

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/CC/A/2015/002173/SB

Dated 30.09.2016

Appellant : Shri Rednam Deepak,
Vijay Rama Residency,
Flat No.302, Narasimha Nagar,
Visakhapatnam, A.P.-530 024.

Respondent : Central Public Information Officer,
Central Vigilance Commission,
Satarkta Bhawan, GPO Complex,
Block A, INA, New Delhi-110023.

Date of Hearing : 30.09.2016

Relevant dates emerging from the appeal:

RTI application filed on : 23.12.2014

CPIO's reply : 06.01.2015

First appeal filed on : 15.01.2015

FAA's order : 19.02.2015

Second appeal filed on : 10.03.2015

ORDER

1. Shri Rednam Deepak filed an application dated 23.12.2014 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Central Vigilance Commission (CVC) seeking information on ten points pertaining to certified copies of the Notes and Note Sheets processed by CVC.

2. The appellant filed a second appeal dated 10.03.2015 before the Commission because he is not satisfied with the reply of CPIO. The CPIO has given evasive reply under the RTI Act. The appellant requested the Commission

to direct the respondent to provide certified copies of related documents as per the RTI application dated 23.12.2014.

Hearing:

3. The appellant Shri Rednam Deepak attended the hearing through video conferencing. The respondent Shri P. Sarkar, Section Officer, CVC was present in person.

4. The appellant submitted that he has not been provided information on point nos. 1 to 4, 6, 8, 9 and 10 of his RTI application. The appellant also stated that information on point nos. 1 to 4, 6 and 8 of his RTI application has not been provided to him by the respondent on the grounds that the case has not reached a logical conclusion and hence the disclosure of the information sought is exempted under Section 8(1)(h) of the RTI Act. The appellant further submitted that the High Court of Delhi in WP 3114/2007- Bhagat Singh Vs CIC have held that mere existence of an investigation process cannot be a ground for refusal of information rather, the respondent has to show how the disclosure of information would hamper the investigation.

5. The respondent submitted that point-wise information was provided to the appellant vide letter dated 06.01.2014. The respondent submitted that the FAA vide order dated 19.02.2015 had observed that the information sought by the appellant in point nos. 1-4 of the RTI application relate to a case which is under investigation. In such cases, where the investigation is not complete, i.e., the cases are not taken to their logical conclusion, the disclosure of information is exempt as upheld by the CIC in case no. CIC/AT/A/2008/01500 (Shri N Saini Vs LIC of India) "there is also public interest in keeping the proceedings of inquiry against public servant confidential as any premature disclosure of the contents of such inquiry and compromise its objectivity as well as integrity. Hence, information was denied to the appellant under Section 8(1)(h) of the RTI Act. The respondent further submitted that the FAA had also observed that the information sought by the appellant in point nos. 1 to 4 of the RTI application relates to disciplinary

proceeding against a third party and as per the Hon'ble High Court of Delhi in the case of UPSC Vs. R.K. Jain disciplinary proceedings are personal information which has no relationship with any public activity or public interest, hence, its disclosure is exempted under Section 8(1)(j) of the RTI Act. The respondent also stated that the FAA had also informed that the CVC holds information regarding complaints as per the names and designation of the officials concerned and /or the organization to which the officials, against whom complaints have been belong. Hence, in the absence of the name, designation of the officials it is not possible to provide the information requested by the complainant. Moreover, culling and compiling of information from all the files of November, 2014 would disproportionately divert the limited resources available with the Public Authority. The respondent also stated that in compliance with the order of the FAA dated 19.02.2015 information in respect of para 6 to 8 of the RTI application was provided to the appellant vide letter dated 25.02.2015.

Decision:

6. The Commission, after hearing submissions of both the parties and perusing the records, observes that due information has been provided to the appellant, Hence, no further action is required in the matter.
7. With the above observations, the appeal is disposed of.
8. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)

Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer