

PUNJAB STATE INFORMATION COMMISSION

RED CROSS BUILDING, NEAR ROSE GARDEN,

SECTOR 16, CHANDIGARH.

Ph: 0172-2864112, Email: - psic23@punjabmail.gov.in

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Shri Tejinder Singh,
Advocate, Civil Court, Tehsil
Complex, Backside sanjh
Kender, Phillaur-144410.

....Appellant

Versus

Public Information Officer,
O/o State Transport Commissioner, Pb.
Chandigarh.

First Appellate Authority,
O/o State Transport Commissioner, Pb.
Chandigarh.

.....Respondent

APPEAL CASE NO. : 5357/2021

Present:

Appellant: Absent

Respondent: Ms. Raj Kumari (Sr. Assitant, O/o State Transport Commissioner)

Final Order :

1. The above mentioned Appeal Cases were fixed for hearing before the Bench of Hon'ble State Information Commissioner, Punjab Shri Anumit Singh Sodhi. The Registry Branch vide his office order no. PSIC/Legal/2024/480, dated 04.09.2024 has re-allocated the above mentioned cases to the undersigned bench. Accordingly the cases are fixed for hearing today.

2. The appellant has sought information regarding the property returns of all employees/officers of the State Transport Commission for the years 2018 to 2021 under the Right to Information (RTI) Act, 2005. Ms. Raj Kumari (Senior Assistant, O/o State Transport Commissioner) is present on behalf of the PIO and submitted a letter (Ref No. 56 dated 01.01.2025) therein the respondent PIO has denied the requested information on the grounds that it constitutes **third-party information** under Section 8(1)(j) of the RTI Act, 2005.

3. The appellant has not attended the hearing today and has not provided any reason for his absence. However, he has submitted an email dated 21.01.2025, reiterating his request for the information.

4. After reviewing the facts of the case and the legal provisions, the Commission upholds the reply of the PIO, denying the information under **Section 8(1)(j) of the RTI Act, 2005**, which exempts disclosure of personal information unless a larger public interest is demonstrated. In the present case, the appellant has not established any public interest warranting disclosure of the requested information.

5. The Commission relies on the following judgments of the Hon'ble Supreme Court and High Courts:

Contd. Pg. No. 2

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a. Girish Ramchandra Deshpande v. CIC & Ors. [(2012) 8 SCC 497]

- The Supreme Court held that personal information such as property returns, income tax returns, and service records of public servants is exempt from disclosure unless larger public interest is shown.

b. R.K. Jain v. Union of India & Ors. [(2013) 14 SCC 794]

- The Court ruled that confidential records related to government officers cannot be disclosed unless public interest is demonstrated.

c. CIC v. High Court of Gujarat & Anr. [(2020) 4 SCC 702]

- The Supreme Court reaffirmed that information regarding personal details of public servants is protected under Section 8(1)(j) of the RTI Act.

d. UPSC v. Angesh Kumar [(2018) 4 SCC 530]

- The Court observed that disclosure of personal information of government employees requires a larger public interest, which must be specifically demonstrated by the applicant.

6. In light of the above legal precedents and the provisions of the RTI Act, the Commission finds no merit in the appeal. The decision of the PIO to deny the information is upheld, and the case is hereby **closed**.

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

21.01.2025

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Shri Harminder Singh,
S/o Sh. Jaspal Singh, Qurtar
No. 12, Distt. Khuhi Road, Nabha.
Complainant

....

Versus

Public Information Officer,
O/o ADGP (Jails), Pb., Chandigarh.

..... Respondent

Complaint Case NO. : 90/2023

Present:

Complainant: Shri Harminder Singh

Respondent: Sh. Kanwar Veer Pratap Singh, DSP G-1 cum APIO

Final Order :

1. The above mentioned Complainant Case is fixed for hearing before the Bench of Hon'ble State Information Commissioner, Punjab Shri Anumit Singh Sodhi. The Registry Branch vide his office order no. PSIC/Legal/2024/480, dated 04.09.2024 has re-allocated the above mentioned cases to the undersigned bench. Accordingly the case is fixed for hearing today.

