

**Before Akshey Sood, First Appellate Authority-cum-Director
Technical Education, Vocational & Industrial Training H.P.
Sundernagar, Distt. Mandi 175018**

Case No. 6/2023-24
Date of Institution. 28.09.2023
Date of Decision. 19.10.2023

In the Matter of:

Smt. Sumita Palia D/o Sh. Surinder Kumar Palia R/o Vill. & P.O-
Dhoran Teh.- Palampur Distt. Kangra H.P.-----
-----Appellant

V/s

P.I.O.-Cum-Joint Director Technical Education, Vocational & Industrial
Training, Sundernagar Distt. Mandi H.P.-----
Respondent

Appeal under the Right to Information Act 2005.

ORDER

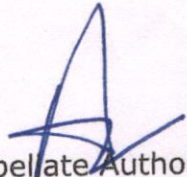
The instant case was called on 19.10.2023 by issuing notices to the Appellant and P.I.O. The P.I.O and the Appellant both were duly present on the above date. The brief facts of the case are that the applicant Ms. Sumita Palia had asked the following information "latest gross salary slip" of Sh. Shri Archit Bharti S/o of Sh. Nek Singh resident of Village & Post office Dhoran Khas Tehsil Palampur Distt. Kangra H.P. posted as Lecturer in Govt. Polytechnic Hamirpur H.P. vide the application under RTI Act, 2005 dated 02.08.2023 from PIO-cum-Joint Director (TE). But the required information was not provided to her. Feeling aggrieved the appellant has preferred this instant appeal. During personal hearing on dated 19.10.2023, she submitted that she is not satisfied with the information provided by PIO. She also submitted the court order No. CIC/CCITL/A/2021/631675 dated 19.09.2022, wherein the central information commission has directed respondent i.e. Income Tax department, to supply generic details of the net taxable income /gross income of the husband of the applicant. She also produced another order dated 06.11. 2020 passed by the

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Central Information Commission, in case of Rahmat Bano V/s CPIO O/o the Income Tax officer, Ward No. 3(4), Room No. 89, Aayakar Bhawan, Paota C Road, Jodhpur, Rajasthan. In this order it has been directed to the respondent, to inform the applicant about the gross income of her husband. She also submitted that supply of the details of the gross total income of her husband, will not violate any provision of the Right to Information Act 2005. On the other hand the PIO submitted that the information demanded by the applicant has not been supplied to her as the same cant not be supplied as per point No. 8(1) j of RTI Act, 2005. After the submissions made by both the parties and on the basis of record/ documents produced before the undersigned, it is clear that the applicant Smt. Sumita Palia, daughter of Sh. Surinder Kumar Palia R/o Village & Post office Dhoran Tehsil Palampur Distt. Kangra H.P is legally wedded wife of Sh. Archit Bharti and she has applied under the RTI Act 2005 to get the information about the latest gross salary of her husband, who is posted as lecturer in Govt. Polytechnic, Hamirpur H.P. The PIO has rejected her application under section 8 (1) j of RTI Act. 2005. So she has preferred this instant appeal. Keeping in view the Judgements passed by the Central Information Commission and also keeping in view the fact that the applicant is the legally wedded wife of Sh. Archit Bharti and as such she has got every right to know about the gross salary of her husband, the PIO is directed to supply the Gross salary details of Sh. Archit Bharti, the husband of the Appellant within 15 days of the receipt of the order, free of cost through registered post.

Copy of the order be supplied to PIO for necessary action and to the Appellant for information.

Announced.


First Appellate Authority-cum-
Director Technical Education
Vocational and Industrial Training
Himachal Pradesh Sundernagar

Appeal No - 6. Ms Sumita Palia

RTIMatter/TimeBound/Regd.

