

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/CC/A/2015/002491/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,
New Delhi-110 023.

Date of Hearing : 30.09.2016

Relevant dates emerging from the appeal:

RTI application filed on : 15.09.2014

CPIO's reply : 05.11.2014

First appeal filed on : 27.10.2014

FAA's order : 27.11.2014

Second appeal filed on : 05.01.2015

ORDER

1. Shri Rednam Deepak filed an application dated 15.09.2014 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Central Vigilance Commission (CVC) seeking information on nine points pertaining to certified copies of Office Memorandum/letter of CVC regarding Second Stage Advice sent on 12.06.2014 relating to major penalty in

respect of Shri G.J.D.S. Vandanam, Docks Manager, Visakhapatnam Post Trust (VPT) and Shri K.V. Gupta, FA and CAO, VPT.

2. The appellant filed a second appeal dated 05.01.2015 before the Commission on the grounds that he is not satisfied with the reply given by CPIO because the reply is not to the point and is evasive under the RTI Act. The appellant requested the Commission to direct the respondent to provide authenticated true certified copies in respect of point nos. 4, 6 and 8 of the RTI application dated 15.09.2014.

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 information on point nos. 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 pointwise information was provided to the appellant vide letter dated 05.11.2014. The respondent further submitted that since the case had not reached its logical conclusion information sought on point nos. 4, 6 and 8 of the RTI application was denied under Section 8(1)(h) of the RTI Act. The respondent further submitted that in 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 in the case of Shri N Saini Vs LIC of India wherein it was held that “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.

Decision:

6. The Commission, after hearing submissions of both the parties and perusing the records, agrees with the respondent that disclosure of information sought in point nos. 4, 6 and 8 would have impeded the proceedings of inquiry relating to major penalty in respect of Shri G.J.D.S. Vandanam, Docks Manager, Visakhapatnam Post Trust (VPT) and Shri K.V. Gupta, FA and CAO, VPT. Hence, the disclosure of information is exempted under Section 8(1)(h) of the RTI Act.

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