



Sh.Naresh Goel, S/o Sh Hans Raj,
501/62/1, Shastri Nagar, Street No-3,
Jagraon, Distt Ludhiana.

... Complainant

Versus

Public Information Officer,
Tehsildar, Village Gill,
Ludhiana.

...Respondent

Complaint Case No. 986 of 2018

Present: Sh.NareshGoel as Complainant
None for the Respondent

Order:

The case was first heard on **27.11.2018**. The respondent was absent. As per complainant, he has not received any communication and information from the PIO. The PIO was directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act and be present personally or through his representative on the next date of hearing.

The case was again heard on **16.01.2019**. The appellant informed that no information has been provided. The respondent was absent. The respondent was given one more opportunity to provide the information to the appellant and be present on the next date of hearing failing which the Commission will be constrained to take action as per RTI Act.

The case was last heard on **13.03.2019**. The appellant claimed that despite order of the Commission, the PIO has not provided the information. The respondent was absent on 3rd consecutive hearing and nor sent any communication whether the PIO had complied with the order of the Commission or not. The PIO-Tehsildar Village Gill, Ludhiana was issued a **show cause notice under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and for not complying with the orders of the Commission and** the PIO was directed to file reply on an affidavit

The PIO-Tehsildar Village Gill, Ludhiana was again directed to provide the information to the appellant within 10 days.

Hearing dated 14.05.2019:

The complainant informed that no information has been provided to him. The respondent is absent and nor has sent any reply to the show cause notice. The PIO is hereby granted one last opportunity to comply with the earlier order of the Commission which still stands and be present on the next date of hearing alongwith the reply to the show cause notice on an affidavit.

The case is adjourned. Both the parties to be present on **03.07.2019 at 11.00 AM** for further hearing.



Sh.Naresh Goel, S/o Sh Hans Raj,
501/62/1, Shastri Nagar, Street No-3,
Jagraon, Distt Ludhiana

... Complainant

Versus

Public Information Officer,
O/o Taluka Inspector of Land Records,
Village Gill-2, Ludhiana.

...Respondent

Complaint Case No. 988 of 2018

Present: Sh.Naresh Goel as Complainant

None for the Respondent

Order:

The case was first heard on **27.11.2018**. The respondent was absent. As per complainant, he had not received any communication and information from the PIO. The PIO was directed to explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act and be present personally or through his representative on the next date of hearing.

The case was last heard on **16.01.2019**. The appellant informed that no information has been provided. The respondent was absent. The respondent was given one more opportunity to provide the information to the appellant and be present on the next date of hearing failing which the Commission will be constrained to take action as per RTI Act.

The case was last heard on **13.03.2019**. The appellant claimed that despite order of the Commission, the PIO has not provided the information. The respondent was absent on 3rd consecutive hearing and nor sent any communication whether the PIO had complied with the order of the Commission or not. The PIO-Taluka Inspector of Land Records, Village Gill-2, Ludhiana was issued a **show cause notice under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time and for not complying with the orders of the Commission** and the PIO was directed to file reply on an affidavit

The PIO-Taluka Inspector of Land Records, Village Gill-2, Ludhiana was again directed to provide the information to the appellant within 10 days.

Hearing dated 14.05.2019:

The complainant informed that no information has been provided to him. The respondent is absent and nor has sent any reply to the show cause notice. The PIO is hereby granted one last opportunity to comply with the earlier order of the Commission which still stands and be present on the next date of hearing alongwith the reply to the show cause notice on an affidavit.

The case is adjourned. Both the parties to be present on **03.07.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 14.05.2019

(Khushwant Singh)
State Information Commissioner



Smt.Narinder Kaur, W/o Lt Sh.Sukhwinder Singh,
R/o VPO SarhaliKalan, Patti Khasi Ki,
Tehsil and Distt Tarn Taran.

... Complainant

Versus

Public Information Officer,
O/oExecutive Engineer,
PSPCL, Division Patti, Patti,
Distt Tarn Taran.

...Respondent

Complaint Case No. 1257of 2018

Present: None for the complainant
Sh.J.S.Jammu, Addl. SE O/o EE PSPCL Patti for the Respondent

ORDER:

The case was last heard on 12.03.2019. The respondent brought the information and handed over to the complainant. The complainant had received the information.

