

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26161796

Decision No. CIC/SG/A/2010/001407/8431
Appeal No. CIC/SG/A/2010/001407

Relevant Facts emerging from the Appeal:

Appellant : Mr. Rajveer Singh,
House No. 125, Guru Ramdas Nagar
Laxmi Nagar
Delhi -110092

Respondent : Mr. B. D. Sharma
CPIO & Director
Employees State Insurance Corporation,
Hqrs Office, Panchdeep Bhavan, CIG Marg,
New Delhi. -110002

RTI application filed on : 27/08/2009
PIO replied : 08/10/2009
First appeal filed on : 30/09/2009
First Appellate Authority Ordered on : 26/10/2009
Second Appeal received on : 11/02/2010
Hearing notice sent on : 11/06/2010
Hearing Held on : 07/07/2010

Information Sought:

Furnish documents with regarding to transfer on permanent basis, diversion basis, temporary basis, on promotion etc. issued by ESIC Hqrs. Office in the cadre of Assistant Director, Deputy Director, Joint Director, Director, and Additional Commissioner during the period 1.1.2006 till date:

1. Furnish copies of orders.
2. Furnish copies of noting sheets wherein above transfer orders were examined and decided.
3. Furnish copies of orders and concerned noting sheets wherein transfer orders were kept in abeyance or extension has been granted or place of pasting has been changed.
4. Furnish details of representation submitted by SC/ST officers or representative bodies of SC/ST against the transfer of SC/ST officer. And copies of noting sheets where these representations complaints were examined and decided.
5. Furnish name of the regions for which post of Additional Commissioner is sanctioned.
6. Furnish name of the regions/sub regions/hospital for which post of Director is sanctioned.
7. Furnish name of the regions/sub regions/divisional office/hospital for which post of Joint Director is sanctioned.
8. Furnish details of the regions/sub regions/divisional office/hospital wherein a officer of lower cadre has been posted then the sanctioned posts along with the copy of noting sheets wherein these posting examined and decided.
9. Furnish details of the regions/sub regional divisional office/hospital wherein an officer of higher cadre has been posted then the sanctioned posts along with the copy of noting sheets wherein these posting examined and decided.

CPIO Reply:

Not enclosed.

Grounds for the First Appeal:

Not received information from CPIO.

First Appellate Authority (FAA) order:

The disclosure of information will not serve any public interest. The information sought by the appellant cannot, therefore, be provided to him under section 7(a) of RTI Act, 2005.

Grounds for the Second Appeal:

Not satisfied with the decision of FAA.

Relevant Facts emerging during Hearing:

The following were present:

Appellant : Mr. Rajveer Singh;

Respondent : Mr. Raj Kanwal, Jt. Director (RTI) on behalf of Mr. B. D. Sharma, CPIO & Director; Mr. Kanwaljit Singh, Assistant Director (E-I) & deemed PIO;

The appellant had sought details and notings of transfers of many officers for the period 2006 onwards. The respondent has stated that providing this information would disproportionately divert the resourced of the public authority. The FAA has erred in refusing information using Section 7(9). If proving the information in the format sought by the appellant would disproportionately divert the resources of the public authority the information has to be provided in an alternate format. Section 7(9) can not be a ground for refusing the information. After discussions with the appellant and the respondent it has been agreed that the appellant would inspect the transfer posting order guard file. The respondent states that all transfer orders may not be on this file. After inspecting the said file the appellant will identify the orders for which he wants photocopies and these would be provided to him. The respondent has pointed out that providing notings for all of these would be a very laborious task hence the appellant has agreed that he will seek notings for 10 transfer orders which he will select.

Decision:

The Appeal is allowed.

The PIO will facilitate an inspection of the relevant records by the appellant on 30 July 2010 at 10.00AM and provide attested photocopies for the records which he wants. The appellant will give the names of the 10 transfer order for which he wants the file notings for which the PIO will provide the photocopies to the appellant before 20 August 2010.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
07 July 2010

(In any correspondence on this decision, mention the complete decision number.)^(ARG)