

# **PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, NEAR ROSE GARDEN,**

**SECTOR 16, CHANDIGARH.**

Ph: 0172-2864118, Email: - [psic28@punjabmail.gov.in](mailto:psic28@punjabmail.gov.in)

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## **COMPLAINT CASE NO. 0394 OF 2020**

Shri Prem Kumar, (9815591032)  
# 261/W-11, Kartar Niwas,  
Gurdaspur Road, Shri Hargobindpur,  
Tehsil Batala, District Gurdaspur-143515

...Complainant

Versus

**Public Information Officer,**  
O/o Financial Commissioner,  
Excise & Taxation Department, Punjab,  
Punjab Civil Secretariat, Chandigarh.

...Respondent

## **HEARD THROUGH CISCO WEBEX/TELEPHONE**

**PRESENT:** None on behalf the Complainant.  
Ms. Arpinder Kaur, ETO-cum-PIO for the Respondent.

### **ORDER:**

This order may be read with reference to previous order dated 29.10.2020.

The Complainant is absent from hearing.

The Respondent states that information sought by the Complainant is related with the Finance Department, Punjab but the Complainant filed RTI application to the Financial Commissioner O/o Excise & Taxation Department, Punjab. She further states that reply/information has already been sent to the Complainant vide letter no. E-2-2020/18581, dated 26.11.2020. She further states that detailed reply in this regard has been filed in the Commission with diary no. 18368, dated 11.12.2020. Copy of the same is taken on record.

In these circumstances, it is relevant to invite the attention of the Complainant to the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. 10787-10788 of 2011 (arising out of SLP(C) No. 32768-32769/2010) - Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereby, it has been held that while entertaining a complaint case under Section 18 of the RTI Act, 2005. The Commissioners have no jurisdiction to pass an order providing for an access to the information. As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

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## **COMPLAINT CASE NO. 0394 OF 2020**

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 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.

In case the Complainant has any grouse about the provided information, he is advised to challenge the response of the PIO, before the designated First Appellate Authority, as envisaged under section 19 (1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.

The Complainant is advised to file a fresh RTI application to the PIO O/o Under Secretary, Finance Department, Punjab.

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.

In view of the observations noted above, the instant Complaint Case is hereby, **disposed of and closed.** Copies of the order be sent to the parties.

**Chandigarh  
17.12.2020**

**Sd/-  
(Hem Inder Singh)  
State Information Commissioner**

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## **APPEAL CASE NO. 1775 OF 2020**

Sh. Raman Bansal, (9417202945; 9878188866)  
S/o Sh. Madan Lal,  
Guru Teg Bahadur Nagar, Ward No. 17,  
Tehsil & District Barnala.

...Appellant

Versus

**Public Information Officer,**  
O/o Deputy Commissioner,  
Barnala.

**First Appellate Authority**  
O/o Additional Deputy Commissioner (G),  
Barnala.

...Respondents

## **HEARD THROUGH CISCO WEBEX/TELEPHONE**

**PRESENT:** Sh. Raman Bansal, Appellant.  
Ms. Mansukhdeep Kaur, Clerk on behalf of the Respondents.

### **ORDER:**

The RTI application is dated 07.10.2019 vide which the Appellant has sought information from the PIO O/o Deputy Commissioner, Barnala in his RTI application as under: -

"ਕਮਲਜੀਤ ਸਿੰਘ ਸ਼ਾਦ ਪੁੱਤਰ ਸ਼੍ਰੀ ਨਛਤਰ ਸਿੰਘ ਸ਼ਾਦ ਸਹਾਇਕ ਸ਼ਿਕਾਇਤ ਸ਼ਾਖਾ ਡੀ.ਸੀ. ਦਫਤਰ ਬਰਨਾਲਾ ਦੇ ਵਿੱਦਿਅਕ ਯੋਗਤਾ ਦੇ ਦਸਤਾਵੇਜ਼ਾਂ ਅਤੇ ਉਹਨਾਂ ਨੂੰ ਵੈਰੀਫਾਈ ਕੀਤੇ ਹੋਏ ਦਸਤਾਵੇਜ਼ਾਂ ਦੀ ਤਸਦੀਕ ਸੂਚਾ ਕਾਪੀ"

When no information has been received from the PIO, he has filed First Appeal with the First Appellate Authority (hereinafter FAA) on 06.12.2019 but no reply has been received from him and he has filed Second Appeal in the Commission on 03.07.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act) and as such Notice of hearing was issued to the parties for 02.09.2020.

During the hearing dated 02.09.2020, the Appellant stated that no information has been provided to him whereas the Respondent was absent. The Respondent was directed to provide the information to the Appellant. Adjourned to 29.10.2020.

During the hearing dated 29.10.2020, both parties were absent and case was adjourned to 17.12.2020.

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## **APPEAL CASE NO. 1775 OF 2020**

The matter is taken up today. The Appellant states that no information has been provided to him by the Respondents.

The Respondent orally states that information demanded by the Appellant is third party information and cannot be provided to him if available in the Respondent Office. She further states that detailed reply has already been sent to the Appellant relating to his RTI application dated 07.10.2019 vide letter dated 31.10.2019. Copy of the same is taken on record.

It has been seen and observed that this particular Complaint is an attempt to make use of the different provisions of the Act to have access to the personal information of the official which smacks of its use not for any public cause but may be for any revenge or to intimidate /humiliate the concerned official. The nature of information sought is mainly the information which has the relevance and governance of the relationship of the employer and the employee and not between this official and the complainant. Accordingly from the perusal of this RTI application it has become abundantly clear that the purpose of the Appellant in seeking this kind of information does not involve any larger public interest for asking the information as per the details mentioned in his application which are in the form of queries /questions and personal information and was not supplied as per the stance taken by the respondents and it should not be in the public domain as has been upheld by the Hon'ble Supreme Court and other Hon'ble Courts to avoid the humiliation and harassment of the employees. Allowing this kind of information will certainly strengthen the abuse of the process of law.

As discussed above Appellant for seeking the personal information in the instant case has not been made with due bona fides and in larger public interest. The furnishing of the information asked for, if provided, would cause unwarranted invasion of privacy of the individual under Section 8(1)(j) of the RTI Act and may also lead to intimidation of such officials. Therefore, no further action is required in this case, hence, the instant Appeal Case is hereby, **disposed of and closed**. Copies of the order be sent to the parties.

**Chandigarh  
17.12.2020**

**Sd/-  
(Hem Inder Singh)  
State Information Commissioner**