

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, RTI Helpline - 0172-2864100



FINAL ORDER

Sh. Rajnish Kumar,
19274, Street No.6, Bibi Wala Road,
Bathinda.

Versus

Public Information Officer,
o/o Principal, DAV College,
Jalandhar.
First Appellate Authority,
o/o Principal, DAV College,
Jalandhar.

Appeal Case No. 2264 of 2023

PRESENT:

Rajnish Kumar (Appellant) 98153-13238
(Respondent) Absent

ORDER:

(To be read in continuity with order dated **1.8.2023**)

1. The RTI application is dated **31.12.2022** vide which the appellant has sought **information** regarding:

"Please supply me the certified copy of pages of register of the casual leave and medical leave record of the following department of your college for the session 2021-2022.

1. English. 2. Zoology. 3. Punjabi. 4. Physical Education."

as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **27.1.2023**, and Second Appeal was filed in the Commission on **5.4.2023** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.8.2023**.

2. The respondent PIO is absent. This RTI application was submitted on 31.12.2022, thereafter the appellant sought following information:

"Certified copies of pages of register of the casual leave and medical leave record of the following department of your college for the session 2021-2022.

1. English. 2. Zoology. 3. Punjabi. 4. Physical Education."

Following this, the respondent PIO has provided a reply vide Letter No. AC/191/23 Dated 17.1.2023, which reads as under:

This is in reference to your RTI application DAVCRTA/200/2022 dated 31.12.2022. Information sought is exempted under section 8(1)(g) of RTI Act being personal in nature and relates to employee-employer relationship. Reference is invited to Supreme Court verdict dated 03.10.2012 (Special Leave petition -Civil-27734/2012) in the matter "Gijish Ramchandra Deshpande versus Central Information Commissioner and others" wherein Hon'ble Court observed as under:

".....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"

Reference is further invited to Delhi High Court verdict dated 31.08.2020 (LPA 207/2020) in the matter "Dr RS Gupta versus Government of NCT Delhi and others" wherein the Hon'ble Court observed as under:

"....Since the information requested relates to attendance record, it would entail revealing medical and personal information of an individual. The attendance record is part of service record which is a matter between the employee and the employer and ordinarily these aspects are governed by the service rules which fall under the expression "personal information". The disclosure of this information ex-facie has no relationship to any public activity or public interest and pertinently, the appellant is not able to explain

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or show any nexus between the personal information sought and the public interest involved, for seeking its disclosure. Thus, in our view, in absence of even a remote connection with any larger public interest, disclosure of information would be exempted as the same would cause unwarranted invasion of the privacy of the individual under section 8(1) (j) of the RTI Act... "

Reference is further invited to Supreme Court verdict dated 13.11.2019 (Civil Appeal number 2683, 10044 & 10045 of 2010) in the matter "Central Public Information Officer, Supreme Court versus Subhash Chandra Agrawal" wherein Hon'ble Court held as under:

44. In line with the aforesaid discussion, we need to note that following non-exhaustive considerations needs to be considered while assessing the 'public interest' under Section 8 of the RTI Act.

- a. Nature and content of the information*
- b. Consequences of non-disclosure; dangers and benefits to public*
- c. Type of confidential obligation.*
- d. Beliefs of the confidant; reasonable suspicion*
- e. Party to whom information is disclosed*
- f. Manner in which information acquired*
- g. Public and private interests*
- h. Freedom of expression and proportionality.*

3. The Commission concurs with the respondent PIO's decision to withhold the information.

4. The Appeal is accordingly **Disposed of.**

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner,
Punjab

Sd/-
(Asit Jolly)
State Information Commissioner,
Punjab

Chandigarh
11.12.2023

Cc: 1. PS/Hon'ble SIC Amrit Partap Singh Sekhon.

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FINAL ORDER

Sh. Rajnish Kumar,
19274, Street No.6, Bibi Wala Road,
Bathinda.

Versus

Public Information Officer,
o/o Principal, DAV College,
Jalandhar.
First Appellate Authority,
o/o Principal, DAV College,
Jalandhar.

Appeal Case No. 2263 of 2023

PRESENT:

Rajnish Kumar (Appellant) 98153-13238
(Respondent) Absent

ORDER:

(To be read in continuity with order dated 1.8.2023)

1. The RTI application is dated **6.11.2022** vide which the appellant has sought information as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **22.12.2022**, and Second Appeal was filed in the Commission on **5.4.2023** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.8.2023**.

2. The respondent PIO is absent. This RTI application was submitted on 6.11.2022, wherein the appellant sought the following information:

“Certified copy of the approval letter given by Guru Nanak Dev University Amritsar of the Teaching Faculty (Associate Professor) of DAV College Jalandhar (List attached) as list was provided to me vide Letter number AC-21/20 dated 25.08.2020.”

3. Following this, the respondent PIO provided a reply vide Letter No. AC/181/2022 Dated 2.12.2022, wherein the appellant was informed that the requested information is not available in the records of the college. Post deliberation at this Hearing, the Commission is of the view that the respondent's reply adequately addresses this RTI application. The Appeal is accordingly **Disposed of.**

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner,
Punjab

Sd/-
(Asit Jolly)
State Information Commissioner,
Punjab

Chandigarh
11.12.2023

Cc: 1. PS/Hon'ble SIC Amrit Partap Singh Sekhon.