

PUNJAB STATE INFORMATION COMMISSION

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

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Cisco Webex URL No. 913122670



Sh. Major Khan s/o Sh. Dial Khan,
VPO Hoshiarpur,
Tehsil Kharar, Mohali

....Appellant

Vs

Public Information Officer
o/o Block Development and Panchayats Officer,
Block Majri,
District Mohali.

First Appellate Authority
o/o District Development and Panchayats Officer,
Mini Secretariat, Mohali

....Respondents

Appeal Case No. 1039
(Video Conference Proceedings)

Present:- Sh. Major Khan, appellant at Chandigarh.
Sh. Sukhwinder Singh, Panchayat Secretary at Chandigarh on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 23.6.2020.

2. The appellant states that the respondents are not providing the complete information. However, the representative of the respondents states that he has brought along the information comprising 65 pages. He handed over the same to the appellant during the course of hearing. After going through the same by the appellant, he requests for the adjournment of the case.

3. Accordingly, the appellant is advised to go through the same and point out deficiency, if any, within 10 days from the issues of this order to the respondent-Public Information Officer with a copy to the Commission and the respondent-Public Information Officer is directed to remove the same in case any deficiency is pointed out by the appellant before the next date of hearing.

4. To come up on 14.9.2020 at 12.30 P.M. at Chandigarh.

Dated:14.8.2020

Sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Jaswinder Singh,
H.No. 903, Phase 10,
Mohali

....Appellant

Vs

Public Information Officer,
o/o Registrar,
Punjab and Haryana High Court,
Sector 1, Chandigarh.

First Appellate Authority
o/o Registrar,
Punjab and Haryana High Court,
Sector 1, Chandigarh.

....Respondents

Appeal Case No. 1041 of 2020

(Ciswo Webex Proceedings)

Present:- Sh. Jaswinder Singh, appellant.
Sh. Satish Kumar Wig, Joint Registrar (C.O.)-cum-Public Information Officer, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 23.6.2020 vide which the last opportunity was granted to the appellant to establish the larger public interest and the case was adjourned to 15.7.2020 but due to administrative reasons the case was adjourned for today i.e. 14.8.2020.

2. The facts of the case are that the appellant has sought the following information from the Public Information Officer vide his RTI request dated 23.11.2019:-

- (1) Kindly provide copy of chargesheet of Sh Darshan Singh Malwai, ADJ, Labour Court, Amritsar who was forcibly premature retired on 8.5.2009.
- (2) On what ground he was given retirement. Whether any enquiry was conducted against him at the time of retirement from service, if yes, then, provide the copy of that enquiry.
- (3) Whether he was suspended during his service, if yes, then kindly provide me information qua the period of suspension.
- (4) Kindly provide the copy of Hon'ble Punjab and Haryana High Court by which the above said officer was premature retired.

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Appeal Case No. 1041 of 2020

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3. The Public Information Officer o/o The High Court of Punjab and Haryana at Chandigarh declined the request of the appellant on 28.11.2019 under Section 8(1)(j) of the RTI Act. While declining the request of the appellant, the Public Information Officer also mentioned the judgement pronounced by Hon 'ble Supreme Court of India in 'Girish Ramchandra Deshpande v/s Cen. Information Commr. & ors' (2013) 1 SCC 212, holding as under:-

"The performance of an employee/officer in an organisation 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 could cause unwarranted invasion of the 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 cannot claim those details as a matter of right".

Aggrieved with the decision of the Public Information Officer the appellant preferred the 1st appeal with the First Appellate Authority.

4. The first appellate authority decided/dissmissed the 1st appeal on 24.1.2020 by relying/mentioning upon the law cases and considered the RTI application on the following grounds:-

The issue, whether or not personal details of third party could be provided to an applicant under RTI Act, has duly been deliberated upon by Hon'ble Apex Court in SLP (Civil) No. 27734 of 2012 titled as "Girish Ramchandra Deshpande Vs Central Information Commissioner & ors" in which the Hon'ble Apex Court has made the following observations to tackle this issue:-

"12. The petitioner herein sought for copies of all memos, show cause notices and censure/punishment awarded to the third respondent from his employer and also details viz. Moveable and immovable properties and also the details of his investments, lending and borrowing from Banks and other financial institutions. Further, he has also

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sought for the details of gifts stated to have accepted by the third respondent, his family members and friends and relatives at the marriage of his son. The information mostly sought for finds a place in the income tax returns of the third respondent. The question that has come up for consideration is whether the above mentioned information sought for qualifies to be "personal information" as defined in clause (j) of Section 8(1) of the RTI Act.

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 notice 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 employee/officer in an organisation 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 or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right."*

The first appellate authority also made a reference of the decision given by the Central Information Commission titled as 'Mrs. P.M. Singh Vs. CPIO, Delhi High Court' Case No. CIC/VS/A/2015/003402 dated 25.7.2016 in which the appellant has sought copy of complaint, final decision and details of consideration process of the complaint. The Central Information Commission while relying upon the law laid down in "Girish Ramchandra Deshpande Vs. Central Information Commissioner & ors" dismissed the appeal with the observations that since appellant is seeking third party information, the same cannot be provided to him.

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In addition the first appellate authority has also considered a judgement of Hon'ble Supreme Court of India Viz. Civil Appeal No. 10044 of 2010 titled as "Central Public Information Officer, Supreme Court of India Versus Subhash Chandra Agarwal" with Civil Appeal No. 10045 of 2010 and 2683 of 2010 and stated that the subject matter and findings of the said judgement is not relevant to this point.

5. Aggrieved with the decision of the Public Information Officer and First Appellate Authority, the appellant preferred the second appeal on 6.3.2020 under Section 19 of the RTI Act and a notice of hearing was issued to the parties for 23.6.2020 and the case was heard through video conference facility.

6. During the hearing on 23.6.2020, the appellant stated that nothing has been supplied by the respondent-Public Information Officer as per his RTI request. He further stated that he has brought the written submissions regarding public interest involved in seeking the information along with him. He further requested that the respondents be directed to supply the complete information. Since, the appellant has brought the written submissions/public interest in seeking the information along with him, he was advised to send the same through email/whatsapp number provided to him, during the course of hearing.

The representative of the respondents submitted the letter No. 414/Public Information Officer/HC dated 10.6.2020 along the submissions, which is reproduced below:-

"1. That the appellant had sought information on four points in respect of one retired Additional District & Sessions Judge Shri Darshan Singh under the Right to Information Act, 2005 (hereinafter referred as the Act) vide his application dated nil received on 26.11.2019.

2. That in response to above said application filed by the appellant, vide this office letter No. 1566/Public Information Officer/HC dated 28.11.2019, the information was declined in view of the provisions of Section 8(1)(j) of the Act and in view of the judgement of Hon'ble Apex Court in 'Girish Ramchandra Deshpande', in Special Leave Petition (Civil) No. 27734 of 2012 and in view of the judgement dated 31.8.2017 passed by Hon'ble Supreme Court of India in Civil Appeal No. 22 of 2009 titled as 'Canara Bank Vs C.S. Shyam and anr'".

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The representative of the respondents stated that the disclosure of the information as sought by the appellant is not in the larger public interest. Furthermore the representative of the respondents stated that the appellate authority has already dismissed the appeal being devoid of merit as the appellant has failed to explain as to how disclosure of such information would serve any public interest.

The appellant sent the documents through whatsapp at around 3.00 P.M. to the office but since one of the documents was not readable, the appellant was again requested by the office to resend the same. At 4.00 P.M. the appellant came to the office and handed over the following documents:-

1. Letter No. 632 dated 10.12.2019 written by Public Information Officer Industrial Tribunal, Amritsar to Sh. Jaswinder Singh vide which the retirement order of Sh. Darshan Singh Malwai, Addl District and Sessions Judge bearing No. 15300 Gaz.11(3) dated 16.5.2009 and Gaz. Notification No. 1/29/09-03 Judl.(1)1465 dated 8.5.2009 has been sent to the appellant.
2. Copy of letter No. 15300/Gaz.II(3) dated 16.5.2009.
3. Copy of Gaz. Notification No. 1/29/09-03 Judl.(1)1465 dated 8.5.2009
4. Judgement of Hon'ble Supreme Court of India in Civil Appeal No. 10044 of 2010 date of decision 13.11.2019, Central Public Information Officer, Supreme Court of India Vs Subhash Chandra Agarwal.