The Commission found that there is an enormous delay in providing the information. The PIO was directed to explain the reasons for not attending to the RTI application within the prescribed time under the RTI Act. and be present personally on the next date of hearing alongwith the reply on an affidavit.

Hearing dated 14.05.2019:

The respondent has not brought any reply regarding delay in providing the information. The PIO is given one more opportunity to file detailed reply on an affidavit for not attending to the RTI application within the time prescribed under the RTI Act and be present personally on the next date of hearing.

To come up on **16.07.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 14.05.2019.

(Khushwant Singh)
State Information Commissioner



Sh Ashok Kumar,
214, Pine Homes, Dhakoli,
Zirakpur

... Appellant

Versus

Public Information Officer,
Chief Administrator, GAMDA,
Sector-62, Mohali.

First Appellate Authority,
Chief Administrator, GAMDA,
Sector-62, Mohali.

...Respondent

Appeal Case No. 2213 of 2018

Present: Sh.Ashok Kumar and Sh.Ramesh Vashisht, advocate for the Appellant
Sh.Gulshan Kumar, PIO GMADA for the Respondent

ORDER:

The case was first heard on **06.09.2018**. The respondent was absent. The appellant stated that the information which has been sent is not as per the correct reference number of his RTI application which was 12.03.2018 but the quoted reference number is 03.04.2018. The appellant has also raised an objection that the information is not certified. He further informed that he is satisfied with the information regarding point No. 2 & 3

The PIO was directed to relook at the RTI application and sort out the discrepancy raised by the appellant and provide the information.

The case was again heard on **16.10.2018**. The respondent sought further time. The PIO was directed to comply with the previous orders of the Commission which still stands and provide the information to the appellant within 20 days. The PIO was also directed to explain the reasons for delay and not tending to the RTI application on an affidavit."

The case again came up for hearing on **28.11.2018**. The respondent present pleaded that the information has been provided to the appellant. The appellant informed that he has not received the information regarding point No.1 which is not is not certified. The respondent was directed to provide certified copies of the information.

Regarding point No.1, the respondent pleaded that the information being third party, cannot be provided since the concerned parties have objected to part with their information. The PIO was directed to invoke appropriate section of the RTI Act if the information sought is being denied and respond to the appellant accordingly.

The case was again heard on **21.01.2019**. The respondent present pleaded that since the information regarding point-1 is third party information, it cannot be provided u/s 11 of the RTI Act. The respondent submitted a list of documents which were submitted by the aspiring stakeholders while making their bids as per the Request for Proposal for setting up a World Class Technology University. The Commission was to go through the list and the case was adjourned to adjudicate the matter on the next date of hearing.

Appeal Case No. 2213 of 2018

The case was last heard on **13.03.2019**. The order is reproduced hereunder:

“The case has come up for hearing today in which point-1 has to be adjudicated. The PIO pleaded that via letters dated 31.10.2018 and letter dated 05.11.2018, the third parties have objected to part with their information. At the last hearing, the PIO had submitted a list of documents that were submitted by the aspiring stakeholders in response to the request for proposal.

Given the above circumstances, the Commission is impleading M/s Reimagining Higher Education Foundation and M/s Ritnand Balved Education Foundation, the concerned third parties in the case with a direction to reply that why should their documents submitted in response to the RFP be not disclosed. Should these third parties have any objection, they are directed to appear before the Commission and plead their cases.”

Hearing dated 14.05.2019:

The case has come up for hearing today, in which Point-1 remains to be adjudicated. That whether the PIO has wrongfully or rightfully denied the information by way of invoking Section 11 of the RTI Act, which deals with the aspect of Third Party Information, and the procedures to assist the PIO to come to the conclusion to part with the information of the Third Party. In this particular case, the PIO had written to the Third Party as per the proviso in Section 11 (1) that whether the Information regarding Point -1 (copies of all requests for proposal alongwith supporting documents received by GMADA from aspiring stakeholders for setting up a World Class Private Technology University in IT City SAS Nagar.) be provided to the information seeker or not after which the third parties, which are two in number, sent their denial stating that the information may not be provided. The PIO pleaded that via letters dated 31.10.2018 and letter dated 05.11.2018, the third parties have objected to part with their information.

