



Smt. Harwinder Kaur,  
PUNCOM, Department Production,  
B-91, Phase VII, Industrial Area,  
Mohali - 160071

...Appellant

Versus

**Public Information Officer,**  
O/o Punjab Communications Ltd,  
B-91, Phase VII, Industrial Area,  
Mohali - 160071

**First Appellate Authority**  
O/o Punjab Communications Ltd,  
B-91, Phase VII, Industrial Area,  
Mohali - 160071

...Respondents

**APPEAL CASE NO. 4996 OF 2021**

**PRESENT:** Ms.HarwinderKaur, the appellant  
Sh. J. S. Bhatia, CFO and Sh. Tarun Jaitly, PIO for the Respondent

**ORDER:**

The appellant, through an RTI application dated 02.08.2021, has sought 7-point information i.e. company rules/standing order of Punjab Communications Ltd, Mohali, criteria and eligibility for getting superannuation allowance, date of introduction for superannuation allowance scheme, number of details of employees covered under this scheme, number of employees claimed the superannuation benefit with the amount paid under the scheme and other information as enumerated in the RTI application concerning the office of Punjab Communications Limited, Mohali. The appellant, dissatisfied with the denial of the information by the PIO, filed the first appeal before the First Appellate Authority on 13.09.2021, which upheld the PIO's view, post which the appellant filed a 2<sup>nd</sup> appeal in the Commission.

As per the record on the file, the PIO has refused the sought information to the appellant under section 8(e) of the RTI Act vide, terming it as a Fiduciary relationship through a letter dated 07.09.2021.

As per the record, the first appellate authority upheld the decision of the PIO vide letter dated 13.09.2021, stating that the RTI pertains to the internal rules of the company and therefore not liable to be disclosed in the public interest under Section 8(e) of the RTI Act 2005.

**Decision-**

The Commission observes that the appellant has been wrongfully denied the information, as the sought information does not fall under a Fiduciary relationship. The information sought is about rules, etc, whereas, a fiduciary relationship is a relation of trust between the fiduciary and beneficiary under which one party relies on the judgement and opinion of the other.

Given the facts above, the decision of the first Appellate Authority (13.09.2021) is overruled and the PIO is directed to provide the information immediately.

Prima facie, during the course of the hearing it has been observed that the sought information has been refused by the PIO at the instance of senior-level officers. Keeping this observation in mind, the Chief Finance Officer, J. S. Bhatia was impleaded as Respondent No.2, under section 5(5) with the direction to supply the information to the appellant within 15 days from the date the decision was pronounced in the open court. The Bench further directed J. S. Bhatia, Chief Finance Officer, to be present personally on the next date of hearing alongwith a set of information supplied to the appellant and non-compliance of the order of the Commission shall attract penal proceedings under section 20 of the RTI Act 2005.

**Hearing dated 18.08.2022:**

The case has come up for hearing today.

The respondent present has brought the point-wise information in the court.

The Commission directs the respondent to hand over the information to the appellant.

As per the appellant the PIO has not supplied the information of point 4 and 7 of the RTI application.

**Decision :**

- a) The information of point-4 to be provided.
- b) Regarding point-7, the PIO has no authority to deny the information once the Commission has ordered to provide the information.
- c) In order to ensure that purpose of seeking information by the appellant is not defeated, I am marking the case to the Principal Secretary to Govt. of Punjab, Department of Industries & Commerce, Punjab, Udyog Bhawan, Sector 17, Chandigarh, to look into the matter and reconcile points-4 & 7 of the RTI application and release the list of the employees (Point-4) who might not be aware about their financial dues regarding the Superannuation Scheme of the PUNCOM. The Commission directs that this information along with the proceedings of the sought BOD meeting be provided to the appellant within 15 days, with a copy to the Commission.

The case is **disposed of and closed**.

**Chandigarh**  
**Dated : 18.08.2022**

**Sd/-**  
**(Khushwant Singh)**  
**State Information Commission**

Copy by Regd. Post to :

**The Principal Secretary to Govt. of Punjab**  
**Department of Industries and Commerce,**  
**Udyog Bhawan, Sector 17,**  
**Chandigarh.**