On perusal of the above documents submitted by the appellant, in view of the Commission, the appellant has not been able to establish the larger public interest. However, a last opportunity was granted to the appellant to submit the same before the next date of hearing for the consideration of the Commission. Email received from the respondents was also sent along with the order of the Commission dated 23.6.2020 for the submissions of the appellant, if any, to take the matter to its logical end and the case was adjourned to 15.7.2020 but due to administrative reasons the case could not be heard and further adjourned to 14.8.2020.

7. Today, i.e. 14.8.2020, the representative of the respondents states that the request of

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the appellant was rejected primarily on the grounds that he has sought the information personal in nature which is prohibited under Section 8(1)(j) of the RTI Act relying upon the judgement pronounced by the Hon'ble Supreme Court of India in "Girish Ramchandra Deshpande Vs/ Central Information Commission. Furthermore, the representative of the respondents states that in the said judgement it has also mentioned that in case 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 cannot claim those details as a matter of right. In addition, he states that the appellant is unable to satisfy the Public Information Officer/First Appellate Authority, therefore, the RTI request of the appellant was rejected. The representative of the respondents further requests the Commission that the case may be closed as no larger public interest has been established by the appellant so far. The appellant states that the directions may be issued to the respondents to supply the information as per his RTI request. The appellant has neither submitted his reply in accordance with the orders of the Commission dated 23.6.2020 nor he made any submissions in respect of larger public interest as has been committed by him during the hearing on 23.6.2020.

8. After hearing both the parties and going through the record available on the case file, it is revealed that the appellant-Shri Jaswinder Singh neither established the larger public interest involved in seeking the information nor any written/oral submissions have been brought to the notice of the Commission which justifies his claim in seeking the information. The Commission observes this issue as an individual and no public activity is involved as such. It is also observed that the above said judgment cited by the appellant & submissions of the other documents are not applicable to the facts of the instant case.

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Hence, the Commission is of the view that no information is to be provided to the appellant in considering the decision given by the Central Information Commission in 'Mrs. P.M. Singh Vs. CPIO, Delhi High Court' Case No. CIC/VS/A/2015/003402 and, Hon'ble Supreme Court of India in Girish Ramchandra Deshpande vs. Central Information Commissioner & ors, referred to above, in which it is clear that if no larger public interest is involved, no information is to be provided. In this case, no public interest is established by the appellant. In the interest of justice, no information is to be provided to the appellant. Hence, the instant case is **disposed of** and **closed**.

Sd/

Dated: 14.8.2020

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Harnam Dass,
House No. 3165 D,
Sector- 40, Chandigarh.

.....Appellant

Vs

Public Information Officer,
Block Development and Panchayat Officer,
Nadala, Kapurthala.

First Appellate Authority,
District Development and Panchayat Officer,
Kapurthala.

.....Respondent

Appeal Cases No. 2535, 2538, 2539 and 2540 of 2019 **(Video Conference Proceedings)**

Present:- Sh. Ranjit Singh, on behalf of the appellant at Chandigarh.
Sh. Harjinder Singh Sandhu, District Development and Panchayats Officer, Sh. Paramjit Singh, Block Development and Panchayats Officer, and Sh. Yousif Masih, Panchayat Secretary, on behalf of the respondents through Video Conference Facility.

ORDER

The above titled cases were disposed of and closed on 6.3.2020 due to non appearance of the appellant but a liberty was granted to the appellant to approach the Commission within 15 days in case he wants to pursue the case. In view of the Commission's orders, the appellant requested the Commission on 20.4.2020 to re-hear the above said cases and the Commission decided to re-hear the same. Accordingly, the notice was issued to both the parties for today i.e. 14.8.2020.

2. The respondent-Public Information Officer states that the complete information has been provided to the appellant whereas the appellant states that he has not received the same and there are ambiguities in the information so provided by the respondents. However, the representative of the respondents states that the appellant may inspect the record and after inspection the documents will be supplied, if so desired by the appellant pertaining to the RTI application(s) and the appellant agrees with the same. With the mutual understanding of both the parties the date of inspection has been fixed as 31.8.2020 at 11.30 A.M. in the office of the District Development and Panchayats Officer, Kapurthala.

3. After hearing both the parties, the respondents are directed to make available the record for inspection on the said date and time and supply the documents pertaining to the RTI application, if so desired by the appellant. Also the appellant is advised to visit the office of the

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Appeal Cases No. 2535, 2538, 2539 and 2540 of 2019

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District Development and Panchayats Officer for inspection. The respondents are also directed to send a compliance report after inspection of the appellant to the Commission.

4. To come up on 7.9.2020 at 12.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Kapurthala.

Dated:14.8.2020

sd

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Sh. Harjinder Singh,
District Development and Panchayats Officer
District Administrative Complex,
Kapurthala

Registered

Sh. Paramjit Singh
Block Development and Panchayats Officer,
Block Nadala,
Kapurthala

Registered

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Sh. Gurjit Singh
Village Behbal Kalan,
Tehsil Jaiton,
District Faridkot.

....Appellant

Vs

Public Information Officer
o/o Block Development and Panchayats Officer,
Jaito, District Faridkot.

First Appellate Authority
o/o District Development and Panchayats Officer,
Mini Secretariat,
Faridkot.

..Respondents

Appeal Case No. 1259 of 2020
(Video Conference Proceedings)

Present:- Sh. Gurjit Singh, appellant.

Sh. Chetan Singh Supdt 8872582100 o/o Block Development and Panchayats
Officer, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 23.6.2020 vide which the case was adjourned to 15.7.2020 but due to administrative reasons the case could not be heard and postponed to 14.8.2020.

2. The representative of the respondents states that the action taken as has been sought by the appellant has been sent to the Commission through email bearing No. 781-82 dated 19.5.2020, which is taken on record, with a copy to the appellant. The copy of the same has been handed over to the appellant during the course of hearing. After going through the same, the appellant shows his satisfaction over the provided information. **The copy of the said letter is also attached with this order.**

3. As per the satisfaction of the appellant, no more cause of action is left in this case, hence, the case is disposed of and closed.

Sd/

Dated:14.8.2020

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Ranjit Singh,
63, Phase-3B-1, SAS Nagar,
Mohali.

.....Appellant

Vs

Public Information Officer,
Block Development and Panchayat Officer,
Block Nadala, Distt: Kapurthala.

First Appellate Authority,
District Development and Panchayat Officer,
Kapurthala.

.....Respondent

Appeal Case No. 2536 of 2019

Present:- Sh. Ranjit Singh, appellant at Chandigarh.
Sh. Harjinder Singh Sandhu, District Development and Panchayats Officer, Sh.
Paramjit Singh, Block Development and Panchayats Officer, and Sh. Yousif Masih,
Panchayat Secretary, on behalf of the respondents through Video Conference
Facility.

ORDER

The above titled cases were disposed of and closed on 6.3.2020 due to non appearance of the appellant but a liberty was granted to the appellant to approach the Commission within 15 days in case he wants to pursue the case. In view of the Commission's orders, the appellant requested the Commission on 20.4.2020 to re-hear the above said cases and the Commission decided to re-hear the same. Accordingly, the notice was issued to both the parties for today i.e. 14.8.2020.

2. The respondent-Public Information Officer states that the complete information has been provided to the appellant whereas the appellant states that he has not received the same and there are ambiguities in the information so provided by the respondents. However, the representative of the respondents states that the appellant may inspect the record and after inspection the documents will be supplied, if so desired by the appellant pertaining to the RTI application(s) and the appellant agrees with the same. With the mutual understanding of both the parties the date of inspection has been fixed as 31.8.2020 at 11.30 A.M. in the office of the District Development and Panchayats Officer, Kapurthala.

3. After hearing both the parties, the respondents are directed to make available the record for inspection on the said date and time and supply the documents pertaining to the RTI application, if so desired by the appellant. Also the appellant is advised to visit the office of the

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Appeal Case No. 2536 of 2019

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District Development and Panchayats Officer for inspection. The respondents are also directed to send a compliance report after inspection of the appellant to the Commission.

