

ਰਜਿਸਟਰਡ

ਵੱਲੋਂ:

ਇੰਸਪੈਕਟਰ ਜਨਰਲ ਪੁਲਿਸ, ਪੀ.ਏ.ਪੀ.,
-ਕਮ-ਅਪੀਲੀ ਪ੍ਰਾਪਿਕਾਰੀ, ਜਲੰਧਰ।

ਵੱਲੋਂ

ਸ਼੍ਰੀ ਸੰਜੀਵ ਕੁਮਾਰ ਧੰਮ, ਪੁੱਤਰ ਸ਼੍ਰੀ ਮੋਹਨ ਲਾਲ,
ਵਾਸੀ ਮਕਾਨ ਨੰਬਰ 198/2, ਡਿਫੈਂਸ ਕਲੋਨੀ,
ਜਲੰਧਰ। (ਮੋਬਾਇਲ ਨੰਬਰ: 94170-35789)

ਨੰਬਰ

/ਈ-6, ਮਿਤੀ

ਵਿਸ਼ਾ:-

ਸੂਚਨਾਂ ਅਧਿਕਾਰ ਐਕਟ-2005 ਅਧੀਨ ਸੂਚਨਾ ਲੈਣ ਸਬੰਧੀ ਅਪੀਲ।

ਯਾਦ ਪੱਤਰ

ਹਵਾਲਾ ਆਪ ਦੀ ਅਪੀਲ ਮਿਤੀ 26-09-2022 ਦੇ ਸਬੰਧ ਵਿੱਚ।

2.

ਆਪ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਆਪ ਵੱਲੋਂ ਸੂਚਨਾਂ ਅਧਿਕਾਰ ਐਕਟ 2005 ਦੇ ਤਹਿਤ ਸੂਚਨਾ ਲੈਣ ਸਬੰਧੀ ਦਿੱਤੀ ਦਰਖਾਸਤ ਮਿਤੀ 23-08-2022 ਜੋ ਪੁਲਿਸ ਡੀ.ਏ.ਵੀ ਪਬਲਿਕ ਸਕੂਲ ਜਲੰਧਰ ਵੱਲੋਂ ਆਰ.ਟੀ.ਆਈ ਐਕਟ ਦੀ ਅਧੀਨ ਧਾਰਾ 8(1)(d) ਅਤੇ 8(1)(j) ਤਹਿਤ commercial confidence nature ਦੀ ਹੋਣ ਕਰਕੇ ਆਪ ਦੀ ਦਰਖਾਸਤ ਰੱਦ ਕਰ ਦਿੱਤੀ ਗਈ ਸੀ। ਜਿਸ ਦੀ ਸੂਚਨਾਂ ਆਪ ਜੀ ਨੂੰ ਉਹਨਾਂ ਦੇ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ 240/201, ਮਿਤੀ 15.09.2022 ਰਾਹੀਂ ਭੇਜੀ ਗਈ ਸੀ।

ਇਸ ਲਈ ਉਕਤ ਧਾਰਾ ਵਿੱਚ ਦਰਜ ਉਪਬੰਧ ਮੁਤਾਬਿਕ ਉਕਤ ਲਿਆ ਗਿਆ ਫੈਸਲਾ ਸਹੀ ਪਾਇਆ ਗਿਆ ਹੈ। ਇਸ ਲਈ ਆਪ ਵੱਲੋਂ ਕੀਤੀ ਗਈ ਮੌਜੂਦਾ ਅਪੀਲ ਵਿਚਾਰਨ ਉਪਰੰਤ ਰੱਦ ਕੀਤੀ ਜਾਂਦੀ ਹੈ।

ਇੰਸਪੈਕਟਰ ਜਨਰਲ ਪੁਲਿਸ, ਪੀ.ਏ.ਪੀ.,
-ਕਮ-ਅਪੀਲੀ ਪ੍ਰਾਪਿਕਾਰੀ, ਜਲੰਧਰ।

ਨੰਬਰ 39320-21

/ਈ-6 ਮਿਤੀ 20-10-22

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆਂ ਨੂੰ ਸੂਚਨਾਂ ਅਤੇ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਹਿੱਤ

ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ:-

1. ਪ੍ਰਿੰਸੀਪਲ, ਪੁਲਿਸ ਡੀ.ਏ.ਵੀ ਪਬਲਿਕ ਸਕੂਲ, ਜਲੰਧਰ।

2. ਇੰਚਾਰਜ ਵੈਬ-ਸਾਈਟ ਪੀ.ਏ.ਪੀ., ਨੂੰ ਸਮੇਤ ਅਪੀਲ ਦੀ ਕਾਪੀ।

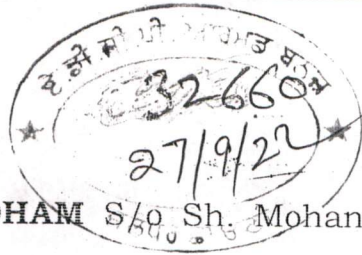
ਇੰਸਪੈਕਟਰ ਜਨਰਲ ਪੁਲਿਸ, ਪੀ.ਏ.ਪੀ.,
-ਕਮ-ਅਪੀਲੀ ਪ੍ਰਾਪਿਕਾਰੀ, ਜਲੰਧਰ।

