case file can be sustained. On the other hand, the respondent-Public Information Officer placed on record the matter is 'Sub-judice' and the correspondence portion of the file is in the custody of the Hon'ble High Court and the same has been kept under Sealed Cover.

After going through the same and the situation as enumerated above, the Commission accepts the plea taken by the respondent-Public Information Officer and observes that no action is required to be taken in this case at this stage and the information sought be provided to the appellant after the disposal of the case by the Hon'ble High Court. Therefore, the case is disposed of and closed.

sd/-

(Suresh Arora)

Chief Information Commissioner,  
Punjab.

Dated: 8.10.2020