During the proceedings of the case, whereas the rest of the information was provided, the commission had directed the PIO GMADA to submit the list of the documents that had been submitted by the aspiring Stake Holders for setting up of a World Class Technology University in Mohali, Punjab. During the course of the hearing the Commission had also issued notices to the two parties to appear before the commission and put for their arguments that why information, as sought in Point 1 be not provided. Both parties have chosen not to avail the opportunity to put forward their defense that why information should not be provided. Since no objection has been put forward, the Commission analyzed the entire list of documents that were submitted by the aspiring stakeholders in response to the request for proposal.

The list has 12 documents under the heads-

- 1) Certificate of incorporation
- 2) Memorandum and Articles of Association
- 3) Documents supporting claim of running an existing recognized university
- 4) Documents supporting financial position to invest such investment
- 5) Documents supporting claim of having relevant experience with promoters
- 6) List of founding members of sponsoring organization
- 7) Profile of each founding member
- 8) Project report reflecting operation plan in next 10 years showing capacity to invest such amount
- 9) Audited balance sheets for last 3 years
- 10) Collaborations with Global universities
- 11) Members of governing body having leadership position in IT/ITES sector
- 12) List of promoters of sponsoring organization

Appeal Case No. 2213 of 2018

Having gone through the entire list, and also keeping the fact in mind that land has already been sanctioned to one of the parties, the commission opines that the disclosure of information Regarding Point 1 cannot cause any harm or injury to the interests of such third party and nor can it lead to any competitive disadvantage nor let out a trade secret. .

Keeping the above in mind, the PIO is directed to provide the information regarding point-1 as per the RTI application and send a compliance report to the Commission.

With the above order, the case is **disposed off and closed**.

Chandigarh
Dated: 14.05.2018.

(Khushwant Singh)
State Information Commissioner

**CC to : 1. M/s Reimagining Higher Education Foundation,
302, Gopal Heights, Netaji Subhash Place,
New Delhi-110034 - M(98723-78623)**

**2.M/s Ritnand Balved Education Foundation,
AKC House, E-27, Defence Colony,
Ring Road, New Delhi-110024**



Mrs Amar Sneh Kaur,
K No-933, Phase-XI, Sector-65,
Mohali

... Appellant

Versus

Public Information Officer,
GMADA, PUDA Bhawan,
Sector-62, Mohali.

First Appellate Authority,
GMADA, PUDA Bhawan,
Sector-62, Mohali.

...Respondent

Appeal Case No. 2444 of 2018

Present: None for the Appellant
Sh.Gulshan Kumar, PIO-GMADA for the Respondent

ORDER: The case was first heard on **29.10.2018**. The respondent was absent without intimation to the Commission. The PIO was directed to provide the information to the appellant within 10 and be present personally or through his representative on the next date of hearing and explain the reasons for not providing the RTI application within the time prescribed under the RTI Act.

The case was again heard on **04.12.2018**. The appellant informed that the information has not been provided by the PIO. The respondent was absent without intimation to the Commission on 2nd consecutive hearing and had not provided the information despite order of the Commission. The Commission took a serious view of this and a **show cause** was issued to the PIO under section 20 of the RTI Act for not complying with the orders of the Commission. The PIO was directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies. The PIO was also directed to provide the information to the appellant within 10 days.

The case again came up for hearing on **23.01.2019**. The representative present on behalf of the appellant informed that the information has not been provided. Sh.Gulshan Kumar, PIO and Sh.Kuldeep Singh, APIO were present. The respondents neither brought any information nor reply to the show cause.

It came to the notice of the Commission that the present PIO had joined on 15.11.2018 and the responsibility for delay in providing the information rests with the previous PIO. The Commission had clearly mentioned in the show cause that if there are other persons responsible for delay in providing the information, the PIO to inform such persons to appear before the Commission alongwith written replies. However, no reply had been filed.

Keeping the above facts of the case in mind, the PIO-GMADA was held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Punjab State Information Commission's orders. A penalty of **Rs.25,000/-** was imposed upon the PIO, GMADA, Punjab.

However, since there were two PIOs involved in the case, the Commission was to ascertain and fix the responsibility of the PIO involved in the dereliction of duty in attending to

the RTI application at the next date of hearing. The Commission directed both the PIOs (Present and earlier)to be present at the next date of hearing with complete detail of the posting dates of the PIOs.

