

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



REGISTERED FINAL ORDER

Rajinder Kumar Sharma,
VPO Raisar,
Tehsil & Distt. Barnala.

Versus

Public Information Officer,
o/o Chief Conservator of Forest,
Punjab, Mohali.
First Appellate Authority,
o/o Additional Chief Secretary,
Department of Forest and Wildlife Preservation,
Mini Secretariat, Sector-9,
Punjab, Chandigarh.

Appeal Case No. 4128 of 2021 (Video Conference Proceedings)

DATE OF HEARING: 25.5.2022

PRESENT:

(Appellant) Absent

(Respondent) Absent

ORDER:

(To be read in continuity with earlier orders on 11.3.2022)

1. The RTI application is dated **16.3.2021** vide which the appellant has sought information **regarding Order No. 56 dated 23.11.2019 by the Chief Forest Officer in Four points**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **16.6.2021** and Second Appeal was filed in the Commission on **10.9.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard on **11.3.2022**.

2. Both parties are absent. As directed at the last hearing on 11.3.2022, the respondent PIO has submitted the requested information by way of two copies of the enquiry report cited in the RTI application, to the Commission vide Letter No. 12440 Dated 15.3.2022.

3. The Commission has carefully examined said report, which is based on a departmental inquiry concerning alleged FCA violations by some employees of the Forest Department. The report comprises an internal inquest by the department, which constitutes a matter between the public authority in this instance and some of its employees. This eminently qualifies for exemption as "personal information" as per Section 8(1)(j) of the RTI Act.

4. In *Girish Ramchandra Deshpande Vs Central Information Commr. & Ors, Special Leave Petition (Civil) No. 27734 of 2012*, the Hon'ble Supreme Court of India is succinct in its Judgement dated 3.10.2012. The operative portion of the Judgement is as under:

Contd. ...2

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"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 employee/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 cannot claim those details as a matter of right.

5. Furthermore, in his reply to this Commission's Show Cause Notice, vide Letter No. 11562 dated 2.3.2022, the respondent PIO has cited the following Decision of the Supreme Court of India, as communicated vide the Department of Governance Reforms & Public Grievances Letter No. 4/5/2021-4GR1/1/225467/2021 dated 9.8.2021. In *Civil Appeal No. 10044 of 2010 titled in Central Public Information Officer, Supreme Court of India vs Subhash Chandra Agarwal (Judgement dated 13.11.2019)*, the Hon'ble Court has decreed as under:

"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, lending 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."

6. Although the appellant contends that the inquiry report sought in his RTI application pertains to issues of larger public interest, he has not presented anything of any substance to establish said contention, that the information is being requested would serve to further larger public interest.

7. In view of the above, this appeal is hereby **Dismissed**. The copies of the Inquiry Report submitted by the respondent PIO to be returned to him via registered post.

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
Monday, May 30, 2022

Encl: A copy of inquiry report which was sent to the Commission.