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AT CHANDIGARH

(207)

CWP-13910-2014

Date of Decision : March 04, 2025

.. Petitioner

Versus

.. Respondents

(207-A)

CWP-5085-2015

.. Petitioner

Versus

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rahul Sharma-I, Advocate, for the petitioner(s).

Ms. Akshita Chauhan, DAG, Punjab.

None for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, two writ petitions, the details of which have been given in the heading, are being disposed of as both the petitions involve the same question of law on similar facts.
2. In the present writ petitions, the challenge is to the order dated 03.07.2014 (Annexure P-4) by which, a direction has been given by the State Information Commission, Punjab to release the information, as being

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sought by the complainant/respondent No.2.

3. Learned counsel for the petitioner-Cooperative Society submits that a bare perusal of the application dated 13.02.2014 submitted by the respondent No.2-complainant, copy of which has been appended with this petition as Annexure P-1, the complete record of the Department has been sought for which shows that the same has only been done to harass the petitioner-Cooperative Society.

4. Learned counsel for the petitioner-Cooperative Society further submits that though keeping in view the application Annexure P-1, the information which was sought by a lawyer but, he has not been served on the address given and he was ultimately served through publication.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The Right to Information Act, 2005 (hereinafter referred as RTI Act, 2005) has been enacted to ensure the transparency of work within the Departments. The same does not give a right to anyone to seek information with a motive, which amounts to harassing the employees of the Department.

7. A bare perusal of the application dated 13.02.2014 (Annexure P-1) shows that the information was sought from point 1 to 15 was of the sale and the auction of the Molasses, Baggasse and Press Mud including the details of the minimum bidders. Further, copies of all the orders placed by the Central and the State Government for the sale of the molasses, notice inviting tenders, the bidders and the documents received by them, the document showing the deposit of the earnest money qua the said tenders



and the award of the contract to the successful bidders, has been sought. This *prima facie* shows that a third party information was being sought from the petitioner-Cooperative Society as to who competed for the purchase of the Molasses, Baggasse and Press Mud.

8. As per the settled principle of law, third party information as to who had submitted the bid and what were the documents submitted by the said person, cannot be given under the RTI Act, 2005 as the same is barred under Rule 8.

9. The Hon'ble Supreme Court of India has already decided the said issue while deciding ***Civil Appeal No.6454 of 2011 titled as Central Board of Secondary Education and another vs. Aditya Bandopadhyay and others, decided on 09.08.2011.*** The relevant paragraph 37 of the said judgment is as under:-

“ 37. The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of [RTI Act](#) should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of [section 4\(1\)](#) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information,(that is information other than those enumerated in [section 4\(1\)\(b\)](#) and (c) of the Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under [RTI Act](#) for disclosure of all and sundry information



(unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. [The Act](#) should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the [RTI Act](#) and the pressure of the authorities under the [RTI Act](#) should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."

10. Keeping in view the aforementioned principle of law, information being sought by the respondent No.2-complainant, cannot be given. Even otherwise, the matter is pending in this Court for the last 10 years and no efforts have been made qua upholding the impugned order dated 03.07.2014 (Annexure P-4) by the respondent No.2-complainant which shows that even the respondent No.2-complainant is not interested in pursuing the present remedy.

11. In other petition i.e. CWP No.5085-2015, the information is being sought was certified copies relating to the employees, works and expenditure incurred by Punjab State Federation of Cooperative Sugar Mills Ltd. (Sugarfed Punjab) for the period 01.04.2009 till date.



12. As per the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.22 of 2009 titled as Canara Bank Rep. By its Deputy Gen. Manager vs. C.S. Shyam and another, decided on 31.08.2017***, the same cannot be asked for. The relevant paragraph 13 and 14 of the said judgment are as under:-

“ 13) In [Girish Ramchandra Deshpande's](#) case (supra), the petitioner therein (Girish) had sought some personal information of one employee working in Sub Regional Office (provident fund) Akola. All the authorities, exercising their respective powers under the Act, declined the prayer for furnishing the information sought by the petitioner. The High Court in writ petition filed by the petitioner upheld the orders. Aggrieved by all the order, he filed special leave to appeal in this Court. Their Lordships dismissed the appeal and upholding the orders passed by the High Court held as under:-

“12. 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 organisation 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 or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the


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petitioner cannot claim those details as a matter of right.

13. The details disclosed by a person in his income tax returns are “personal information” which stand exempted from disclosure under clause (j) of [Section 8\(1\)](#) of the RTI Act, unless involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information.”

14) In our considered opinion, the aforementioned principle of law applies to the facts of this case on all force. It is for the reasons that, firstly, the information sought by respondent No.1 of individual employees working in the Bank was personal in nature; secondly, it was exempted from being disclosed under [Section 8\(j\)](#) of the Act and lastly, neither respondent No.1 disclosed any public interest much less larger public interest involved in seeking such information of the individual employee and nor any finding was recorded by the Central Information Commission and the High Court as to the involvement of any larger public interest in supplying such information to respondent No.1.”

13. Keeping in view the totality of the circumstances, the impugned order dated 03.07.2014 (Annexure P-4) in CWP No.13910 of 2014 and in CWP-5085-2015, the impugned orders dated 13.11.2014 (Annexure P-5) and 09.09.2014 (Annexure P-3) are set aside.

14. The present writ petitions are allowed in above terms.

15. A photocopy of this order be placed on the file of other connected case.

March 04, 2025

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No