CHANDIGARH POLICE

OFFICE OF THE SENIOR SUPERINTENDENT OF POLICE–CUM-1st APPELLATE AUTHORITY (UNDER RTI ACT 2005), UT, CHANDIGARH.

Appeal Order No. D-264-267 **/UT/RTI/SSP, dated :** 12.07.2023

Name of Appellant	:	Sh. Mohit Dhawan, R/o H. No. 1197, Sector 21, Chandigarh
Concerned CPIO	:	CPIO/North-East & Hqrs
Date of RTI application	:	09.05.2023 & 19.05.2023
Reply of CPIO	:	19.05.2023
Date of 1st Appeal	:	20.05.2023

ORDER

The appellant has preferred his online 1st appeals bearing Nos. PODEP/A/E/23/00037 dated 20.05.2023 & PODEP/A/E/23/00038 dated 20.05.2023 against the disposal of his online RTI applications bearing No. PODEP/R/T/23/00016/4 dated 09.05.2023 & PODEP/R/T/23/00017/4 dated 19.05.2023 by CPIO/Hqrs & CPIO/North-East with the contentions that requisite information was not provided to him.

Information sought vide RTI application :-

The appellant vide his online RTI applications bearing Nos. PODEP/R/T/23/00016/4 dated 09.05.2023 & PODEP/R/T/23/00017/4 dated 19.05.2023 had sought information on ten (10) points related to Insp. Harinder Sekhon, No. 471/CHG :-

Point No. 1 (sub points (i) to (vii) w.r.t. No. of complaints received against Insp. Harinder Sekhon till 17.03.2023, No. of times the said officer suspended till 17.03.2023, No. of departmental enquiries against him till 17.03.2023, No. of times the said officer found involved in stolen/tempering/misplacing the judicial record/office records/case records entrusted to him, No. of complaints/departmental proceedings pending against the said officer till 17.03.2023 & No. of times said officer has been posted to Police Lines till 17.03.2023 etc.)

Point No. 02 (sub points (a) to (d) w.r.t. enquiry report against Insp. Harinder Sekhon No. 471/CHG for being involved in Drug Trade and Drug supply)

Point No. 03 (sub points (a) to (e) w.r.t. involvement of Insp. Harinder Sekhon No. 471/CHG in stealing/tempering/selling of recovered/seized mobile phones from Malkhana which were part of judicial record (Nokia & Samsung brand worth approx. Rs 01 Crore) in case FIR No. 11dated 12.01.2011 u/s 395 IPC PS Manimajra, Chandigarh)

Point No. 04 (sub points (a) to (e) w.r.t. suspension of Insp. Harinder Sekhon No. 471/CHG in August 2008 wherein the said officer was found involved in extortion by illegal detention of 2 individuals, stripped both individuals naked, subjected them to electric shocks and victimized to custodial torture (namely Ram Saroop – Electrician and Ram Prasad – vegetable vendor)

Point No. 05 (sub points (a) to (e) w.r.t. departmental action against Insp. Harinder Sekhon No. 471/CHG for failing to report to duty during swearing-in ceremony of Chief Minister (as reported in News Papers dated 23.09.2022)

Point No. 06 (sub points (a) to (c) w.r.t. running a Chit Fund company, disproportionate assets, drug trade, extortion and threatening by Insp. Harinder Sekhon No. 471/CHG (as submitted before Hon'ble Punjab & Haryana High Court in CRM-M 34411 of 2013)

Point No. 07 (sub points (a) to (c) w.r.t. misbehavior against a couple, degrading the image of police department and flashing of service revolver to threaten the couple by Insp. Harinder Sekhon No. 471/CHG (as reported in Newspaper dated 10.09.2013)

Point No. 08 (sub points (a) to (c) w.r.t. departmental enquiry against Insp. Harinder Sekhon No. 471/CHG (as reported in newspaper dated 10.12.2020) for deliberately showing laxity in NDPS cases instituted by the then SSP Chandigarh, Sh. Kuldeep Singh Chahal, IPS.)