2. Both parties were present today for the hearing. The respondent APIO, **Sh. Kanwar Veer Pratap Singh, DSP G-1**, appeared for the hearing and submitted that documentation fees of Rs. 68/- was demanded from the complainant on 18.11.2022, which was not deposited by him. Instead, he directly approached the Commission, bypassing the **First Appellate Authority (FAA)**.

3. As per legal precedents, a complaint case **cannot be used to seek information**. The Hon'ble **Supreme Court in Chief Information Commissioner v. State of Manipur [(2011) 15 SCC 1]** has held that an applicant must first exhaust the appellate mechanism provided under the RTI Act before approaching the Commission. The Commission is not a substitute for the First Appellate Authority, and information cannot be sought through a complaint case under **Section 18 of the RTI Act**.

4. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the **First Appellate Authority (FAA)** has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

5. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

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Complaint Case NO. : 90/2023

6. In view of the observations noted above, the instant case is **remanded to the concerned First Appellate Authority along with a copy of RTI application for their ready reference.**

The appeal is **DISPOSED OF** accordingly, with the above observations.

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

21.01.2025

First Appellant Authority, (Enclosed RTI)

O/o ADGP (Jails), Pb., Chandigarh.

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Shri Parminder Singh,
S/o Sh. Bakshish Singh,
House No. 2126, Street No 2,
Purana Jawahar Nagar, Mehta Road,
Amritsar

....Appellant

Versus

Public Information Officer,
O/o ADGP (Jails), Pb.,
Chandigarh.

First Appellate Authority,
O/o ADGP (Jails), Pb.,
Chandigarh

.....Respondent

Appeal Case NO. : 1324/2023

Present:

Appellant: Absent

Respondent: Sh. Kanwar Veer Pratap Singh, DSP G-1 cum APIO

Order :

1. The above mentioned Appeal Case is fixed for hearing before the Bench of Hon'ble State Information Commissioner, Punjab Shri Anumit Singh Sodhi. The Registry Branch vide his office order no. PSIC/Legal/2024/480, dated 04.09.2024 has re-allocated the above mentioned cases to the undersigned bench. Accordingly the case are fixed for hearing today.
2. Today marks the third hearing in this case. The appellant is absent without any prior intimation. Moreover, the notice of hearing sent from the Commission was returned undelivered.
3. The respondent APIO, **Sh. Kanwar Veer Pratap Singh, DSP G-1**, appeared for the hearing and submitted the requisite information pertaining to the case. He stated that a copy of the same had already been sent to the appellant vide letter **Ref No. 6797/98 dated 19.12.2022**.
4. The respondent further confirmed that this constitutes the **complete information/reply** pertaining to the case and requested the Commission to close the matter.
5. After reviewing the submissions and finding the provided information satisfactory, the Commission holds that no further cause of action remains in this case. Accordingly, the case is **hereby closed**.

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

21.01.2025

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Ms. Jaspal Kaur,
W/o Sh. Charan Dass
R/o Bamma Patti, Near Govt. Sr. Sec. School,
Samana, District Patiala-147101
Complainant

....

Versus

Public Information Officer,
O/o SSP, Patiala.

First Appellant Authority, (Encl. RTI)
O/o ADGP, Patiala Range,
Patiala

..... Respondent

Complaint Case NO. :114/2023

Present:

Complainant: Absent

Respondent: ASI Hakam Singh

1. The complainant, **Ms. Jaspal Kaur**, filed this RTI application dated 20.11.2023 and sought information as mentioned in the RTI application from the PIO o **O/o SSP**, Patiala. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on 24.6.2024. Accordingly the case is fixed for hearing today.

2. The complainant is absent today. The respondent PIO is represented by ASI Hakam Singh, who has submitted the requisite information pertaining to this RTI application. Since the appellant is absent from today's hearing, the Commission directs the respondent PIO to send the provided information to the appellant's address via registered post and submit the postal receipt as compliance proof to the Commission.

3. As the complainant has approached the Commission under Section 18 of the RTI Act, the matter is remanded to the First Appellate Authority (FAA) for appropriate adjudication.

4. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

5. In view of the observations noted above, the instant case is **remanded to the concerned First Appellate Authority along with a copy of RTI application for their ready reference.**

The appeal is **DISPOSED OF** accordingly, with the above observations.

(Sandeep Singh Dhaliwal)

State Information Commissioner, Punjab.

Chandigarh

21.01.2025