

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

101

CWP-29763-2019

Date of Decision : August 28, 2025

TEJINDER SINGH BAWA

-PETITIONER

V/S

PUNJAB STATE INFORMATION COMMISSION AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sachin Kalia, Advocate for
Mr. N.K. Manchanda, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

Mr. Mrigank Sharma, Advocate
for the respondents No.2 to 4.

KULDEEP TIWARI, J. (ORAL)

1. The petitioner made an application dated 21.07.2018, seeking the hereinafter extracted information under the Right to Information Act, 2005 (hereinafter referred to as the 'R.T.I. Act'):-

"1. I came to know from RTI Ref. No 201 RTI dated 09/02/2018 about Annual Confidential Reports (ACRs) related to my service in the university. Please refer to my three ACRs from period 2013-2014, 01-04-2014 to 31-03-2015 and 01-04-2015 to 31-08-2015 indicating my performance grade as 'Very Good' (68%, 73% and 73% respectively) as per your service rules and are both well attuned with my performance. I want to know the reason why my probation period was not started which was due on 25-09-2015 as per my appointment letter bearing Ref. No.: SGGSWU/Reg/3646 dated 25-09-2013 despite having considerable and very good ACR's?"

2. *Was the reason for which my probation period was withheld, as questioned in point 1 above that you will mention for me, ever considered for other employees of the university to withhold their start of probation period and to withhold confirmation of them on their respective jobs. (Yes or No)*
3. *If yes in point 2 above please provide the name, designation, department, date of joining the university, date of probation due of all your university employees on contractual/regular who were affected by the same reason as questioned in the point 1 above.*
4. *Also mention whether currently they (Refer point 3 above) are confirmed on their respective posts or not. (Yes or No)*
5. *Please send certified copies of all the specific show cause notices issued 'to any employee regarding same reason you have considered in my case.*
6. *Please send certified copies of his or her reply regarding above notice (Ref. point 5 above) and your action afterwards against the reply.*
7. *As my other two reports from period 01-09-2015 to 31-08-2016 and 01-09-2016 to 31-08-2017 were intentionally made below 50% which are not attuned with my true performance as I remained working with the same pace, dedication and hard work. Please tell the reason why I was not informed/communicated my degradation in performance (as per HOD (Mechanical)) during service of two years period as mentioned above in which my performance is made below 50% in ACRs.*
8. *Also inform me the reasons on which my two ACRs (Refer Point 7) were made below 50%.*
9. *I have asked you in my letter vide reference to your diary no. SGGS WU/Mech/18/456 date 26-03-2018 to upgrade my two ACRs (Refer Point 7) to 'Very Good' Performance. If it has not been upgraded to 'Very Good' performance, give me the reasons and grounds of the same.*
10. *Please send me the two upgraded Annual Confidential reports of period 01-09-2015 to 31-08-2016 and 01.09.2016 to 31.08.2017 indicating any adverse remarks deleted by you.*
11. *Also send me Annual Confidential Reports for period 2014-2015*

with clearly mentioned period dates.

12. If any of the above information cannot be provided, please mention the reason and act or rule under which it cannot be provided.”

2. Although information was supplied to the petitioner on some of the points, it was denied on the majority of the points as the same was not sought in the requisite format. Even though the State Information Commission imposed a penalty of ₹2,000/- for the delay in supplying the information, it ordered that the amount be reimbursed to the Public Information Officer from the University fund, as per Section 19(8)(a) of the R.T.I. Act. Aggrieved by the non-supply of the desired information, the instant writ petition has been filed by the petitioner.

3. The learned counsel for the petitioner made a vociferous attempt to assail the legality of the orders passed by the authorities below, however, when confronted with the fact that the desired information is in a question-answer form seeking reasons, he fairly conceded that he is required to file an appropriate application in the requisite format.

4. This Court is of the view that the petitioner cannot seek information in a question-answer form. He cannot ask for reasons, which are not already recorded, as to why a decision was taken, in the form of seeking explanations, opinions, or justifications. The R.T.I. Act does not compel the Public Information Officer to create or provide reasons that are not recorded. The petitioner has a right to access existing recorded reasons, but this does not cast an obligation upon the Public Information Officer under the R.T.I. Act to create reasons or provide justifications for an action already taken by the authority concerned.

5. Faced with the above difficulty, the learned counsel for the

petitioner submitted that he does not wish to press this writ petition; however, liberty may be granted to the petitioner to withdraw the initial application and to file an appropriate application in the requisite format, as permissible under the R.T.I. Act.

6. Consequently, the instant writ petition is **dismissed as withdrawn**, however, with liberty (supra).

August 28, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No