Further, the Commission was of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO was directed to pay an amount of **Rs.5000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO was directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant. The PIO was also directed to provide the information to the appellant within a week and send a compliance report to the Commission.

The case was last heard on **13.03.2019**. The order is reproduced hereunder:

“The representative present on behalf of the appellant informed that the information has been received. The respondent in compliance with the order of the Commission has brought a demand draft of Rs.5000/- and handed over to the representative of the appellant.

In the last hearing, a penalty of Rs.25000/- was imposed upon the PIO-GMADA for delay in providing the information. However, It was observed that since there were two PIOs involved in the case, the Commission was to ascertain that which PIO was responsible for delay in handling the RTI application and not providing the information on time. The present PIO has submitted an affidavit that he joined as PIO-GMADA only on 30.11.2018 and the previous PIO did not attend the RTI application on time.

Keeping the above facts in view, the Commission finds that the delay in providing the information has occurred on the part of previous PIO and there has been a delay of more than 100 days, hereby Mrs.Suman Bala, AEO (Previous PIO) GMADA is held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Punjab State Information Commission's orders. A penalty of **Rs.25,000/-** is hereby imposed upon Mrs.Suman Bala, the previous PIO, GMADA, Punjab which be deposited in the Govt. Treasury. The PIO,GMADA is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.”

Hearing dated 14.05.2019:

The respondent present informed that as per order of the Commission, the amount of penalty has been deducted from the salary of Mrs.Suman Bala(Previous PIO) and they will deposit the amount in Govt Treasury within 2-3 days. The PIO is given one more opportunity and directed to comply with the earlier order of the Commission which still stands and send a compliance report to the Commission.

To come up for compliance **on 16.07.2019 at 11.00 AM.**

Chandigarh
Dated: 14.05.2019

(Khushwant Singh)
State Information Commissioner



Dr. Ashish Kapur,
H No-695, First Floor Annexe, Phse-2,
Mohali.

...Appellant.

Versus

Public Information Officer
O/o DC,
Ludhiana.

First Appellate Authority,
O/o ADC (General),
Ludhiana.

...Respondent

Appeal Case No. 3106 of 2018

Present: None for the Appellant
Mrs.Rattandeep Kaur and Sh.Parampreet Singh, Sub Registrar,
Ludhiana(West) for the Respondent

Order:

The case was first heard on 27.11.2018. The respondent present from the office of Sub-Registrar, Khanna brought information concerning the office of SR-Khanna and SR-Payal and handed over to the appellant. During the hearing, it come to the notice that there are 11 Sub-divisions and the information brought is from 2 Divisions only. Having gone through the RTI application, the PIO was directed to provide the information regarding points 1,2,3(a) & 4(a) only which should be sent to the appellant before the next date of hearing.

The case was again heard on **23.01.2019**. The appellant informed that he has not received the information as per order of the Commission. The respondent was absent and had not complied with the order of the Commission. The PIO was directed to provide the following information

1. Total number of residential properties whose sale has been registered from the year 2012-13 to 2017-18 regarding point -1
2. Total amount generated for sale of residential properties from the year 2012-13 to 2017-18 regarding point-2.
3. Total number of residential properties whose sale has been registered at collector rate regarding point-3(a) and
4. The revenue generated on account of sale of residential properties at collector rate only regarding point 4(a).

The PIO was directed to provide the information before the next date of hearing and send a compliance report to the Commission.

The case was last heard on **13.03.2019**. The appellant informed that despite order of the Commission, the PIO has not provided the information except the information of Tehsil Khanna and Payal. The respondent was absent. The PIO was issued a **show cause notice u/s 20** of the RTI Act and the PIO was directed to file reply on an affidavit. The PIO-DC Ludhiana was again directed to provide the information to the appellant within 10 days.

Hearing dated 14.05.2019:

The respondent present pleaded that in compliance with the order of the Commission, the information has been provided to the appellant and a copy of the same is submitted to the Commission. The appellant is absent to point out the discrepancies, if any.

Regarding reply to the show cause, the respondent informed that Smt. Savita, PIO is on medical leave and is unable to appear personally before the Commission. The respondent has further pleaded that since the information was to be collected from various sub-divisions, the information has been delayed.

