

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Shyam SunderBagui,
116, MS Enclave, Dhakoli,
Zirakpur, (Mohali).
Versus
Public Information Officer,
Municipal CouncilZirakpur

Complaint Case No. 675 of 2019

Present:
SuvdeepBagui (for the Appellant)83603-94077.
Lakhbir Singh (for the Respondent) 99147-80020

ORDER

- 1.The RTI application is dated 13.5.19 vide which the appellant has sought information as enumerated in his RTI application. The Complaint was filed in the Commission on 6.8.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).
- 2.Notice was issued to the parties for first hearing in the Commission on 11.9.19.
- 3.This RTI Application has been pending for more three months and there is no response from the respondent PIOat the Municipal Council, Zirakpur.
- 4.The respondent PIO's represented by Lakhbir Singh (Building Inspector), has come completely unprepared and without any written reply to this Commission's notice.
- 5.The respondent PIO is directed to submit a written reply clearly stating reasons for his / her inability to respond to the appellant's RTI request (dated 13.5.19) within the stipulated period of 30 days.
6. **The respondent PIO, Sukhjinder Singh EO is also directed to appear in person at the next (second) hearing of this Complaint Case on 16.10.19. Failing this, penal action as per the RTI could be initiated.**

Sd/-
(Asit Jolly)
State Information Commissioner

Chandigarh:
11.9.19

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Shyam Sunder Bagui,
116, MS Enclave, Dhakoli,
Zirakpur, (Mohali).
Versus
Public Information Officer,
Municipal Council Zirakpur

Complaint Case No. 676 of 2019

Present:
Suvdeep Bagui (for the Appellant) 83603-94077.
Lakhbir Singh (for the Respondent) 99147-80020

ORDER

1. The RTI application is dated 13.5.19 vide which the appellant has sought information as enumerated in his RTI application. The Complaint was filed in the Commission on 6.8.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).
2. Notice was issued to the parties for first hearing in the Commission on 11.9.19.
3. This RTI Application has been pending for more three months and there is no response from the respondent PIO at the Municipal Council, Zirakpur.
4. The respondent PIO's represented by Lakhbir Singh (Building Inspector), has come completely unprepared and without any written reply to this Commission's notice of 21.8.19.
5. The respondent is directed to submit a written reply clearly stating reasons for his / her inability to respond to the appellant's RTI request (dated 13.5.19) within the stipulated period of 30 days.
6. **The respondent PIO, Sukhjinder Singh EO is also directed to appear in person at the next (second) hearing of this Complaint Case on 16.10.19. Failing this, penal action as per the RTI could be initiated against him.**

Sd/-
(Asit Jolly)
State Information Commissioner

Chandigarh:
11.9.19

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Tejinder Singh (advocate)

Civil Court, Tehsil Complex, Backside SanjhKendar,
Phillaur, District Jalandhar.

Versus

Public Information Officer,

O/o SDM Mansa.

First Appellate Authority,

SDM Mansa.

Appeal Case No. 2792 of 2019

Present:

Tejinder Singh (Appellant)90410-04313.

Respondent PIO is ABSENT

ORDER

- 1.The RTI application is dated 16.5.19 vide which the appellant has sought information as enumerated in his RTI application. The appeal was filed in the Commission on 1.8.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).
- 2.Notice was issued to the parties for first hearing in the Commission on 11.9.19.
- 3.The respondent PIO, who has not furnished the information requested by the appellant, has failed to appear without any intimation to the Commission.
- 4.The respondent is directed to respond to the appellant's RTI application within 10 days of receiving this order. He/she must also submit a written reply to this Commission enumerating reasons for his/her failure to respond to the request for information.
5. Failing to comply with the Commission's directions could invite penal action as per the provisions of the RTI Act, 2005.
- 6.**Next hearing on 9.10.2019.**

Sd/-

(Asit Jolly)

State Information Commissioner

Chandigarh:

11.9.19

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Tejinder Singh (advocate)

Civil Court, Tehsil Complex, Backside SanjhKendar,
Phillaur, District Jalandhar.

Versus

Public Information Officer,

O/o Nagar Council, Shahkot,
District Jalandhar.

First Appellate Authority,

Deputy Director Local Government,
Jalandhar.

Appeal Case No. 2793 of 2019

Present:

Tejinder Singh (Appellant) 90410-04313.

Rajinder Kumar (for the Respondent) 99881-16872.

