

Chanderdeep Maggu, Advocate,
Chamber No. 172, Block – C,
District Court Complex,
Fazilka (Punjab)

....Appellant

V/s

Public Information Officer,
O/o The District Education Officer(Primary),
Ferozepur (Punjab)

First Appellate Authority,
O/o The Director General,
School Education,
Punjab School Education Board,
Vidhya Bhawan, P.S.E.B. Complex,
Block-E, 5th Floor, Phase – VIII,
Sector 62, S.A.S. Nagar (Mohali) (Punjab)

...Respondents

Appeal Case No. 2674 of 2021

Present : Sh. Chanderdeep Maggu, Advocate, the appellant in person.
i) Sh. Sukhwinder Singh, Deputy District Education Officer(Elem.), Ferozepur ;
ii) Sh. Rajesh Monga, Junior Assistant, Block Primary Education Officer,
GurHarsahai on behalf of the respondent.

ORDER

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

The RTI request is dated 25.03.2021. First appeal is dated 26.04.2021. Second appeal has been received in the Commission on 08.06.2021.

Sh. Sukhwinder Singh, Deputy District Education Officer(Elem.), Ferozepur, who appeared in person in today's hearing, states that information demanded through RTI request relates with office of Block Primary Education Officer, GurHarsahai and vide letter dated 24.02.2021, the RTI request has been transferred to that office.

Sh. Rajesh Monga, Junior Assistant of office of Block Primary Education Officer, GurHarsahai, who appeared in today's hearing, states that information demanded through RTI request is 'third party' information and Sh. Manjit Singh, Teacher(regarding whom the information is sought) who is posted in Primary School Tillu Arraiyan Guru Har Sahai, Block -2, has refused to supply any kind of his information to anyone. He also states that the appellant has been duly informed about this fact vide letter dated 18.05.2021. Copies of the same are taken on record.

The respondent through a reply vide letter no. 286428 dated 24.08.2021 signed by Nodal Officer(RTI), Director General, School Education, Punjab, which has been received in the Commission vide Diary No. 19128 dated 26.08.2021, has intimated the Commission that a reply has already been sent to the appellant. It is taken on record.

During the hearing when the appellant, Sh. Chanderdeep Maggu, Advocate was asked that what public interest is involved in the disclosure of information, which has been sought by him through RTI request, he could not come with satisfactory answer.

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Moreover, through Para 59 of Decision dated 13.11.2019, the Hon'ble Supreme Court of India, in Civil Appeal no. 10044 of 2010 titled Central Public Information Officer, Supreme Court of India Vs. Subash Chander Agarwal, has defined 'Personal Information' under RTI Act, 2005 and the relevant operative part of the Judgment is reproduced below ;

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"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, detail 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 invasion 'Larger Public Interest' is satisfied. This list is indicative and not exhaustive."

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After hearing both the parties and examining the documents placed in the case-file, it is found that information sought for by the appellant through his RTI request is 'personal information' in nature and during the hearing when the appellant was asked that what public interest is involved in the disclosure of information, she has also failed to disclose the fact that what public interest involved in the disclosure of information in the instant appeal-case. Moreover, under clause (j) of Section 8 (1) of the RTI Act 'personal information' can not be given to the information-seeker where the information-seeker failed to establish the fact that the information sought for by him is in larger public interest, hence, the above-mentioned appeal is not maintainable and announced as dismissed.

Copies of the orders be sent to the parties.

Date : 27th September, 2021

(Sanjiv Garg)
State Information Commissioner
Punjab

Note : Install → CISCO WEBEX Meetings → Click on Join Meeting → Enter Meeting Code ID No. i. e. is '1589136034'

Ramandeep Singh Ahluwalia,
Ward No 18, St. No -2,
Kartar Nagar, Amloh Road,
Khanna-141401,
Distt. - Ludhiana (Punjab)

...Appellant

V/s.

Public Information Officer,
O/o The Executive Officer ,
Municipal Council, Amloh Road,
Khanna-141401,
Distt. - Ludhiana (Punjab)

First Appellate Authority,
O/o The Regional Deputy Director,
Urban Local Govt., 1st Floor, Mini Sectt.,
Ferozepur Road, Ludhiana (Punjab)

...Respondents

Appeal Case No. 769 of 2018

Present : Sh. Ramandeep Singh Ahluwalia, the appellant in person.
Sh. Rajesh Rehni, Assistant Municipal Engineer, on behalf of the respondent.

ORDER

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

The RTI request is dated 28.08.2017. First appeal is dated 27.10.2017. Second appeal has been received in the Commission on 17.02.2018.

On the last date of hearing, held on 12.07.2021,

- i) The appellant stated that information at point no. 05 of the RTI request is pending.
- ii) Sh. Harmel Singh, Junior Engineer, stated that the concerned official was transferred to the office of Executive Officer, Nagar Council, Roonagar and now came back from Roopnagar to Khanna and requested for another date in the instant appeal-case.
- iii) The appellant was advised to visit the office of the respondent PIO on 14.07.2021 at 11:00 A. M. to collect the remaining information at point no. 05 of the RTI request.
- iv) The respondent PIO concerned was directed to supply the remaining information to the appellant, during his visit to office on 14.07.2021 at 11:00 A. M.
- v) An opportunity was also given to the appellant to point out deficiencies, if any, in the information, which would be supplied to him, in writing, to the respondent PIO well in time so that the same could be removed by the respondent concerned.

The appellant, Sh. Ramandeep Singh Ahluwalia, who appeared in person in today's hearing, states that he has sent a letter dated 25.09.2021 through an e-mail dated 27.09.2021 to the Commission, through which he withdraws from visiting the office of the public authority again and again and under protest withdraws the RTI application without receiving the deficient information with the remarks that the fresh RTI application would be filed for the information which has not been supplied despite of many attempts of visiting the subjected public authority.

Sh. Rajesh Rehni, Assistant Municipal Engineer, who appeared on behalf of the respondent PIO in today's hearing, states that the appellant has visited the office on 14.08.2021 to collect the remaining information at point no. 05 of the RTI request and the same (remaining information) has been supplied to him vide letter no. 2841-42 dated 14.07.2021. On that reply, the appellant has put his signatures on 14.07.2021 as an acknowledgement of having received the requisite information with the remarks that he is satisfied and the case be closed. He further confirmed that the signatures put by the appellant on 14.07.2021 is done by the appellant (Ramandeep Singh Ahluwalia) himself. He also intimates the Commission that a copy of the reply has also been sent to the Commission, which has been received in the Commission through an e-mail. It is taken on record.

Since complete information has been supplied by the respondent PIO and the appellant has also acknowledged on 14.07.2021 that he has received the required information and has also given his consent to close the case and now through a letter dated 25.09.2021, he is stating that he has not received complete information, which is contradictory to his above-said statement (acknowledgement of having received the required information), which is not acceptable.

As no cognizance is required to be taken in the instant appeal-case, hence, the case is announced as disposed of and closed.

Copies of the orders be sent to the parties.

Date : 27th September, 2021

(Sanjiv Garg)
State Information Commissioner
Punjab

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