**DIRECTORATE OF TECHNICAL EDUCATION
VOCATIONAL & INDUSTRIAL TRAINING
H.P., SUNDERNAGAR, DISTT. MANDI,**

No.STV(TE)H-G(1)22 -RTI/2009-Misc-

63581

Dated: 27/10/2023

To

Ms. Sumita Palia, W/o Sh. Archit Bharti,
D/o Sh. Surinder Kumar Palia,
R/o Vill. & P.O. Dhoran,
Tehsil Palampur, Distt. Kangra HP-176060
Mob. 82192-98754

Sub:

**Regarding Appeal for Information sought under RTI Act- 2005 from
First Appellate Authority.**

Sir,

In compliance to the decision passed by the First Appellate Authority-cum-Director Technical Education Vocational and Industrial Training Himachal Pradesh Sundernagar on dated 19-10-2023. In this regard, enclose please find herewith the copy of information as desired under RTI Act, 2005 regarding Gross Salary slip of Sh. Archit Bharti, Lecturer

S.K. Gautam

(S.K. Gautam)

Joint Director-cum-PIO

Technical Education

Vocational & Industrial Training,

H.P., Sundernagar, Distt. Mandi

No. 63581

Dated: 27-10-2023

Copy to: First Appellate Authority-cum-Director Technical Education Vocational and Industrial Training Himachal Pradesh Sundernagar for information please.

S.K. Gautam

(S.K. Gautam)

Joint Director-cum-PIO

Technical Education

Vocational & Industrial Training,

H.P., Sundernagar, Distt. Mandi

OFFICE OF THE PRINCIPAL
GOVT. POLYTECHNIC HAMIRPUR (HP)
Telefax: 01972-258509, E-mail: gp-ham-hp@gov.in

Dated 26/10/2023

No. GPH/RTI/2023- 5882

To

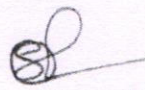
The Director, Technical Education,
Vocational & Industrial Training,
H.P. Sundernagar, Distt. Mandi (HP)

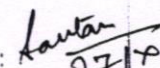
Subject: - Regarding Information under RTI Act-2005.

Sir,

I have the honour to refer to your office letter No. STV (TE) H-G(1)22-RTI/2009-Misc-63304 dated 26/10/2023 on the subject cited above. In this regard, please find enclosed herewith the desired information as Annexure-I^(one page) for information and further necessary action at your end please.

Yours faithfully,


(Er. Chander Shekhar)
Principal
Govt. Polytechnic
Hamirpur (H.P.)

True copy of the Document/Record supplied under RTI-Act-2005 Signature of Public Information Officer:  Date: 27/10/23 Name of Public Information Officer: S.K. Gautam Name of Public Authority: Directorate of Teh. Edu. H.P. Sundernagar
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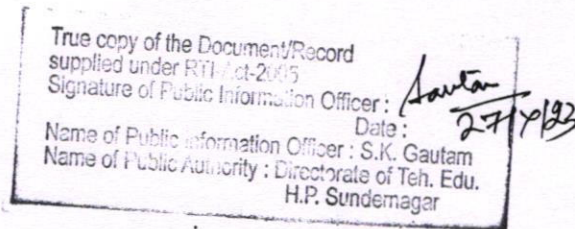
OFFICE OF THE PRINCIPAL
GOVT. POLYTECHNIC HAMIRPUR (HP)
Telefax: 01972-258509, Email: gp-ham-hp@gov.in

Gross Salary detail of Sh. Archit Bharti, Lect. Electrical Engg. of this institute for the month of October 2023 paid in November 2023 is appended below:-

Basic Pay	63100.00
Dearness Allowance	21454.00
Compensatory Allowance	200.00
Special Pay Allowance	400.00
Total	Rs. : 85154.00 (Eighty Five Thousand One Hundred Fifty Four only)



Principal
Govt. Polytechnic
Hamirpur (HP).



Director
Sumita
23762
28/9/23

Appeal under Section 19 of the Right to Information Act, 2005

To

First Appellate Authority
CUM Director
Technical Education Technical Education, Vocational & Industrial Training H.P.
Sundernagar, District Mandi Himachal Pradesh

A. Contact details:

1. Name of the Applicant	Sumita Palia
2. Address	D/o Shri Surinder Kumar Palia R/o Village & Post Office Dhoran Tehsil Palampur District Kangra Himachal Pradesh