Point No. 09 (sub points (a) to (c) w.r.t. multi-crore rupee Bitcoin Ponzi Scam (involves scam of more than Rs 40,000/- crore affecting 8000 persons across the country as reported in newspaper dated 31.09.2019) entrusted to Insp. Harinder Sekhon No. 471/CHG for inestigation and involvement in transactions to gain Bitcoins)

Point No. 10 (sub points (a) to (c) w.r.t. Show Cause Notice issued to Insp. Harinder Sekhon No. 471/CHG (as reported in newspaper dated 26.10.2020) for involvement in Sector 26 brawl by the then SSP Chandigarh)

COMMENTS OF CPIO/North-East :-

CPIO/North-East vide his comments submitted that RTI application of the appellant was received in his office through online RTI portal to obtain information related to Insp. Harinder Sekhon, No. 471/CHG. Thereafter, the requisite information was obtained from quarters concerned (SHOs of Police Stations of Sub Division North-East) and the applicant was informed vide letter No. 73-RTI/CPIO/North-East dated 11.05.2023 that the requisite information is not directly related to the applicant, so the same is a third party information, hence, requisite information was denied u/s 8(1)(j) of RTI act. So far as the appeal is concerned, CPIO/North-East submitted that reports from all SHOs of Sub Division North-East were again obtained and found that in connection with information of point no. 01, no complaint found received against Insp. Harinder Sekhon, No. 471/CHG in Sub Division North-East till 17.03.2023 and with regard to information asked for vide point Nos. 2 to 11, the same is not related to Sub Division North-East.

Comments of CPIO/Hqrs :-

Comments of CPIO/Hqrs have also been obtained in the matter who submitted that RTI application of the appellant was received in his officer through online RTI portal for seeking information pertaining to Insp. Harinder Sekhon No. 471/CHG. Thereafter, consent of aforesaid official has been obtained u/s 11(1) of RTI act who gave in writing that appellant is seeking his personal information and the same may not be disclosed to him. He further submitted that appellant is accused in three criminal cases investigated by him. Moreover,

disclosure of sought information has no relationship to any public interest or activity. Hence the same is denied u/s 8(1)(j) of RTI act being personal information vide letter No. 149/CPIO/Hqrs/Online RTI-23/D-115 dated 31.05.2023.

DECISION :-

I have gone through the contents of RTI application, appeal of the appellant, comments of CPIO/North-East & Hqrs vis-à-vis material available on record which revealed that appellant had sought information on aforementioned 10 points related to Insp. Harinder Sekhon, No. 471/CHG.

In reply, CPIO/North-East and Hqrs denied the requisite information to the appellant u/s 8(1)(j) of RTI act being third party and personal information.

So far as the appeal is concerned, the appellant sought a voluminous information regarding various departmental issues related to Insp. Harinder Sekhon No. 471/CHG like departmental enquiries, punishments, suspension, allegations of drug trade/supply, illegal detention/torture, running of Chit Fund Company, disproportionate assets, involvement in Bitcoin Ponzi Scam etc. by citing various judgments of Hon'ble Courts & Central Information Commission (CIC) but none of the judgments is found corroborating the contentions of the appellant in the instant matter/case. Rather, Hon'ble Apex Court in case titled as "Girish Ramachandra Deshpande Vs Central Information Commission, SLP (C) No. 27734 of 2012 observed as under :-

"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.

14. The details disclosed by a person in .....disclosure under
clause.....
.....

15. The petitioner in the instant case has not made a bona fide public interest in seeking information, the disclosure of such information would cause unwarranted invasion of privacy of the individual under Section 8(1)(j) of the RTI Act.

16. We are, therefore, of the view that the petitioner has not succeeded in establishing that the information sought for is for the larger public interest. That being the fact, we are not inclined to entertain this special leave petition. Hence, the same is dismissed."

The above said version was further strengthened by the judgment passed by the Hon'ble Central Information Commission, New Delhi in appeal case titled as "Manoj Arya Vs CPIO, Cabinet Secretariat (Vigilance & Complaint Cell), New Delhi" while rejecting the appeal of the appellant seeking to disclose the personal information of a Govt. employee.

In view of above, requisite information consisting of copies of enquiry reports, ACRs, notings/correspondences, orders of punishments etc. cannot be supplied and denied

u/s 8(1)(j) of RTI act being a third party and personal information. Moreover, CPIO has also followed the procedure of section 11(1) of RTI act and obtained the consent of the third party i.e. Insp. Harinder Sekhon who gave in writing that information asked for by the appellant is his personal information which may not be disclosed to the appellant. He also submitted that appellant is an accused in three criminal cases being investigated by him. So, it is clear that there is no larger public interest involved in disclosure of such information and the matter is primarily between employee & employer (Police Department). Hence, requisite information concerning to the third party cannot be disclosed to the appellant.

With the aforementioned observations, the instant appeals stands disposed off.

In case, the appellant is not satisfied with the disposal of his appeal, he can file second appeal before the Hon'ble CIC, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi-110067 under the RTI Act within 90 days.

(Kanwardeep Kaur, IPS)
Senior Superintendent of Police
Union Territory, Chandigarh-cum-
1st Appellate Authority.

Sh. Mohit Dhawan,
R/o H. No. 1197, Sector 21,
Chandigarh Mob. 70878-00016
Copies to :-

1 CPIO/North-East
2 CPIO/Hqrs
3 Computer Section.