

Jagjit Singh  
Aman Nagar,  
Street – 03, Back Side Green Land School,  
Near Jalandhar Bye Pass,  
Ludhiana(Punjab)

....Appellant

V/s

Public Information Officer,  
O/o The District Education Officer (Sec.),  
Ludhiana (Punjab)

First Appellate Authority,  
O/o The Director,  
Public Instructions (Sec.) Pb.,  
Vidhya Bhawan, P.S.E.B. Complex,  
Sector 62, S.A.S. Nagar (Mohali) (Punjab)

...Respondents

### **Appeal Case No. 4192 of 2021**

Present : Sh. Jagjit Singh, the appellant in person.  
i) Sh. Charanjit Singh, District Education Officer (Sec.), Ludhiana ;  
ii) Sh. Jiwan Singh Saroy, Senior Assistant, for the respondent.

#### **ORDER**

Heard through facility of Software/application 'CISCO Webex Meetings'.

The RTI request is dated 11.06.2021. First appeal is dated 11.07.2021. Second appeal has been received in the Commission on 15.09.2021.

On the last date of hearing, held on 11.04.2022 ;

- i) The appellant stated that no information was given to him by the respondent PIO.
- ii) Sh. Jiwan Saroy, Senior Assistant, stated that a reply was given to the appellant vide letter no. 588 dated 11.04.2022, intimating him that information demanded by him (appellant) is 'personal information', appended to which is a judgment, announced by the division bench comprising of Hon'ble Mr. Justice Sh. Radha Krishnan and Hon'ble Mr. Justice Dipak Misra of Hon'ble Supreme Court of India in a Special Leave Petition no. (Civil) 27734 of 2012 holding that 'personal information' as defined under clause (j) of Section 8 (1) of the RTI Act can not be given to the information-seeker.
- iii) Both the parties i. e. the appellant and the respondent PIO were directed to remain present alongwith relevant necessary supporting documents during the proceedings of the instant appeal-case on the date of hearing fixed in the office of State Information Commission, Punjab so that facts of this case could be cleared.

The appellant, Sh. Jagjit Singh, is not present in today's hearing but through telephonic communication, he has intimated the Commission that he is unable to attend today's hearing due to ill-health and requested for an adjournment in this case.

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Sh. Charanjit Singh, District Education Officer (Sec.), Ludhiana, who appeared in person in today's hearing with Sh. Jiwan Singh Saroy, Senior Assistant, state that a reply has already been sent to the appellant vide letter no. 591 dated 12.04.2022. They also submit a reply vide letter dated 12.04.2022 during the proceeding of this case, stating that information demanded by him (appellant) is 'personal information', appended to which is a judgment, announced by the division bench comprising of Hon'ble Mr. Justice Sh. Radha Krishnan and Hon'ble Mr. Justice Dipak Misra of Hon'ble Supreme Court of India in a Special Leave Petition no. (Civil) 27734 of 2012 holding that 'personal information' as defined under clause (j) of Section 8 (1) of the RTI Act can not be given to the information-seeker. It, alongwith annexure, is taken on record.

After examining the documents placed in the case-file, it is found that para 13 of the above-mentioned judgement reads as under :

- 13) *"We are in agreement with the CIC and the courts below that the details called for by the petitioner i. e. copies of all memos issued to the third respondent, show cause notices and orders of censure/punishment etc. are qualified to be personal information as defined in clause (j) of Section 8 (1) of the RTI Act. The performance of an employer/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner can not claim those details as a matter of right."*

Moreover, Section 8 (1) (j) of the RTI Act reads as under :

*"information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:*

*Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person."*

Accordingly, last opportunity is given to the appellant to clear the fact what 'public interest' is involved in the disclosure of information, which has been sought by him through RTI request or the case would be decided on merits.

Both the parties i. e. the appellant and the respondent PIO are directed to remain present during the proceedings of the instant appeal-case on the next date of hearing fixed in the office of State Information Commission, Punjab so that facts of this case could be cleared.

With this, the case is adjourned for 4<sup>th</sup> May, 2022 (Wednesday) at 11:00 A. M. for hearing in Court Room office of State Information Commission, Punjab, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.

Copies of the orders be sent to the parties.

Date :13<sup>th</sup> April, 2022

(Sanjiv Garg)  
State Information Commissioner  
Punjab

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