

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.22709 of 2013
Decided on :03.08.2016**

Devi Parsan

... Petitioner

Versus

State Information Commissioner, Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Ms. Sonia Madan, Advocate for
Mr. Jasbir Mor, Advocate for the petitioner.

Ms. Lavanya Paul, AAG, Punjab.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks the quashing of the order dated 15.03.2013 (Annexure P-4) passed by the State Public Information Officer, whereby the request of the petitioner for information of the service record/duty record of Homeguard Randhir Singh was refused, on account of the fact that the information could not be provided under Section 8 (1) (j) of the Right to Information Act, 2005 (R.T.I. Act), as the petitioner was a third party.

Challenge has also been raised to the orders dated 03.06.2013 (Annexure P-6) and 07.08.2013 (Annexure P-10), whereby the said orders were upheld by the Appellate Authority and in the second appeal by the State Information Commissioner under the R.T.I. Act.

A perusal of the information which was sought by the Commissioner would go on to show that the information was sought pertaining to Randhir Singh who was serving as Homeguard in Bassi Pathana, District Fatehgarh Sahib from 1992 to 1996. The attendance chart,

the places where the official had given his duties; how much salary he had received; what was his belt number; was the subject matter of application dated 02.01.2013 (Annexure P-1). The relevant portion of the application reads as under:-

“(1) Photo state certified copies of the attendance charge of the abovesaid official.

(2) The names of the places where abovesaid official has given his duties.

(3) How much salary has been received per month by the abovesaid official.

(4) What was the belt no of the abovesaid official/person.”

The SPIO necessarily communicated with the said Randhir Singh that information had been asked for regarding his service duty record and he may sent his consent regarding the information sought, vide communication dated 17.01.2013 (Annexure P-2). The said employee objected to the application on the ground that the applicant belongs to his village and is harassing him for asking the information under the R.T.I. Act. Resultantly, the information has been refused by falling back on the provisions of Section 8 (1) (j) of the R.T.I. Act.

Counsel for the petitioner has vehemently submitted that the said information was being sought regarding a public servant and, therefore, the same should have been supplied and would not fall under the exemption clause.

In the opinion of this Court the case of the petitioner is squarely covered by the judgment of the Apex Court in '**Girish Ramchandra Deshpande Vs. Central Information Commissioner and**

others' 2012 (8) SCR 1097. In the said case the information which has been sought was the show cause notices, orders of censure/punishment and service record of the employee alongwith the details of the gifts, which he had received and which found mention in the income tax returns. The Central Information Commissioner had declined to provide the necessary information, keeping in view the provisions of Section 8 (1) (j) of the R.T.I. Act. The Apex Court upheld the said order by observing as under:-

“12. The petitioner herein sought for copies of all memos, show cause notices and censure/punishment awarded to the third respondent from his employer and also details viz. movable and immovable properties and also the details of his investments, lending and borrowing from Banks and other financial institutions. Further, he has also sought for the details of gifts stated to have accepted by the third respondent, his family members and friends and relatives at the marriage of his son. The information mostly sought for finds a place in the income tax returns of the third respondent. The question that has come up for consideration is whether the above-mentioned information sought for qualifies to be "personal information" as defined in clause (j) of Section 8(1) of the RTI Act.

13. 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 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. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of 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.”

As noticed above, in the present case also the service details of the third party have been asked for. The consent of the employee was taken as required under the Act, but he objected to the same. Resultantly, it has been denied to the petitioner. Observations made above by the Apex Court would be directly applicable to the facts and circumstances of the present case, as the attendance chart, the places where the employee had given his duties and salary etc. have been asked for. The State Commissioner was satisfied that it would not be in the larger public interest to supply the information and, therefore, the order as such would not be liable to interfere, in the facts and circumstances of the case.

Accordingly, there is no merit in the present case and same is dismissed.

AUGUST 03, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No