

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/CC/A/2015/003684/SB

Dated 10.10.2016

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 : 19.01.2015

CPIO's reply : 25.02.2015

First appeal filed on : 11.03.2015

FAA's order : 07.04.2015

Second appeal filed on : 19.04.2015

ORDER

1. Shri Rednam Deepak filed an application dated 19.01.2015 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 note file, office notes and note sheets processed by the CVC regarding Second Stage Advice sent to the Ministry of Shipping and Paradeep Port Trust (PPT).

2. The appellant filed a second appeal dated 19.04.2015 before the Commission on the grounds that 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 authenticated true certified copies in respect of point nos. 2, 4 and 5 – 10 of the RTI application dated 19.01.2015.

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. 2 and 4 and 5 to 10 of his RTI application has not been provided to him by the respondent. The appellant further submitted that information on point nos. 2 and 4 were denied 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. The appellant also stated that information sought in point nos. 5 to 10 of his RTI application not provided on the grounds that the information sought was denied under Section 8(1)(d), 8(1)(h) and 8(1)(j) of the RTI Act.

5. The respondent submitted that pointwise information was provided to the appellant vide letter dated 25.02.2015. The respondent further submitted that since the case had not reached its logical conclusion information sought on point nos. 2 and 4 of the RTI application was denied under Section 8(1)(h) of the RTI Act. The respondent submitted that the FAA vide order dated 07.04.2015 had observed that the information sought by the appellant in point nos. 2 and 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 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. As regards point nos. 5 to 10 of the RTI application the FAA had held that the information sought relates to complaints against various officers and that the investigation into such complaint had not been finalized, hence, information cannot be provided in view of the provisions contain under Section 8(1)(h) of the RTI Act. The respondent further stated that the FAA had also held that the information sought also qualified as personal information under Section 8(1)(j) of the RTI Act and in view of the decision of the Hon’ble Supreme Court of India, SLP (C) No. 27734/2012 (Girish R. Deshpande Vs CIC and ors.) such information could be disclosed only if it would serve larger public interest. Hence, the information is exempted from disclosure under Section 8(1)(j) of the RTI Act.

Decision:

6. The Commission, after hearing submissions of both the parties and perusing the records, finds no grounds to interfere with the FAA’s order dated 07.04.2015.
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