

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

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Sh. Kuldeep Singh

House No. 20, Sector-22-A,
Chandigarh
M: 8427460800

....Appellant

V/s

Public Information Officer,
O/o PCS Branch,
Punjab Civil Secretariat,
Chandigarh

First Appellate Authority,
O/o Secretary
Punjab Civil Secretariat,
Chandigarh

....Respondents

Appeal Case No. 2584 of 2025

ORDER

This order may be read with reference to the previous order dated 14.01.2026 vide which the order was reserved to be pronounced.

2. The brief of the case is that a selection of PCS from A-2 register was made on 20.12.2024 and the main averment of the appellant is that the other candidates whosoever is selected has joined the service whereas his orders have been withheld for which he has submitted the representations. The appellant also contended that the respondent is not providing the information as he is in the list of successful candidates and all the candidates have joined the post in January 2025 whereas his orders are yet to issued and has sought the following information regarding his representations filed form 30.01.2025 to 03.02.2025:

“ਬੇਨਤੀ ਹੈ ਕਿ ਮੇਰੀ ਪੀ.ਸੀ.ਐਸ (ਕ.ਸ) ਰਜਿਸਟਰ ਏ-2 ਅਧੀਨ 8 ਮੈਰਿਟ ਨੰਬਰ ਤੇ ਸਿਲੈਕਸ਼ਨ ਹੋਈ ਹੈ ਜਿਸ ਦੇ ਆਰਡਰ ਮੈਨੂੰ ਅਜੇ ਤੱਕ ਜਾਰੀ ਨਹੀਂ ਕੀਤੇ ਗਏ ਹਨ। ਕਿਰਪਾ ਕਰਕੇ ਇਸ ਸਬੰਧ ਵਿਚ ਮੈਨੂੰ ਹੇਠ ਲਿਖੀ ਸੂਚਨਾ RTI Act 2005 ਦੇ ਅੰਤਰਗਤ ਦਿੱਤੀ ਜਾਵੇ ਜੀ

1. ਪੀ. ਪੀ. ਐਸ. ਸੀ ਵੱਲੋਂ ਮੇਰੀ ਸਿਲੈਕਸ਼ਨ ਸਬੰਧੀ ਆਪ ਨੂੰ ਪ੍ਰਾਪਤ ਸਿਫਾਰਸ਼ ਦੀ ਕਾਪੀ।
2. ਮੇਰੇ ਕੇਸ ਸਬੰਧੀ ਲਈ ਗਈ legal advice ਦੀ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ।
3. ਮੇਰੀ ਉਪਰੋਕਤ ਸਿਲੈਕਸ਼ਨ ਦੇ ਆਰਡਰ ਜਾਰੀ ਕਰਨ ਨਾਲ ਸਬੰਧਤ ਮਿਸਲ ਦੀ ਇੰਸਪੈਕਸ਼ਨ ਕਰਵਾਈ ਜਾਵੇ।
4. ਮੇਰੇ ਵੱਲੋਂ ਮਿਤੀ 30.01.2025 ਤੋਂ 03.02.2025 ਤੱਕ ਦਿੱਤੀਆਂ ਗਈਆਂ ਪ੍ਰਤੀਬੇਨਤੀਆਂ ਤੇ ਕੀਤੀ ਗਈ ਕਾਰਵਾਈ ਦੀ ਕਾਪੀ।”

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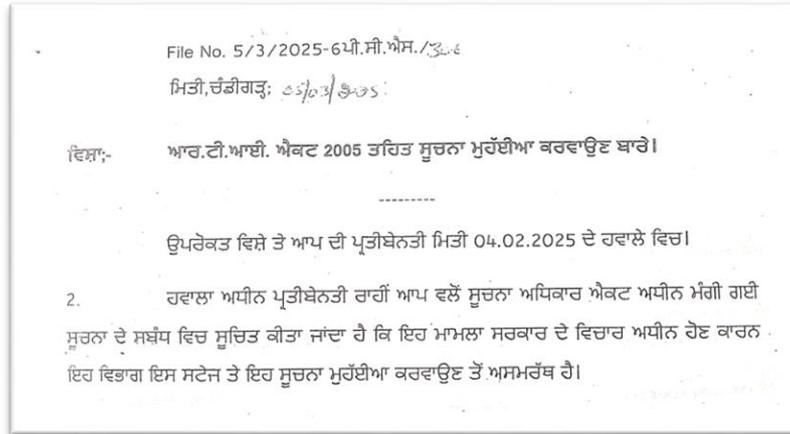
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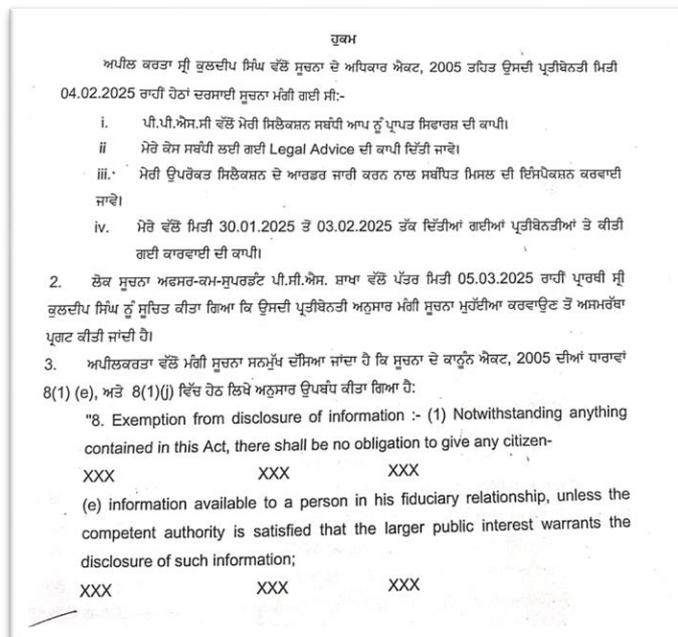