20/10/22

107
28/9/22

2857
26-09-22

BEFORE THE FIRST APPELLATE AUTHORITY UNDER RTI, OFFICE OF
SPECIAL DIRECTOR GENERAL OF POLICE, STATE ARMED POLICE,
PUNJAB, PAP CAMPUS, JALANDHAR CANTT.-144006.



Appeal No. _____ of 2022

SANJEEV KUMAR DHAM S/o Sh. Mohan Lal R/o 198/2, Defence Colony,
Jalandhar, Punjab, India.

.....Appellant

Versus

1. **PUBLIC INFORMATION OFFICER-CUM-POLICE D.A.V. PUBLIC
SCHOOL**, P.A.P. Campus, Jalandhar Cantt.

2. **PUBLIC INFORMATION OFFICER-CUM-A.I.G./P.A.P.**, office of Special
Director General Police, State Armed Police, Punjab. **P.A.P. Campus,**
Jalandhar Cantt.

....Respondents

First Appeal under section 19 (1) of the Right to Information Act, 2005

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3.	Copy of letter of rejection of information		
4.	Copy of I.D. Proof of the appellant		

Place:- Jalandhar

Dated:-

26/09/2022

Subdt. C.A. (mm)
for m/a

AIG/PAP

26/09/22

①

**BEFORE THE FIRST APPELLATE AUTHORITY UNDER RTI, OFFICE OF
SPECIAL DIRECTOR GENERAL OF POLICE, STATE ARMED POLICE,
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....Respondents

First Appeal under section 19 (1) of the Right to Information Act, 2005

Sir,

It is respectfully submitted as under:-

Brief Facts Leading to First Appeal:-

Whereas, previously appellant filed an application under section 6 (1) of the RTI Act, 2005 to the respondent no.1 by hand through receiving vide postal order no. 59F 779772 on 23.08.2022 to get certain information with regard to letter no. 240/201 dated 15.09.2022 written by Principal in which she stated that the information/document sought under Right to information Act could not be supplied to the appellant. Overall, in response to said Application, the respondent no.1/PIO not provided the requisite information and rejected the Application of the appellant through vide letter no. 240/201 dated 15.09.2022 and stated that information is exempted from RTI Act under section 8 (1) (d) & 8 (1) (j) under RTI Act, 2005.

Grounds of the Appeal:-

1. That Sonu wife of Sh. Sanjeev Kumar Dham & D/o Late Sh. Rameshwar Gopal Chopra is a legally wedded of the appellant and their marriage was performed on 20.08.2001 according to Hindu Rites & Ceremonies

at Jalandhar and out of this wedlock one male child was born and the appellant is litigating against his estranged wife.

2. That the appellant is seeking information with regard to his wife, specifically in relation to private dispute, which is said to be under the sections of 24 & 26 of the HMA, 1955 for Pendentalite maintenance Act. It also cannot be ignored that in matters of statutory contributions under acts like the Payment of Gratuity Act, 1972 and the Employee's Provident Funds and Miscellaneous Provisions Act, 1952 ("1952 Act"), a nominee of the employee has to be stated. This indicates that the husband or wife in their inter se relations, could be a nominee of the partner who is in employment.
3. That the Section 8(1) d) & (j) of the Act of 2005 allows such information to be shared with the citizens as that the public authority in question would have shared with the Parliament or the State Legislature as the appellant/husband seeks information with regard to the income of his wife from a public authority, it cannot be said that, such information is personal to the wife. The information sought for by the husband as regards the income of the wife from the public authority where the wife is employed is an information which the appellant is entitled to know. Neither the public authority concerned nor the wife can claim any privilege over the same. Thus, the appellant is liable to receive the complete details regarding monthly salary report of his wife from the respondents (Gross & Carry Home Month Wife) who is PRT English, Teacher Smt. Sonu Wife of Sh. Sanjeev Kumar Dham (husband/appellant) under RTI-Act, 2005.
4. That the law would be the same when, the wife is seeking information with regard to the income of the husband from a public authority where the husband is employed. In the present case, the appellant is prosecuting a proceeding under section 24 & 26 of the HMA, 1955 for Pendentalite maintenance where the information sought for is required to establish the quantum of maintenance. The information sought for is material evidence in the proceedings of the Court. The authorities are obliged to submit such information in such proceedings, if the Court required it or if the party call a witness from the authority to establish the salary of the wife of the appellant and the section 8 (1) (d) & 8 (1) (j) of the Right to Information Act of 2005 does not lays down an absolute bar in sharing information which can be classified as personal information. It recognizes several instances where personal information can be shared. Personal information can be shared if it has a

relationship with any public activity or interest. Thus, the appellant is liable to receive the complete details regarding monthly salary report of his wife from the respondents (Gross & Carry Home Month Wife) who is PRT English, Teacher Smt. Sonu Wife of Sh. Sanjeev Kumar Dham (husband/appellant) under RTI Act, 2005.