I have gone through the information and found that the information has been provided to the best possible extent. There is no malafide intention on the part of the PIO. The show cause is dropped. However, the PIO is directed to resend a copy of the information to the appellant through registered post.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated: 14.05.2019

(Khushwant Singh)
State Information Commissioner



Sh.Tejinder Singh, R/o Village Bholapur,
P.O Ramgarh, Chandigarh Road,
Ludhiana.

...Appellant

Versus

Public Information Officer,
O/oExecutive Engineer, (Commercial),
PSPCL, Focal PointDivision,
Ludhiana.

First Appellate Authority,
O/oChief Engineer,
PSPCL, Ludhiana.

...Respondent

Appeal Case No. 3984 of 2018

Present: Sh.Tejinder Singh as Appellant
Sh.Harvinder Singh, AEE, PSPCL Focal Point, Ludhiana for the Respondent

ORDER: The case was last heard on 12.03.2019. The order is reproduced hereunder:

“The appellant through RTI application dated 26.07.2018 has sought information regarding action taken on the notices issued on 05.06.2018 to Kalka Crockery Metro Road Ludhiana – Khata No.FV03/0403 HIG-554-555 for removal of electric meter and other information concerning the office of Executive Engineer(Commercial)PSPCL Focal Point Division Ludhiana. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 28.08.2018 which took no decision on the appeal.

The appellant informed that the information has not been provided. The respondent is absent without intimation to the Commission. The PIO is directed to provide the information as per RTI application to the appellant within 10 days and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.”

Hearing dated 14.05.2019:

The appellant informed that the PIO has not provided the information. The respondent is present and has not brought any information.

There has been an enormous delay of more than nine months in providing the information. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on the PIO under section 20 of the RTI Act for not supplying the information within the statutorily prescribed period of time**, He/She should file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission alongwith the written replies.

The PIO is again directed to provide the information to the appellant within a week

The case is adjourned. To come up for further hearing on **03.07.2019 at 11.00 AM.**

Chandigarh
Dated: 14.05.2019.

(Khushwant Singh)
State Information Commissioner



Sh.Varun Kumar, S/o ShBhupinder Kumar,
Ward No-2, Street NO2,
Opposite KrishanBhagwanGaushala, Malout,
Distt.ShriMukatsar Sahib.

Appellant

Versus

Public Information Officer,
O/o Guru Nanak Dev Thermal Plant,
(TG Maintenance Cell), Bathinda

First Appellate Authority,
O/o Chief Engineer,
Guru Nanak DevThermal Plant,
Bathinda.

...Respondent

Appeal Case No. 4023/2018 &4129/2018

**Present: Sh.Peerdan Kabir, advocate for the Appellant
Mrs.Rupali Dhaliwal, APIO-GNDTP, Bhatinda and Sh.Ravi Vasudeva, Dy.
Manager, PSPCL(HRD) for the Respondent**

ORDER:

The case was last heard on 12.03.2019. The respondents present pleaded that the available information has been provided to the appellant. The counsel representing the appellant was not satisfied with the reply of the PIO regarding points 11 to 16 and points 26 to points 34. Having gone through the RTI application and the reply of the PIO and after hearing both the parties, following was decided:

- | | |
|--------------------|--|
| - Points 1 to 10 | - Information provided |
| - Point No.11 | - To be adjudicated at the next date of hearing |
| - Point No.12 | - Information provided |
| - Point No.13 | - Information provided at the hearing |
| - Point No.14 | - The appellant to bring 10 specific names of the engineers at the next date of hearing which will be adjudicated by the Commission. |
| - Points 15 & 16 | - Not to be provided |
| - Points 17 to 25 | - Information provided |
| - Point No.26 & 27 | - Appellant to specify if there is any corruption charges and disclosure of information has a larger public interest – to be adjudicated at the next date of hearing |
| - Points 28 to 31 | - Information provided |
| - Points 32 to 34 | - Information provided during hearing |

During the hearing, it came to the notice of the Commission that the information sought by the appellant from the office of Deputy Chief Engineer, HRD, PSPCL Patiala in appeal case No.4129/2018 which was also fixed for hearing on 12.03.2019, was the same information that has been sought in the present case, hence both the cases were merged.

Hearing dated 14.05.2019:

The respondent present pleaded that as per order of the Commission, the appellant has not specified regarding points 14 and has filed a separate RTI application for point No.11 & 14. The appellant has also not established that the disclosure of information has a larger public interest, which he had been asked in the earlier order.