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3. On receipt of the RTI application, the PIO sent the response, the relevant portion of which is as follows:



4. Thereafter, the appellant feeling aggrieved filed the first appeal before the First Appellate Authority who has passed the following order:



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ਅਰਜ਼ੀਆਂ ਡੀਲ ਕਰਨ ਸਬੰਧੀ ਰਿਕਾਰਡ ਆਰ.ਟੀ.ਆਈ ਐਕਟ ਦੀ ਧਾਰਾ 8(1)(e)(j) ਅਧੀਨ ਮੁਹੱਈਆ ਕਰਨ ਤੋਂ ਪ੍ਰਗਟ ਕੀਤੀ ਅਸਮਰੱਥਾ ਨਾਲ ਸਹਿਮਤੀ ਪ੍ਰਗਟ ਕੀਤੀ ਜਾਂਦੀ ਹੈ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਅਪੀਲ ਕਰਤਾ ਦੀ ਰਿਕਾਰਡ ਅਨੁਸਾਰ ਮਿਤੀ 30.01.2025 ਤੋਂ 03.02.2025 ਤਕ ਕੇਵਲ 27.01.2025 ਅਤੇ 31.01.2025 ਦੀ ਪ੍ਰਤੀਬਿੰਬਤੀ ਪ੍ਰਾਪਤ ਹੋਈ ਹੈ ਜਿਸ ਬਾਰੇ ਸਥਿਤੀ ਉਕਤ ਅਨੁਸਾਰ ਦਰਜ ਕੀਤੀ ਗਈ ਹੈ।

6. ਲੋਕ ਸੂਚਨਾ ਅਫਸਰ ਵੱਲੋਂ ਪੇਸ਼ ਕੀਤੇ ਤੱਥ/ਰਿਕਾਰਡ ਅਤੇ ਇਸ ਸਬੰਧੀ ਮਾਨਯੋਗ ਅਦਾਲਤਾਂ/ਕੇਂਦਰੀ ਸੂਚਨਾ ਕਮਿਸ਼ਨ ਵੱਲੋਂ ਦਿੱਤੇ ਫੈਸਲਿਆਂ ਦੀ ਲੋਅ ਵਿੱਚ ਅਪੀਲਕਰਤਾ ਸ੍ਰੀ ਕੁਲਦੀਪ ਸਿੰਘ ਨੂੰ ਸੂਚਨਾ ਦੇ ਅਧਿਕਾਰ, ਐਕਟ 2005 ਦੀਆਂ ਧਾਰਾਵਾਂ 8(1)(e)(j) ਅਨੁਸਾਰ ਸੂਚਨਾ ਮੁਹੱਈਆ ਨਹੀਂ ਕਰਵਾਈ ਜਾ ਸਕਦੀ ਅਤੇ ਉਸ ਵੱਲੋਂ ਦਾਇਰ ਕੀਤੀ ਗਈ ਪਹਿਲੀ ਅਪੀਲ ਮਿਤੀ 06.03.2025 ਖਾਰਜ ਕੀਤੀ ਜਾਂਦੀ ਹੈ।

5. Thereafter, due to non-satisfaction, the appellant filed the second appeal before the Commission and accordingly, a notice of hearing was issued to the parties concerned.

6. The case was adjourned number of times so that reasonable opportunities can be awarded and finally on 14.01.2026, an order was reserved and in the interest of natural justice, the parties were given the liberty to file their final submissions, if any, within 30 days.

7. Now the issue before the Commission is whether the response submitted by the respondent be accepted to withheld the information or not as per the provisions of the RTI Act, 2005.

8. The respondent while filing the response has also pleaded that the information relates to the filling up of the posts of Register A-2 and Register C for the recruitment of 21 and 05 posts respectively. The respondent also taken the plea that the information sought be denied as the PPSC after screening test has sent the eligible candidates which comprises Name of the Candidate, Roll No., Father Name, Date of Birth and Marks obtained and also contended that the said information cannot be supplied to the appellant under section 8(1)(e) and 8(1)(j) as no Larger Public Interest is involved. Also, the respondent denied the inspection of the record.