4. To come up on 7.9.2020 at 12.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Kapurthala.

Dated:14.8.2020

Sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

Sh. Harjinder Singh,
District Development and Panchayats Officer
District Administrative Complex,
Kapurthala

Registered

Sh. Paramjit Singh
Block Development and Panchayats Officer,
Block Nadala,
Kapurthala

Registered

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Sh. Ranjit Singh,
63, Phase-3B-1, SAS Nagar,
Mohali.

.....Appellant

Vs

Public Information Officer,
Block Development and Panchayat Officer,
Block Nadala, Distt: Kapurthala.

First Appellate Authority,
District Development and Panchayat Officer,
Kapurthala.

.....Respondent

Appeal Case No. 2555 of 2019

Present:- Sh. Ranjit Singh, appellant at Chandigarh.
Sh. Harjinder Singh Sandhu, District Development and Panchayats Officer, Sh.
Paramjit Singh, Block Development and Panchayats Officer, and Sh. Yousif Masih,
Panchayat Secretary, on behalf of the respondents through Video Conference
Facility.

ORDER

The above titled cases were disposed of and closed on 6.3.2020 due to non appearance of the appellant but a liberty was granted to the appellant to approach the Commission within 15 days in case he wants to pursue the case. In view of the Commission's orders, the appellant requested the Commission on 20.4.2020 to re-hear the above said cases and the Commission decided to re-hear the same. Accordingly, the notice was issued to both the parties for today i.e. 14.8.2020.

2. The respondent-Public Information Officer states that the complete information has been provided to the appellant whereas the appellant states that he has not received the same and there are ambiguities in the information so provided by the respondents. However, the representative of the respondents states that the appellant may inspect the record and after inspection the documents will be supplied, if so desired by the appellant pertaining to the RTI application(s) and the appellant agrees with the same. With the mutual understanding of both the parties the date of inspection has been fixed as 31.8.2020 at 11.30 A.M. in the office of the District Development and Panchayats Officer, Kapurthala.

3. After hearing both the parties, the respondents are directed to make available the record for inspection on the said date and time and supply the documents pertaining to the RTI application, if so desired by the appellant. Also the appellant is advised to visit the office of the

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Appeal Case No. 2555 of 2019

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District Development and Panchayats Officer for inspection. The respondents are also directed to send a compliance report after inspection of the appellant to the Commission.

4. To come up on 7.9.2020 at 12.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Kapurthala.

Dated:14.8.2020

Sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

Sh. Harjinder Singh,
District Development and Panchayats Officer
District Administrative Complex,
Kapurthala

Registered

Sh. Paramjit Singh
Block Development and Panchayats Officer,
Block Nadala,
Kapurthala

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Sh. Ranjit Singh,
63, Phase-3B-1, SAS Nagar,
Mohali.

.....Appellant

Vs

Public Information Officer,
Block Development and Panchayat Officer,
Block Nadala, Distt: Kapurthala.

First Appellate Authority,
District Development and Panchayat Officer,
Kapurthala.

.....Respondent

Appeal Case No. 2537 of 2019

Present:- Sh. Ranjit Singh, appellant at Chandigarh.
Sh. Harjinder Singh Sandhu, District Development and Panchayats Officer, Sh.
Paramjit Singh, Block Development and Panchayats Officer, and Sh. Yousif Masih,
Panchayat Secretary, on behalf of the respondents through Video Conference
Facility.

ORDER

The above titled cases were disposed of and closed on 6.3.2020 due to non appearance of the appellant but a liberty was granted to the appellant to approach the Commission within 15 days in case he wants to pursue the case. In view of the Commission's orders, the appellant requested the Commission on 20.4.2020 to re-hear the above said cases and the Commission decided to re-hear the same. Accordingly, the notice was issued to both the parties for today i.e. 14.8.2020.

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-2-

District Development and Panchayats Officer for inspection. The respondents are also directed to send a compliance report after inspection of the appellant to the Commission.

4. To come up on 7.9.2020 at 12.30 P.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Kapurthala.

Sd/

Dated:14.8.2020

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Sh. Harjinder Singh,
District Development and Panchayats Officer
District Administrative Complex,
Kapurthala

Registered

Sh. Paramjit Singh
Block Development and Panchayats Officer,
Block Nadala,
Kapurthala

Registered