



**CHANDIGARH POLICE**  
**OFFICE OF THE SENIOR SUPERINTENDENT OF POLICE-CUM-1<sup>st</sup>**  
**APPELLATE AUTHORITY (UNDER RTI ACT 2005), UT, CHANDIGARH**

**Appeal Order No. D- 33 - 35**

**/UT/RTI/SSP, dated : 05-02-2021**

Name of Appellant : Mr. Jagjit Singh,  
R/o # 5080/2 MHC,  
Manimajra, Chandigarh.

Concerned CPIOs : CPIO/PHQ

Date of RTI application : 01.12.2020 & 06.12.2020

Date of CPIO's Reply : 31.12.2020 & 01.01.2021

Date of 1<sup>st</sup> Appeal : 18.01.2021

**ORDER**

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The appellant has preferred 1<sup>st</sup> appeal (bearing Nos. PODEP/A/E/20/00007 & 08, both dated 18.01.2021) against the reply/order of CPIO/PHQ in connection with his RTI application (bearing Nos. PODEP/R/E/21/00607 & 619 dated 01.12.2021 & 06.01.2021) with the contentions that requisite information was not supplied to him. The instant appeal was diarized vide No. 05 & 07/UT/RTI/FAA/SSP dated 18.01.2021 for further proceeding under RTI Act. Both appeals are clubbed as the matter in both appeals is similar in nature.

**INFORMATION SOUGHT IN RTI APPLICATION:-**

The appellant had sought copies of applications of officials of Chandigarh Police who had allotted out of turn police pool quarter between 27.6.2018 to 15.08.2020 and complete detail of all police officials i.e. Name, Rank, Belt Number and date of Appointment.

**COMMENTS OF CPIO/PHQ: -**

CPIO/PHQ submitted in both appeal that appellant has sought personal information of police official and concerned police officials have denied their consent for supplying the requisite information u/s 11 of RTI Act, Accordingly, appellant was informed in this regard and denied to supply the requisite information u/s 8(1)(j) of RTI Act in the light of decision of Supreme Court of India in SLP (C) No. 27734 of 2012 titled as (Girish R Deshpande Vs. CIC and others" as well as order of CIC dated 26.06.2013 in case titled Manoj Arya Vs. CPIO Cabinet Secretariat (Vigilance & Complaint Cell) New Delhi.

**PERSONAL HEARING:-**

Personal hearing in the matter was conducted on 01.02.2021. All issues of the appellant were heard in detail. During hearing, appellant asserted that he wants information/ detail of police officials who were allotted out of turn Govt. Quarter along with their applications and CPIO/PHQ had denied information by applying section 8(1) (j) of RTI Act. Further, he asserted that allotment of Govt. Quarter to the employees is a public activity and he is ready to submit in writing his bonafides and show that larger Public Interest is also involved for disclosing the requisite information.

**DECISION:-**

I have gone through the contents of RTI application & appeal of the appellant, comments of CPIO/PHQ vis-à-vis material available on record which revealed that appellant had sought copies of applications of officials of Chandigarh Police who had allotted out of turn police pool quarter between 27.6.2018 to 15.08.2020 and complete detail of all police officials i.e. Name, Rank, Belt Number and date of appointment.

Insofar as the appeals are concerned, it is clear that appellant has sought information pertaining to police officials of Chandigarh Police and on the other side, CPIO/PHQ had denied the information u/s 8(1)(j) being a personal information of third party as the police officials have did not tender their consent



for disclosing their personal information. Moreover, CPIO/PHQ had also made citation of Hon'ble Supreme Court Judgment titled as Girish Ramchandra Deshpande Vs. CPIO & Ors (Special Leave Petition {Civil} No. 27734 of 2012) for denying the requisite information to the appellant.

From the perusal of said judgment, it revealed that Hon'ble Supreme Court has elaborated the term '*personal information*' depicted in section 8(1)(j) of RTI Act. The Hon'ble Supreme Court held as under:-

*"The performance of an employee/officer in an organization is primarily a matter between employee and employer and normally those aspects are governed by the service rules which fall under the expression "personal information", 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 State Public Information Officer of the Appellate Authority is satisfied that 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."*

Keeping in view of above explanation, it is clear that allotment of Govt. Quarter by the department to its employees are primarily a matter between employer and employee, therefore, applications submitted by employees are explicitly protected under the expression of personal information of employees. It is worthwhile to mention here that concerned employees have already given their dissent for disclosing their personal information.

It is also important to emphasize the recent judgment dated 12.01.2021 of Delhi High Court in which Court held as under:-

*"This Court is of the opinion that whenever personal information is sought under the RTI Act, disclosure of an interest in the said information sought would be necessary to establish the banafides of the applicant. Non-discourse of the same could result in injustice to several other affected persons, whose personal information is sought....."*

In view of above, CPIO/PHQ is hereby directed to ask for appellant about his bonafides to establish the public interest are involved for disclosing such personal information of Police Officials, thereafter, exercise due diligence to come into conclusion that whether by disclosing such personal information, larger public interest is involved or otherwise?

Both instant appeals are hereby disposed of.

In case, the appellant is not satisfied with the disposal of this 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.



**(Kuldeep Singh Chahal, IPS)**  
**Senior Superintendent of Police**  
**Union Territory, Chandigarh-cum-**  
**1<sup>st</sup> Appellate Authority.**

1. Mr. Jagjit Singh,  
R/o # 5080/2 MHC,  
Manimajra, Chandigarh,
2. CPIO/PHQ
3. Computer Section.

HC Sanjay Kumar

Insp  
1/c Com Sec  
05/02/2021