ORDER

1. The RTI application is dated 16.5.19 vide which the appellant has sought information as enumerated in his RTI application. The appeal was filed in the Commission on 1.8.2019 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).
2. Notice was issued to the parties for first hearing in the Commission on 11.9.19.
3. The respondent PIO has submitted a written reply which includes the information requested by the appellant. The Appellant has stated in an email to the Commission on 10.9.19 as well as at this hearing, that he is satisfied with the information supplied by the respondent PIO.
4. This commission nonetheless takes serious note of the avoidable delay, which necessitated a Second Appeal by the appellant, and advises the respondent PIO to be more alert to requests under the RTI Act.
5. There is no further cause for action and this appeal case is herewith **CLOSED**.

Sd/-

(Asit Jolly)

State Information Commissioner

Chandigarh:

11.9.19

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Mohinder Singh

s/o Ram Singh,
Quarter No. T-2/171, Ranjit
Singh Dam Colony,
Shahpur Kandi Township,
Tehsil & District Pathankot.

Versus

Public Information Officer,

Chief Director, Punjab Vigilance Bureau,
Chandigarh.

First Appellate Authority,

Chief Director, Punjab Vigilance Bureau,
Chandigarh

Appeal Case No. 2838 of 2019

Present:

Appellant Mohinder Singh is ABSENT

Rajesh Kumar, Sub Inspector (for the Respondent) 988880595.

ORDER

1. The RTI application is dated 28.5.18 vide which the appellant has sought information as enumerated in his RTI application. The appeal was filed in the Commission on 6.8.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).
2. Notice was issued to the parties for first hearing in the Commission on 11.9.19.
3. The appellant is absent and has sent E-mail stating inability to attend today's hearing since he is to attend Court cases at Pathankot.
4. The respondent PIO has submitted a detailed response with copies of the entire sequence of communication with the appellant.
5. The respondent has stated that the information requested is not in his custody since administrative approvals, necessary to commence an inquiry/investigation are still awaited from the concerned department.
6. The respondent has agreed to share the information with the appellant as and when it becomes available with the office of the Chief Director Vigilance Bureau.
7. Under the circumstances, this Commission sees no further cause for action and this appeal case is herewith **CLOSED**.

Sd/-

(Asit Jolly)

State Information Commissioner

Chandigarh:

11.9.19

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Sukhdev Singh

S/oGurdial Singh,
Village Mithewal,
Tehsil Ahmedgarh,
District Sangrur.

Versus

Public Information Officer,

O/o. SSP, Sangrur.

First Appellate Authority,

DIG Patiala Range,
Patiala.

Appeal Case No. 2849 of 2019

Present:

Sukhdev Singh (Appellant)98767-52278.

Ajaib Singh, Sub Inspector (for the Respondent)80545-45411.

ORDER

1.The RTI application is dated 6.3.19 vide which the appellant has sought information as enumerated in his RTI application. The appeal was filed in the Commission on 6.8.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).

2.Notice was issued to the parties for first hearing in the Commission on 11.9.19.

3.The respondent has submitted a written reply wherein it is contended that the appellant's request for information are in the form of queries, and therefore, cannot be responded to as per the RTI Act.

5.This Commission concurs with the respondent that requests for information under the RTI Act, 2005, cannot, include in its fold, answers to the question "why?". Neither can documents be created to fulfil an appellant's request for information. The Appellant Sukhdev Singh is advised to be more specific in requests for information in future.

6.There is no further cause for action and this appeal case is herewith **CLOSED**.

Sd/-

(Asit Jolly)

State Information Commissioner

Chandigarh:

11.9.19

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Gurdip Singh

s/oBhajan Singh,
Village Taggar,
PO Pasla, Tehsil Phillaur,
District Jalandhar.

Versus

Public Information Officer,
SHO Police Station,
Nurmehal, Jalandhar District
First Appellate Authority,
SSP Rural,
Jalandhar.

Appeal Case No. 2803 of 2019

Present:

Appellant Gurdip Singh is ABSENT

Ashwani Kumar, Sub Inspector (for the Respondent) 9779905599.

ORDER

1. The RTI application is dated 12.1.19 vide which the appellant has sought information as enumerated in his RTI application. The appeal was filed in the Commission on 1.8.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).
2. Notice was issued to the parties for first hearing in the Commission on 11.9.19.
3. The Appellant is absent without any intimation to the Commission.
4. The respondent PIO, represented by Ashwani Kumar, has submitted a written reply, wherein he has claimed that the appellant refused to take possession of the information when it was offered to him. He has also submitted a copy of the requested information to this Commission.
5. The Respondent PIO is advised to send the information to the appellant via registered post and email a copy of the postal receipt to this Commission.
6. The appellant can also collect a copy of the information from this Commission, outside court hours, on any working day.
7. There is no further cause of action and this appeal case which is herewith **CLOSED**.