5. That in such circumstances, the appellant seeks the salary details of the wife for the purpose of establishing the income of the wife in a proceeding under section 24 & 26 of the HMA, 1955 for Pendente lite maintenance and as such, salary information of the wife of the appellant cannot be denied under section 8 (1) (d) & 8 (1) (j) of the Right to Information Act, 2005. Thus, the respondents are liable to provide the salary details of the wife of the appellant within a fortnight from the date of communication. The requisite information is with regard to the following:-

- Copy of the document regarding the monthly salary report (Gross & Carry Home Month wise) from the period of June, July and August 2022 of PRT English Teacher Smt. Sonu who is legally wedded wife of the appellant Sh. Sanjeev Kumar Dham.

6. That perused the information sought by the informant/appellant from the department. The information sought are as to how much salary being given to the wife of the appellant. This information do not appear to be private in nature in any manner nor is it exempted under the RTI Act. Nothing has been shown by the respondent, which may suggest that the information sought by the appellant, relating to the wife of the appellant, is covered under Section 8(1) (d) & 8 (1) (j) of RTI Act. Under the RTI Act, the 'information' has been defined **under Section 2 (f) of the RTI Act**, which reads as under:-

"'information' means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force."

7. That a bare perusal of the aforesaid definition shows that the 'information' has been widely defined. On a request these information have to be supplied to the appellant seeking such an information by a

public authority. The 'public authority' has also defined **under Section 2(h) of the RTI Act**, which reads as under:-

"'public authority' means any authority or body or institution of self-government established or constituted:-

- (a) by or under the Constitution;**
- (b) by any other law made by Parliament;**
- (c) by any other law made by State Legislature;**
- (d) by notification issued or order made by the appropriate Government, and includes any-**
 - (i) body owned, controlled or substantially financed;**
 - (ii) non-Government Organisation substantially financed, directly or indirectly by funds provided by the appropriate Government."**

Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests. Thus, the appellant is liable to receive the complete details regarding monthly salary report of his wife from the respondents (Gross & Carry Home Month Wife) who is PRT English, Teacher Smt. Sonu Wife of Sh. Sanjeev Kumar Dham (husband/appellant) under RTI Act, 2005. The appellant relied upon the Judgment passed by the **Hon'ble High Court of Uttrakhand in case titled "Jasmeet Kaur Versus State of Uttrakhand & Others"** in which it has clearly stated following as under that:-

Right to Information Act, 2005 Section 8 Husband and wife living separately - Wife serving in Govt. School- Husband seeking information relating to posting and salary of his wife- Information cannot be denied - Held:-

- 1. Nature of exemption is not covered under any of the exemption given under Section 8 of the RTI Act.**

(Law Finder Doc Id # 812635)

Copy of the same is attached herewith.

8. That the PIO has failed to provide the information under the Act. Feeling aggrieved for non-supply of requisite information under the Act from the PIO the Appellant filed the first appeal U/s 19 (1) of the Act, before this Hon'ble Authority.

9. That the respondent no.1 is liable to give the requisite information to the appellant within 30 days and has failed to provide such information under the Act *ibid*.
10. That the respondent i.e. Public Information Officer misinterpreting and misusing the provisions of the RTI Act and have no worries and compulsions of statutory provisions of law and still have not given requisite information to the Appellant despite various requests made by the appellant.
11. That the Appellant has all fears to believe that the respondent i.e. Public Information Officer is reluctant to give the information which is against the interests of justice and miscarriage of justice. It is high time to intervene in the working of the Public Information Officer and First Appellate Authority and to direct them to act in the ambit & scope of law.
12. That the appeal is being filed in time.
13. That the Appellant seeks the leave to add, amend any ground or grounds of Appeal at the time of hearing or before the Appeal.

Prayer:-

It is, therefore, respectfully prayed that an immediate penal action against both the respondents may kindly be taken and the penalty U/s 20 (1) and 20 (2) under the Act *ibid* may also very kindly be imposed, in the interest of justice

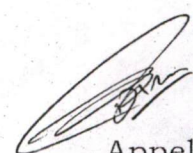
It is, further prayed that PIO may also very kindly be directed to provide the requisite information/documents to the appellant to safeguard the interest of justice and public and you shall maintain the confidence of public men in administration.


Appellant

VERIFICATION:-

Verified that the contents of the above said appeal are true and correct to the best of my knowledge and nothing has been kept concealed therein.

Verified at Jalandhar on


Appellant