

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



FINAL ORDER

Rajinder Kumar

s/o Mehar Chand,

Ward No. 2, Supreme Enclave,

Near Vishwakarma Bhavan,

Link Road, Mansa

Versus

Public Information Officer

o/o Chief Director Vigilance Bureau

Sector 68, SAS Nagar (Mohali)

First Appellate Authority

Inspector General of Police (Crime)

Punjab Police Headquarters, Sector 9, Chandigarh

Appeal Case No. 4242 of 2019

ORDER:

(To be read in continuity with earlier Orders on 29.1.2020 and 31.7.2020)

1. This RTI application is dated 22.11.18 vide which the appellant has sought information **pertaining to the action taken on the Home Department Press-2 Branch Memo No. 04/23/17-2 dated 7.10.18 vide his reply sent to the DGP**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) and Second Appeal was filed to the Commission on 15.11.19 under Section 19 of the Right to Information Act, 2005. This case was last heard on 31.7.2020.

2. At that hearing, the respondent PIO, represented via video conferencing by Sub Inspector Rakesh Kumar contended that the information sought by the appellant was exempt from disclosure under Section 8(1)(h) of the RTI Act, 2005, since the matter pertained to an FIR whereing a chargesheet has already been filed against the appellant. It was also contended that disclosure of the requested information would hamper the prosecution against the appellant. This contention was reiterated in a subsequent communication – Letter No 916-RTI dated 29.7.2020, which was received in the Commission on 7.8.2020. The same was earlier communicated to the appellant vide Letter No 47643 dated 21.10.2019.

3. Furthermore, as pointed out by the respondents, the denial of precisely the same information/subject matter vide an Order (dated 30.10.2018) of the Punjab State Information Commission, has already been upheld by the Punjab & Haryana High Court. In his decision handed down on 10.1.2019, Hon'ble Mr. Justice Augustine George Masih upheld the PSIC's Order rejecting the appellant Rajinder Kumar's appeal against the PIO's decision denying the information.

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Appeal Case No. 4242 of 2019

4. Following from the above, it is this Commission's considered view that the respondent PIO acted correctly in denying the requested information under Section 8(1)(h) of the RTI Act, 2005. The present appeal is herewith **DISMISSED**.

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
28.6.2021

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FINAL ORDER

Krishan Kumar Singla,

195/2, Sector-45-A,

Chandigarh

Versus

Public Information Officer,

o/o Finance Department, (Finance Expenditure Branch 6),

Punjab Civil Secretariat-1, Chandigarh.

First Appellate Authority,

o/o Finance Department, (Finance Expenditure Branch 6),

Punjab Civil, Secretariat-1, Chandigarh.

Appeal Case No. 3370 of 2019

ORDER:

1. The RTI application is dated **16.5.19** vide which the appellant has sought **information pertaining to one woman employee, Palwinder Kaur** as under:

1. Period of posting of Smt Palwinder Kaur, Senior Assistant in the FE-6 branch.
2. Copies of the Attendance Register pertaining to her.
3. Number of working Saturdays and Sundays.
4. Number of days working after office hours.
5. Address of Smt Palwinder Kaur during her posting in the FE-6 branch.
6. House address of Smt Palwinder Kaur as recorded in the FE-6 branch.

First appeal was filed with the First Appellate Authority (FAA) and Second Appeal was filed in the Commission on **13.9.19** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **14.11.19**. This case was last heard on 14.11.2019.

2. At that hearing, the respondent PIO-Cum-Superintendent Harbans Singh and Amritpal Kaur, Senior Assistant submitted a written reply which included the Order of the FAA dated 17.7.19. They also contended that the information sought by the appellant was voluminous

3. Notably appellant has admitted that he filed this RTI application and subsequent appeals to try and counter sexual harassment charges leveled against him by Palwinder Kaur. about whom he has sought voluminous information. It was revealed that this appellant has filed several RTI applications pertaining seeking all sorts of information about the same woman employee, against whom he admittedly bears a grudge.

