

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



FINAL ORDER

Nitin Kumar Garg,

C/o Police Public Dairy 15-A,

Shastari Nagar, Model Town,

Ludhiana.

Versus

Public Information Officer,

o/o Chief Engineer, Head Quarter,

Department of Irrigation works,

Sector 18, Pb., Chandigarh.

First Appellate Authority,

o/o Principal Secretary,

Department of Irrigation, Pb.,

Chandigarh.

Appeal Case No. 3551 of 2021 (Video Conference Proceedings)

PRESENT:

Nitin Kumar Garg (Appellant) (via Cisco Webex) 78143-22100

Sandeep Singh, Senior Assistant (for the Respondent) 94174-40920

ORDER:

1. The RTI application is dated **22.4.2021** vide which the appellant has sought information **regarding re-employed officers in three points etc.,** as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **2.6.2021** and Second Appeal was filed in the Commission on **5.8.2021** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **11.3.2021**.

2. Both parties are present. The respondent PIO, represented by Sandeep Singh, Senior Assistant, submitted that the requested information was provided to the appellant vide Letter No. WR-IRB1030/2/202/2IP1/1/305406/2022 Dated 12.1.2022. The appellant confirmed that he has received the information but states that he has not been provided a copy of the letter sought in his letter of 3.2.2022.

3. The respondent PIO assured the Commission that the letter requested by the appellant will be sent to him by registered post today itself. In view of the above, there is no further cause for action and this Appeal Case is herewith **CLOSED**.

Sd/-

(ASIT JOLLY)

State Information Commissioner, Punjab.

Chandigarh

11.3.2022

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FINAL ORDER

Jagdeep Singh,

S/o Harkewal Singh,

R/o Village Karampatti,

Tehsil Malout,

Sri Mukatsar Sahib.

Versus

Public Information Officer,

o/o Secretary Irrigation,

Punjab, Chandigarh.

Complaint Case No. 1165 of 2021 (Video Conference Proceedings)

PRESENT:

(Complainant) Absent

Harinder Singh, Senior Assistant (for the Respondent) 98885-70052

ORDER:

1. The complainant, **Jagdeep Singh**, filed this RTI application dated **1.3.2021** and sought information **regarding chargesheets against officer/s pertaining to the lining of the Karam Patti Minor in 2014.** from the PIO o/o **Secretary, Irrigation Department, Pb., Chandigarh.** When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **16.9.2021**. Notice was issued to the parties for first hearing in the Commission on **11.3.2021**.

2. The complainant is absent without intimation. The respondent PIO, represented by Harinder Singh, Senior Assistant, has made a submission vide Letter No. 122 Dated 22.2.2022 that the complainant was informed vide Letter No. 253/1 Dated 19.4.2021 that the information is sought was nonspecific in nature. Following further exchange of letters between the PIO and complainant, the latter was eventually denied the information vide Letter Dated 570 dated 13.8.2021 citing the Department of Governance Reforms & Public Grievances Letter No. 4/5/2021-4GP1/225467/2021 Dated 8.9.2021 citing the Hon'ble Supreme Court's Judgment in Civil Writ Petition No. 10044 of 2010:

"Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, landing and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive."

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3. This Commission has carefully examined the exchange of communication between respondent and complainant, alongside the RTI application. The Commission concurs with the respondent PIO that the information sought in the RTI application is of a personal nature. Said information also qualifies for exemption from disclosure, as per Section 8(1)(e) of the RTI Act 2005.

4. There is no further cause for action and this Complaint Case is herewith **CLOSED**.

Sd/-

(ASIT JOLLY)

State Information Commissioner, Punjab.

Chandigarh

11.3.2022