

CENTRAL INFORMATION COMMISSION
2nd Floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi -110066
Tel : +91-11-26186535

Appeal No. CIC/BS/A/2016/001035

Appellant: Sh. A Jeyaraj,
37, Muthamil Nagar,
2nd Street, P & T Nagar,
North Madurai-625017,
Tamil Nadu

Respondent: Central Public Information Officer,
Dy. GM (HR), BSNL,
O/o. The General Manager,
2, Rathinasamy Nadar Street,
Bibikulam, Madurai-625002,
Tamil Nadu

Date of Hearing: 03.07.2017

Dated of Decision: 03.07.2017

ORDER

Facts:

1. The appellant filed RTI application dated 21.09.2015 seeking information on various points regarding: tenure for the post of Group I, SAG and ITS officers; basic qualification of Smt. S E Rajam, GM, BSNL, Madurai at the time of joining in DoT; in which (reservation) quota Smt. S E Rajam got promotion from DE to DGM cadre; action taken on his letter dated 25.08.2014 addressed to CGM, Chennai and other related issues.
2. The CPIO responded on 28.10.2015. The appellant filed first appeal dated 17.11.2015 with First Appellate Authority (FAA). The FAA responded on

23.12.2015. The appellant filed second appeal on 31.03.2016 before the Commission on the ground that information should be provided to him.

Hearing:

3. The appellant's authorized representative participated in the hearing through VC. The respondent Ms. Uma participated in the hearing through VC.

4. The appellant referred to his RTI application dated 21.09.2015 and stated that complete information has not been furnished to him.

5. The appellant stated that information viz. tenure for the post of Group I, SAG and ITS officers; caste certificate of Smt. S E Rajam, GM, BSNL, Madurai; qualification of Smt. S E Rajam, GM, BSNL, Madurai; property return of Smt. S E Rajam; medical bills of appellant's wife; TA bills claimed by Smt. SE Rajam, etc. has not been furnished to him.

6. The respondent stated that the appellant filed his RTI application and first appeal with Chief General Manager, BSNL, Chennai. The respondent (in Madurai) further stated that the CPIO, CGM Office, Chennai has transferred the RTI application dated 21.09.2015 only for reply to point no. 5 regarding TA bills claimed by Smt. S E Rajam. The respondent stated that vide their letter dated 11.11.2015, they have informed the appellant that "since no over riding public interest involved in requesting for disclosure of such information of a third party has been made out in the application, the same is exempted from disclosure under Section 8(1)(j) of the RTI Act, 2005. Hence, his request could not be acceded to".

Discussion/ observation:

7. The Commission observed that the TA bill sanctioned and approved by the respondent for reimbursing from the public exchequer does not come under the ambit of exemption available under Section 8(1)(j) of the RTI Act. The respondent is directed to provide the information to the appellant on point no. 5 regarding TA bills.

8. The Commission further observed that since the matter was listed today with CPIO, BSNL, Madurai and the information asked related to only point no. 5, the rest of the information has to be provided by the CPIO, CGM office, Chennai.

Decision:

9. The respondent is directed to comply with para no. 7 above, within 15 days from the date of receipt of this order.

10. The CPIO, O/o. CGM, BSNL, Chennai is directed to present on the next date of hearing through video-conferencing to present their case.

11. The Deputy Registrar is directed to fix a hearing in the matter after 15 days. Fresh notice be issued to the appellant and CPIO, O/o. CGM, BSNL, Chennai.

Copy of the order be given to the parties free of cost.

Sd/-

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

Sd/-

(S.C. Sharma)

Dy. Registrar

Copy to:

CPIO

O/o. Chief General Manager, BSNL,

Tamil Nadu Circle,

BSNL Administrative Building,

5th Floor, 16, Greams Road,

Chennai-600006

(along with complete file)

CENTRAL INFORMATION COMMISSION

Appeal No. CIC/BS/A/2016/001035

Adjunct Order dated 09.08.2017

Facts:

1. The matter was earlier heard on 18.07.2017. The matter is listed today for compliance.

Hearing:

2. The appellant and the respondent participated in the hearing through video conferencing. The respondent participated in the hearing in person.
3. The appellant stated that at this stage he is pursuing for only two information viz. processing note /reasons for rejection of his wife's medical claim and caste certificate of Smt. S.E. Rajam, GM, BSNL Madurai.
4. The respondent stated that the appellant has been replied to vide letter dated 28.10.2015 and 18.11.2015. The respondent stated that they shall provide the notes vide which appellant's medical claim for the appellant's wife was processed. The respondent stated that caste certificate of Smt. S.E. Rajam, GM, BSNL Madurai cannot be provided to the appellant, being personal information of third party.

Discussion/ observation:

5. The Commission observed that the notes processing the medical claim of the appellant's wife can be provided to the appellant. The Commission is of the view that the caste certificate of third party viz Smt. S.E. Rajam is personal information and cannot be provided to the appellant.

Decision:

6. The respondent is directed to take action as stated in para 5 above within 15 days from receipt of this order.

The appeal is disposed of. Copy of the order be given to the parties free of cost.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

(S.C. Sharma)
Dy. Registrar