Hearing both the parties, the Commission directs the appellant to get information regarding points 11 & 14 as per his fresh RTI. Point-27 stands withdrawn. Regarding point-26, the appellant is directed to provide list of 10 persons.

The case is adjourned. To come up for further hearing on **10.06.2019 at 11.00 AM.**

Chandigarh
Dated: 14.05.2019.

(Khushwant Singh)
State Information Commissioner

CC to: 1.- Dy.Chief Engineer, HRD
PSPCL Patiala
2. Chief Engineer, HRD, PSPCL Patiala



Sh. Jasbir Singh,
Village Bholapur, Jhabewal,
P.O Ramgarh, Distt Ludhiana..

Appellant

Versus

Public Information Officer,
O/o SDM, Lambi,
Distt.Shri Mukatsar Sahib.

First Appellate Authority,
O/o DC,
Shri Mukatsar Sahib.

...Respondent

Appellant Case No. 4054 of 2019

Present: Sh.Jasbir Singh as Appellant
Sh.Gurmeet Pal Reader to Naib Tehsildar, Lambi for the Respondent

ORDER:

The case was last heard on 12.03.2019. The order is reproduced hereunder:

“The appellant through RTI application dated 13.08.2018 has sought information regarding cash register maintained as per form-K under rule 4(6) of the RTI Act and other information concerning the office of SDM Lambi Distt.Sri Mukatsar Sahib. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 17.09.2018 which took no decision on the appeal.

The appellant informed that no information has been provided by the PIO. The respondent is absent without intimation to the Commission. The Commission observes that there is enormous delay in providing the information and directs the PIO to provide the information within 15 days and be present on the next date of hearing alongwith the reasons for not attending to the RTI application within the time prescribed under the RTI Act.”

Hearing dated 14.05.2019:

The respondent present pleaded that the information has been provided to the appellant. The appellant has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated: 14.05.2019.

(Khushwant Singh)
State Information Commissioner



Sh.Kuldip Kumar,
5-C,Phase-1, Urban Estate,
Focal Point, Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o PUDA,
Patiala.

First Appellate Authority,
O/oPDA, Urban Estate,
Phase-2, Patiala.

...Respondent

Appellant Case No. 4151 of 2018

Present: Sh.Kuldeep Kumar as the Appellant
Sh.Jeewan Singh, Clerk, RTI Cell, PUDA Patiala for the Respondent

ORDER: The case was last heard on 12.03.2019. The order is reproduced hereunder:

“The appellant through RTI application dated 16.07.2018 has sought information regarding copy of salary certificate of Sh.Attar Singh, Pulp Operator for Dec.2017 & Jan. 2018 and copy of leave application from 1.1.2017 to 30.06.2018 and other information concerning the office of PUDA Patiala. The appellant was denied the information by the PIO vide letter dated 26.07.2018 on the ground that the appellant had not attached identity proof after which the appellant filed first appeal before the First Appellate Authority on 10.09.2018 which disposed off the appeal with the order that the since information is third party and the third party has objected to part with the information, it cannot be provided.

The respondent present pleaded that the information is third party and there is no larger public interest involved. The PIO has further stated that the appellant has asked for specific information for the period Dec.2017 & Jan.2018 and not the salary or grade under which the employee draws his salary. The respondent has stated that asking the specific salary amount is personal information. The respondent has also denied the information on point-2 stating that this information is also personal and in both the points, quoted a Supreme Court order in case of Canara Bank V/s C.S.Shyam & Others which reads as under:

- “12.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 would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State 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.”

Hearing dated 14.05.2019:

The appellant is present and produced a copy of voter list as a proof that Sh.Avtar Singh is a bonafide resident of Ludhiana. The appellant further alleged that Sh.Avtar Singh is enjoying free Govt accommodation in Ludhiana whereas he is drawing house rent allowance from the Department at Patiala which is against the service rule and to prove this fraud, the appellant has sought copy of salary certificate of Sh.Avtar Singh. The document is taken on the file of the Commission.

The case is adjourned. To come up for adjudication on **16.07.2019 at 11.00 AM.**

Chandigarh
Dated: 14.05.2019.

(Khushwant Singh)
State Information Commissioner