Sd/-

(Asit Jolly)

State Information Commissioner

Chandigarh:

11.9.19

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Gurmail Singh,
s/oTulsi Ram,
VPO Purika, Tehsil Mukerian,
District Hoshiarpur.
Versus

Public Information Officer,
o/o The Headmaster, Government High School,
Jandwal, Hoshiarpur District.
First Appellate Authority,
District Education Officer (SE) Hoshiarpur.

Appeal Case No. 2815 of 2019

Present:

Gurmail Singh (Appellant)
Jasbir Kaur, Science Teacher (for the Respondent) 94636-06399.
Anita Rani, Computer Faculty (as the 'Third Party')

ORDER

1. The RTI application is dated 1.2.18 vide which the appellant has sought information by way of attested copies of the payroll record (2010-2017) of Anita Rani, a computer teacher at the Government High School at Jandwal (Hoshiarpur district). The appeal was filed in the Commission on 2.8.19 under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.).
2. Notice was issued to the parties for first hearing in the Commission on 11.9.2019.
3. The respondent PIO submitted a written reply wherein it has been contended that the information requested pertains to a 'Third Party' (Anita Rani), who is not willing to disclose the same to the appellant Gurmail Singh.
4. Also present at this hearing, the 'Third Party', Anita Rani, explained that the appellant is her estranged father-in-law. According to her, there is ongoing litigation pertaining to marital dispute with her husband Bhupinder Singh and his family. Anita Rani stated that she apprehends that the information requested by the appellant, is likely to be used against the interests of her and her two children in their ongoing litigation.
5. The respondent PIO, in this instance, has confirmed that there are several court cases currently underway between Anita Rani and her in-laws, at Mukerian and Hoshiarpur.
6. Although the remuneration received by an employee of a public authority cannot, usually, be treated as personal information as per Section 4 of the RTI Act, 2005, which mandates proactive or *suomotu* disclosure of such information to the public at regular intervals through various means of communication, including the internet. Section 4(1)(b)(x) very clearly includes "the monthly remuneration received by each of its (public authority) officers and employees, including the system of compensation as provided in its (public authority) regulations;" among the categories of information requiring proactive disclosure.
7. However, a number of past judgements and interim orders by superior courts have granted exemption from disclosure of such information in instances where there is a matrimonial dispute between the two contesting parties. In a similar case (Appeal Case No. 1928 / 2016), where the Punjab State Information Commission (PSIC) had directed the concerned public authority to provide the appellant wife information pertaining to the attendance record, salary slip and leave application of her estranged husband, the Punjab & Haryana High Court deemed it prudent to stay the Commission's order of 3.1.17.

The Punjab & Haryana High Court cited an earlier, Delhi High Court judgement (in Writ Petition No. (C) 803209 on 1.7.2009), "*wherein a husband had been denied information sought for by him pertaining to the official record of his wife during pendency of their matrimonial dispute. The Delhi High Court considering the provisions of Section 8(1)(j) of the Right to Information Act and the concept of Public Interest Litigation arrived at the conclusion that the disclosure of personal information would not be in public interest as the litigation was simply a private one.*"

Granting a stay against the PSIC's order (of 3.1.17) in 109 CWP-3831-2017, Rohit Sharma versus Indian Red Cross Society Punjab State Branch and others, the Punjab & Haryana High Court observed: "The information pertaining to the petitioner-husband's service record i.e. the attendance record on a particular date, salary slip and leave application etc. have been directed to be disclosed to respondent No. 3, wife of the petitioner who had earlier lodged an FIR No. 224 of 11.8.2015 under Section 323, 406, 498-A and 506 IPC registered at Police Station Naraingarh, Ambala, against the petitioner."

8. In view of the above and also concurring that the disclosure of Anita Rani's personal service details, including payroll, would not serve any public interest during pendency of her ongoing 'private' litigation with her in-laws and estranged husband. It is also noted here that the appellant Gurmail Singh has not been able to establish any 'public interest' that the information he seeks, could possibly serve.

9. Under the aforesaid circumstances, this Commission deems it prudent that the Appellant Gurmail Singh be **DENIED** the information he sought in his RTI application of 1.2.18.

10. Appearing on behalf of the respondent PIO, Jasbir Kaur, Science Teacher, also informed the Commission that the Government High School, Jandwal, has a website with various kinds of information regarding the school and its activities. The respondent PIO is advised to carefully peruse Section 4 of the RTI Act, 2005, and proactively publish (upload) information listed in Section 4(1)(b)(i to xvii). While doing this, will make the school/public authority compliant with the RTI Act, it would also significantly reduce the need for the public having to resort to the RTI Act to obtain information.

11. There is no further cause for action and this appeal case is herewith **CLOSED**.

Sd/-

(Asit Jolly)

State Information Commissioner

Chandigarh:

11.9.19