

CENTRAL INFORMATION COMMISSION

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File No : CIC/SB/A/2016/000209

In the matter of:

Mr. Ram Sewak
B – 218, Ist Floor, West Patel Nagar,
New Delhi - 110008

...Appellant

VS

Central Public Information Officer
Addl. Dy. Commissioner of Police
O/o Dy. Commissioner of Police, Special Branch,
Delhi Police Bhawan, Asaf Ali Road,
Delhi - 110002

...Respondent

Dates

RTI Application	:	05.10.2015
CPIO Reply	:	03.11.2015
First Appeal	:	16.11.2015
FAA's Order	:	15.12.2015
Second Appeal	:	29.01.2016
Date of hearing	:	03.04.2017

Information sought:

The appellant had sought certified copy of censure order no. 7174-92/ HAPSB dated 13.08.2013 of SI Rajni Kant, D-1981, PIS-16040042.

Grounds for Second Appeal

The CPIO did not provide the desired information.

Order

Appellant	:	Present
Respondent	:	CPIO, Shri Durga Prasad

During the hearing the respondent CPIO submitted that they had provided the requisite information vide their letter dated 03.11.2015 in connection with the RTI application dated 05.10.2015.

The appellant submitted that the CPIO order is devoid of merit and the FAA order was not a speaking order under the RTI Act. He further submitted that since the information is existing with the public authority concerned, it cannot be considered as an exempted information. Moreover this document is sought in connection with the public activity, hence the same cannot be considered as an exempted information under the RTI Act.

The CPIO relied on the Hon'ble Supreme Court's Judgement in SLP (Civil) No. 27734 of 2012 in the case of Shri Girish Ramchandra Deshpande Vs CIC & Ors. The operative part of the decision which was relied on by the CPIO is extracted below:

" 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."

The CPIO also submitted that there is no larger public interest involved in disclosure of the sought for information in the present case.

On perusal of record and after hearing submission of both the parties, the Commission finds that no public interest angle was demonstrated to be served with the disclosure of the sought for information by the appellant in the present case. Hence, exemption granted under Sec 8(1)(j) of the RTI Act against disclosure of the sought for information stays.

In view of the above, the appeal is disposed of.

Copy of the order be sent to both the parties free of cost.

**[Amitava Bhattacharyya]
Information Commissioner**

Authenticated true copy

(A.K. Talapatra)
Deputy Registrar