9. Section 2 (f) and 2 (j) provides:

"2 (f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

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2(j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- (i) inspection of work, documents, records;
- (ii) taking notes, extracts or certified copies of documents or records;
- (iii) taking certified samples of material;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;”

10. It is appropriate to mention that Section 8(1)(e) and 8(1)(j) of the RTI Act, 2005, provides:

xxx xxx xxx

“8(1)(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

xxx xxx xxx

8(1)(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

xxx xxx xxx

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

xxx xxx xxx

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11. It is also appropriate to mention that the PPSC recruited Section Officers, Group-A, in the Department of Finance (Treasury & Accounts) Government of Punjab and result of the said competitive examination has been published on its website i.e. www.pssc.gov.in wherein the Registration Number/Roll No., Name & Father's Name of the Candidate, Date of Birth, Category and Marks obtained has been mentioned.

After perusal of the Seniority List, issued by the General Administration Government of Punjab, it is also ascertained that the Name of the Employee, Father's Name, Date of Birth, Date of Joining, Date of Retirement etc. has been mentioned so the request of the respondent to deny the information merely on the grounds that the said noting comprises Name of the Candidate, Roll No., Father Name, Date of Birth and Marks obtained, is not tenable as the said seniority list is being issued to all the employees.

Keeping in view the above, the request of the respondent is not sustainable with regard to the Point No. 1 and 4 of the RTI application. As such, the respondent is directed to supply the information and to make available the said record for the inspection of the appellant as per the request regarding Point No. 3, within 30 days from the receipt of this order.

12. So far as Point No. 2 is concerned i.e. ਮੇਰੇ ਕੇਸ ਸਬੰਧੀ ਲਈ ਗਈ legal advice ਦੀ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ, which has also denied by the respondent. It is appropriate to mention that fiduciary relationships are recognized not only within the strict confines of public authority but also in interactions where information is entrusted to any person or entity with an expectation of confidentiality.

13. The term fiduciary relationship typically involved the situation where one party places complete confidence in another with regard to a particular transaction once general affairs or business, the relationship might include those between a doctor and a patient, attorney and client, trustee and beneficiary among others. Information obtained through such relationship can also be disclosed if a competent authority deems fit that the Larger Public Interest significantly outweighs the need to protect the confidentiality of the information shared within the fiduciary context. Employer employee relationships where employees must protect confidential company information or personal data share with an employer are treated with confidentiality. The fiduciary has a duty to act with loyalty and avoid conflicts of interest.

14. It is also appropriate to mention that fiduciary exemptions are not misapplied to shield routine administrative actions from public scrutiny.

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15. It is appropriate to mention the judgment of Hon'ble High Court of Delhi in the case of State Bank of India v. Mohd. Shahjahan [W.P.(C) 9810/2009 & CM APPL No. 8001/2009] dated 09.07.2010-

"22. The very object and purpose of the RTI Act is to make the working of public authorities transparent and accountable. For the purpose of the RTI Act, all information held by a public authority is accessible except to the extent such information is expressly exempted from disclosure as provided in the RTI Act itself. In other words, unless the public authority is able to demonstrate why the information held by it should be exempt from disclosure, it should normally be disclosed. The burden, therefore, is entirely on the public authority to show why the information sought from it should not be disclosed.

23. In the considered view of this Court, an employee of a public authority is entitled to know all the details concerning himself under the RTI Act, including the details concerning the denial of his promotion unless the public authority is able to show that such information is exempt from disclosure under Section 8 (1) (e) and (j) of the RTI Act. Sections 8 (1) (e) and (1) of the RTI Act read as under:

"Section 8 Exemption from disclosure of Information (1) Notwithstanding anything contained in this Act, there shall be no obligation to given any citizen:-

(e) information available to a person, in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the large public justifies the disclosure of such information."

24. It was urged by Mr. Kapur that marks given in the PAF by the Superior Officer of the Respondent was information held by the SBI in a fiduciary capacity and that disclosure of such information, even to the Respondent, would be in breach of the fiduciary relationship that the SBI has with the superior officer. In the considered view of this Court, this is a misreading of Sections 8 (1) (e) and (j) of the RTI Act. The fiduciary relationship, if at all, is between the employer and the employee. The information which is expected to be kept exempt from disclosure is the information concerning the employee, in this case, the Respondent herein. The exemption is from disclosure to a third party

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and certainly not to the Respondent himself. In fact, as explained in Dev Dutt, if the intention of making an adverse entry is to enable the Respondent to improve his performance, then that purpose is not served by keeping the information from him. Unless the adverse entry is communicated to the employee and he is allowed to explain his position, the purpose of getting him to improve his performance will not be achieved.

16. In light of the above, the request of the respondent to withhold the information regarding Point No. 2 is also not justified. It is also appropriate to mention that the respondent has to supply the information upto the date of RTI application, therefore, the respondent PIO is directed to supply the information within 30 days from the receipt of this order.

17. Accordingly, this case is **disposed of & closed**.

Dated: 23.02.2026

(Inderpal Singh)
Chief Information Commissioner,
Punjab