

Central Information Commission, New Delhi
File No. CIC/SH/A/2016/000092
Right to Information Act-2005-Under Section (19)

Date of hearing : 20th January 2017

Date of decision : 20th January 2017

Name of the Appellant : **SHRI MUKESH KUMAR MEENA**
PLOT NO -5 B, 5st FLOOR, CBI
HEADQUARTERS, C.G.O. COMPLEX,
LODHI ROAD, NEW DELHI-110003

Name of the Public Authority/Respondent : **CENTRAL PUBLIC INFORMATION OFFICER,**
BANK OF INDIA
ZONAL OFFICE, SURYA KIRAN COMPLEX,
1ST FLOOR, PHASE-II, THE MALL,
NEAR RAKH BAGH, CIVIL LINES,
LUDHIANA, PUNJAB- 141 001

RTI Application filed on : 01/10/2015

CPIO replied on : 15/10/2015

First Appeal filed on : 21/10/2015

First Appellate Authority order on : 24/11/2015

2nd Appeal received on : 28/12/2015

The Appellant was present in person.

On behalf of the Respondents, Shri Satish Agarwal, Chief Manager was present at the NIC Studio, Ludhiana

Information Commissioner : **Shri Sharat Sabharwal**

Information sought

1. Attested copies of attendance sheet of an employee, Shri Rohit Batu, who was working as Assistant Manager/Probationary Officer at Bharat Nagar Branch of the bank for the period of 1.5.2014 to 30.5.2014.
2. Provide the details of any type of public holidays and type of leave taken by him in the aforesaid period.

The CPIO reply

The CPIO denied the information under section 8 (1) (e) and (j) of the RTI Act.

Grounds of the First Appeal

Not satisfied with the CPIO's reply.

Order of the First Appellate Authority

The FAA upheld the CPIO's reply.

Grounds of the Second Appeal

Aggrieved with the CPIO's reply and order of the FAA.

Relevant facts emerging during the Hearing, Discussion and Decision

The Respondents reiterated their decision to deny the information concerning the attendance and leave record of Shri Rohit Batu under Section 8 (1) (e) and (j) of the RTI Act. The Appellant stated that such information cannot be denied under the above sections and cited Commission's order No. CIC/SH/A/2015/001208 dated 30.8.2016 in favour of his request for information.

2. We have considered the submissions of both the parties and note that the attendance and leave record of a public servant, with the exception of the purpose of leave, cannot be regarded as his personal information, the disclosure of which has no relationship to any public activity or interest and which is, therefore, exempted from disclosure under Section 8 (1) (j) of the RTI Act. However, the purpose of leave can contain information of a personal nature and cannot be revealed. Moreover, there is no ground to invoke Section 8 (1) (e) in this case. In view of the foregoing, there is, prima-facie, no ground to deny the information sought by the Appellant, with the exception of the purpose of leave. However, before taking a final decision, we would like to give an opportunity to Shri Rohit Batu to make his submissions, if any. Therefore, the matter is adjourned to be heard again on 6th March 2017 at 10.45

a.m. Shri Rohit Batu should be present for the next hearing, in case he wishes to make any submissions in the matter. The CPIO is directed to forward a copy of this order, immediately on its receipt, by registered post AD to Shri Rohit Batu, along with copies of the following documents, under intimation to the Commission:-

- (i) RTI application dated 1.10.2015.
- (ii) CPIO's reply dated 15.10.2015.
- (iii) First appeal dated 21.10.2015.
- (iv) Order dated 24.11.2015 of the FAA.

3. The venue of hearing for the parties will be as follows:

For the Appellant

Room No. 305, 2nd Floor,
August Kranti Bhawan,
Bhikaji Cama Place,
New Delhi - 110066

For the Respondents and Shri Rohit Batu

NIC District Computer Centre,
Room No. 125, 1st Floor, Mini Secretariat,
Ludhiana- 1410001 (Punjab)
(Contact Officer: Shri Kashmir Singh (Technical Director) and Shri Inderjeet Singh (Scientist-C) Contact No.: 0161-2430437 / 9872573388)

4. Copies of this order be given free of cost to the parties.

Sd/-
(Sharat Sabharwal)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla)
Deputy Registrar