

Central Information Commission

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Mr.Pritpal Singh Sawhney vs Ministry Of External Affairs on 25 February, 2011

In the Central Information Commission

at

New Delhi

File No: CIC/AD/A/2011/000240

Date of Hearing : 25 February, 2011

Date of Decision : 25 February, 2011

Parties:

Appellant

Shri Pritpal Singh Sawhney

130 Sector 45-A

Chandigarh 1660047

The Appellant was absent.

Respondents

M/o External Affairs

Regional Passport Office

SCO 28-32, Sector 34 AA

Chandigarh

Represented by: Shri P. Roychadhuri, Advocate Information Commissioner
: Mrs. Annapurna Dixit

Decision Notice

As given in the decision

In the Central Information Commission

at

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ORDER

Background

1. This appeal relates to the Applicant's RTI-application dated 10.08.2010, filed before the PIO, Regional Passport Office, Chandigarh, through which he enquired about the issuance of the passport to Shri Rajinder Ghai S/o Shri Lal Chand and demanded to have complete details of the same and, if it has not yet been issued, the same to be withheld since, according to him, a criminal case is pending against Mr. Ghai.

2

The PIO, on 15.09.2010, informed the Applicant that the passport has been issued to Shri Rajinder Ghai after receiving clear police verification report. However, he declined to disclose the details of the passport u/s 8(1)(j) on the ground that these are personal to the 3rd-party, disclosure of which would cause unwarranted invasion of privacy of that 3rd-party..

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The Applicant, thereafter, filed his 1st appeal with the Appellate Authority (AA) on 18.09.2010 claiming that public interest is involved in disclosure of the requested information as, according to him, a criminal case against Shri Ghai is pending before the court of law. The AA, however, according to the Appellant, did not give any decision on this appeal. The Appellant, therefore, filed the present appeal in the Commission on 10.11.2010 charging that the CPIO has given incorrect and false information to him and that this shows the "Misfeasance and malfeasance of the CPIO" He also alleged that Shri Ghai (3rd-party) had filed forged documents in the Punjab and Haryana High Court in order to get an HIG house to which he was not eligible and entitled. He mentioned that he tried to expose the 3rd-party's misdeeds by approaching various fora, but could not succeed and thus as a last resort he has filed a criminal case against the said 3rd-party which is pending in the District Court of Chandigarh. Decision

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During the hearing, the Counsel for the Respondents maintained that the present information belongs to the 3rd-party and thus attracts exemption under Section 8(1)(j) of the RTI-Act.

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The Commission is in agreement with the Respondents' decision that the information sought herein is personal to the 3rd-party and, therefore, cannot be given under Section 8(1)(j) of the RTI-Act. Nevertheless, in view of what the Appellant has alleged about the 3rd-party in the present petition, it is recommended that the Regional Passport officer, Chandigarh enquire into the matter in order to ascertain whether all requirements as per law has been fulfilled before issuing the passport to the 3rd-party. In the event, he finds anything happened or allowed to happen which is not in conformity with the law/Act, he should take necessary action in the matter as per the extant Rule/Law. A detailed report along with the action taken, if any, in this regard may be submitted to the Appellant at the earliest, preferably within one month.

6. The appeal is accordingly disposed of. (Annapurna Dixit)

Information Commissioner

Authenticated true copy

(G.Subramanian)

Deputy Registrar

Cc:

1. Shri Pritpal Singh Sawhney

130 Sector 45-A

Chandigarh

2. The Appellate Authority

M/o External Affairs

Office of the JS (PSP)

Patiala House Annexe,

Tilak Marg

New Delhi

3. Public Information Officer,

M/o External Affairs

Regional Passport Office

SCO 28-32, Sector 34 AA

Chandigarh

4. Officer In-charge, NIC