B. Details about RTI request:

1. Particulars of the SPIO against whose order appeal is preferred	(a) Name	S.K. Gautam,
	(b) Address	Joint Director cum PIO, Technical Education, Vocational & Industrial Training H.P. Sundernagar, District Mandi.
2. Date of submission of application (Please attach a copy)	Application were sent by Registered Post Vide which was duly received by the PIO Office	
3. Brief facts leading to appeal	<p>(a) Information sought by the Appellant/Applicant was denied citing Information could not be disclosed as per Point 8 (1)(j) of RTI Act, 2005</p> <p>(b) Aggrieved by the response received within the prescribed period (a copy of the order received be attached)</p> <p>Grounds for appeal</p> <p>a. PIO has not provided any information sought by the Appellant. He has simply written that Information could not be disclosed as per Point 8 (1)(j) of RTI Act, 2005 which has been received by the Appellant vide Letter No STV(TE)H-G (1)22-RTI-RTI/2009-Misc-55144 dated 02-09-2023.</p> <p>b. PIO has ignored the facts specifically pleaded by the Applicant that she is legally wedded wife of Archit Bharti son of Shri Nek Singh resident of Village & Post Office Dhoran Khas Tehsil Palampur District Kangra H.P. posted as Lecturer in Govt. Polytechnic, Hamirpur</p>	

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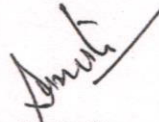
	<p>H.P. and the applicant has ousted from her matrimonial house and Archit and his parents has done atrocities upon her and her husband Archit has refused to keep and maintain the applicant and her minor son and applicant has to apply for maintenance before the court of law and for that purpose she had applied for latest gross salary slip of Shri of Archit Bharti son of Shri Nek Singh resident of Village & Post Office Dhoran Khas Tehsil Palampur District Kangra H.P. posted as Lecturer in Govt. Polytechnic, Hamirpur H.P.</p> <p>c. The said information cannot be denied under section 8 (1)(j) of RTI Act, 2005 being personal information as present case is of husband and wife and applicant is not third person but is the wife/spouse who has every right to know about the salary of her husband. PIO has knowingly did not considered the attached judgment Rahmat Bano Vs. The CPIO, O/o the Income Tax Officer (Central Information Commission, New Delhi) Second Appeal No. CIC/CCITJ/ A/2019/108747 dated 06/11/2020 of Central Information Commission which has held that wife has the right to know her husband's salary and seek information about the same through Right to Information (RTI)</p> <p>D. Central Information Commission Baba Gangnath Marg, Munirka New Delhi - 110067 in File No : CIC/CCITL/A/2021/631675 Sanju Gupta Appellant VERSUS CPIO, Income Tax Department Office of The Income Tax Officer, ITO-1, Central Revenue Building, Kamla Nehru Marg, Civil Lines, Bareilly, UP-243001 Date of Decision : 19/09/2022 has also held that "While dealing with the Section 8(1)(j) of the Act, we cannot lose sight of the fact that the appellant and the respondent No.1 are husband and wife and as a wife she is entitled to know what remuneration the respondent No.1 is getting." and taking into consideration the aforementioned analysis and the judgments of the Higher Courts, the Commission directed the respondent to inform the appellant about the generic details of the net taxable income/gross income of her husband held and available with the Public Authority.</p>
4. Prayer or relief sought	PIO be directed to supply the information sought by the appellant in his application
5. Last date for filing the appeal	02-10-2023

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6. If appeal is being filed after 30 days, the reasons which prevented from filing appeal in time	NOT APPLICABLE
7. Copies of documents relied upon by the applicant	<p>1) Application under Right to Information Act, 2005 filed by Appellant before PIO</p> <p>2) Letter No STV(TE)H-G (1)22-RTI-RTI/2009-Misc-55144 dated 02-09-2023 sent by Joint Director cum PIO, Technical Education, Vocational & Industrial Training H.P. Sundernagar, District Mandi to the appellant vide which information sought by appellant was declined.</p> <p>3) Copy of Order of Central Information commission in Rahmat Bano Vs. The CPIO, O/o the Income Tax Officer (Central Information Commission, New Delhi) Second Appeal No. CIC/CCITJ/ A/2019/108747 dated 06/11/2020</p> <p>4) Copy of Order of Central Information commission in File No : CIC/CCITL/A/2021/631675 Sanju Gupta Appellant VERSUS CPIO, Income Tax Department Office of The Income Tax Officer, ITO-1, Central Revenue Building, Kamla Nehru Marg, Civil Lines, Bareilly, UP-243001 Date of Decision : 19/09/2022</p>

Date: 21-09-2023

Applicant



Sumita Palia
W/o Archit Bharti AND
D/o Shri Surinder Kumar Palia
R/o Village & Post Office Dhoran
Tehsil Palampur District Kangra Himachal
Pradesh 176060 **Contact Number: 8219298754**