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Appeal Case No. 3370 of 2019

4. It has been numerously observed by superior courts as well as by the Central Information Commission and several State Information Commissions including the Punjab State Information Commission, that the RTI Act cannot be allowed to be used as a tool to harass public officials or to settle scores with a particular employee, as in the present instance. This Commission notes with some distress that the appellant, who is himself a government employee, displayed no qualms about admitting this. This Commission also notes that the appellant has neither demonstrated not even made any attempt to demonstrate the larger public interest that disclosure of the information he seeks, would possibly serve.

6. Following from the above, this Commission sets aside the Order issued by FAA-cum-Special Secretary Finance, Garima Singh vide Endst No. TA(S-2-RTI.2005)/1525679/1 dated 17.7.2019. The Commission deems it prudent and appropriate to deny the appellant, the information he has sought in his RTI application of 16.5.19. This appeal case is herewith, disposed of and **CLOSED**.

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
28.6.2021

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FINAL ORDER

Krishan Kumar Singla,
195/2, Sector-45-A, Chandigarh.

Versus

Public Information Officer,
o/o Finance Pension Policy and Coordination Branch,
Punjab Civil, Secretariat-1, Chandigarh.

First Appellate Authority,
o/o Finance Pension Policy and Coordination Branch,
Punjab Civil, Secretariat-1, Chandigarh.

Appeal Case No. 3371 of 2019

ORDER:

1. The RTI application is dated **12.6.19** vide which the appellant has sought **voluminous information pertaining one woman employee Palwinder Kaur, who incidentally had charged him with sexual harassment.** The information he has sought is as under:

1. Date of posting of Smt Palwinder Kaur, Senior Assistant in FPPC branch.
2. Attested copy of branch distribution work.
3. Numbers of letters along with diary number and dates during her posting period.
4. Attested copies of letters received by Smt Palwinder Kaur during her posting in FPPC Branch.
5. How many letters were dealt / not dealt with by Smt Palwinder Kaur in related files.
6. Attested copies of noting and draft of letters dealt with by Smt Palwinder Kaur during her posting.
7. Attested copies of all kinds of leave (EL, CL, Ex-India, Childcare Leave, Half Pay leave, Medical Leave etc.) by her.
8. Attested copy of Daily File Movement register maintained by Smt. Palwinder Kaur during her posting at the FPPC Branch.
9. Attested copy of Charge received by Smt Palwinder Kaur from her predecessor and attested copy of charge given to her successor.
10. Attested copy of Attendance Register from 1.11.2018 to 31.1.2019.

First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **13.9.19** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **14.11.19**. this case was last heard on 14.11.2019.

2. At that hearing, the respondent PIO-cum-Superintendent, Gurpreet Singh and Manpreet Singh, Senior Assistant, submitted that the Internal Complaints Committee, which is probing the sexual harassment charges leveled against the appellant by Palwinder Kaur, had on 6.8.18, stated that the appellant Krishan Kumar Singla could take the information he has requested in his RTI application, through that committee.

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Appeal Case No. 3371 of 2019

3. It was also pointed out that the information sought by the applicant via 11 points of his RTI application, is voluminous and likely to amount to a substantial diversion of government resources.

4. Notably, the appellant, Krishan Kumar Singla, admitted at the hearing, that he filed this RTI application, First Appeal and this Second Appeal, to somehow counter the sexual harassment charges leveled against him by Palwinder Kaur. It has also come to light that this appellant has filed several RTI applications pertaining to the same woman employee.

5. As has been numerously observed by superior courts as well as by the Central Information Commission and several State Information Commissions including the Punjab State Information Commission, the RTI Act cannot be allowed to be used as a tool to harass public officials or to settle scores with a particular employee, as in the present instance. This Commission notes with some distress that the appellant, who is himself a government employee, displayed no qualms about admitting this. This Commission also notes that the appellant has neither demonstrated not even made any attempt to demonstrate the larger public interest that disclosure of the information he seeks, would possibly serve.

6. Following from the above and in concurrence with the respondent PIO and FAA, this Commission deems it prudent and appropriate to deny the appellant, the information he has sought in his RTI application of 12.6.19. This appeal case is herewith, disposed of and **CLOSED**.

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
28.6.2021