



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

**CWP-9432-2025**

**Date of Decision : 03-04-2025**

**PAWAN KUMAR**

**.....Petitioner**

**VERSUS**

**STATE INFORMATION COMMISSION HARYANA AND OTHERS**

**.....Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present:     Mr. Sukhandeep Singh, Advocate  
                  for the petitioner.

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**HARSIMRAN SINGH SETHI, J. (Oral)**

1.             In the present petition, the grievance of the petitioner is that the information sought by the petitioner qua the respondent No.6 has been denied on the ground that the same is not admissible as per Section 8(j) of the Right to Information Act, 2005 which order passed by the respondent No.1, is incorrect.

2.             Learned counsel for the petitioner further submits that some of the information had been provided, which has been taken to be sufficient information but, all the documents relating to the appointment of respondent No.6 have not been given, which is causing prejudice to the petitioner hence, the order dated 30.09.2024 (Annexure P-9) should be set aside.

3.             I have heard learned counsel for the petitioner and has gone through the records of the present case with his able assistance.

4. It is a conceded position that the petitioner is asking for a 3<sup>rd</sup> party information qua the qualification and appointment of respondent No.6 with the State of Haryana.

5. The question which arises for adjudication before this Court is whether, such kind of information qua an individual employee who is a 3<sup>rd</sup> party can be sought keeping in view Section 8(j) of the Right to Information Act, 2005.

6. It may be noticed that 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.”*

7. 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 3<sup>rd</sup> party information 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*

*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.”*

7. Keeping in view the totality of the circumstances as, the petitioner is also seeking personal information of respondent No.6 and nothing has come on record as to why, in whole of the world, the petitioner has only chosen the respondent No.6 to seek such information and not the

information of the other employee, shows that there is an animosity between petitioner and respondent No.6.

8. Keeping in view the settled principle of law and the factual aspects of the present case, no interference is called for by this Court in the facts and circumstances of the present case.

9. Present petition stands dismissed in limine.

03-04-2025  
Sapna Goyal

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

NOTE: Whether speaking: YES  
Whether reportable: NO