सूचना का अधिकार

छत्तीसगढ़ शासन
सामान्य प्रशासन विभाग
(सूचना का अधिकार प्रकोष्ठ)
मंत्रालय
महानदी भवन, नया रायपुर
पिन कोड– 492002

क्रमांक 276 /जी–165/2014/1–सूअप्र, नया रायपुर, दिनांक 01/02/2014

प्रति,

शासन के समस्त विभाग,
समस्त विभागाध्यक्ष,
समस्त संभागायुक्त,
समस्त कलेक्टर,
छत्तीसगढ़

विषय :– Disclosure of personal information under the RTI Act,2005.

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उपर्युक्त विषयांतर्गत भारत सरकार, कार्मिक और प्रशिक्षण विभाग, कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय, नई दिल्ली से प्राप्त पत्र क्र. 11/2/2013–IR दिनांक 14.08.2013 के साथ गिरीश आर. देशपाण्डे विरूद्ध सी.आई. सी. एवं अन्य (SLP(C)no.27734/12) में सुप्रीम कोर्ट द्वारा जारी आदेश दिनांक 26.062013 की छायाप्रति आवश्यक कार्यवाही हेतु संलग्न प्रेषित है।

संलग्नः–उपरोक्तानुसार।

(कमर अली)
अवर सचिव
छत्तीसगढ़ शासन,
सामान्य प्रशासन विभाग

पृ0क्र0 /जी–165/2014/1–सूअप्र, नया रायपुर, दिनांक /01/2014

प्रतिलिपिः–

1. श्री मनोज जोशी, संयुक्त सचिव, भारत सरकार, कार्मिक और प्रशिक्षण विभाग, कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय, नई दिल्ली की ओर उनके पत्र क्र.11/2/2013–IR दिनांक 14.08.2013 के संदर्भ में सूचनार्थ अग्रेषित।
2. सचिव, छ.ग. राज्य सूचना आयोग, रायपुर की ओर आवश्यक कार्यवाही हेतु अग्रेषित।

अवर सचिव
छत्तीसगढ़ शासन,
सामान्य प्रशासन विभाग

No. 11/2/2013-IR (Pt.)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi,
Dated the 14th August, 2013

OFFICE MEMORANDUM

Subject: Disclosure of personal information under the RTI Act, 2005.

The Central Information Commission in one of its decisions (copy enclosed) has held that information about the complaints made against an officer of the Government and any possible action the authorities might have taken on those complaints, qualifies as personal information within the meaning of provision of section 8 (1) (j) of the RTI Act, 2005.

2. The Central Information Commission while deciding the said case has cited the decision of Supreme Court of India in the matter of Girish R. Deshpande vs. CIC and others (SLP (C) no. 27734/2012) in which it was held as under:-

"The performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression 'personal information', the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual." The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest.

3. This may be brought to the notice of all concerned.

Encl: As above.

Manoj Joshi

(Manoj Joshi)
Joint Secretary (AT&A)
Tel: 23093668

1. All the Ministries / Departments of the Government of India.
2. Union Public Service Commission /Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/ Prime Minister's Office/ Planning Commission/Election Commission.
3. Central Information Commission/ State Information Commissions.
4. Staff Selection Commission, CGO Complex, New Delhi.
5. O/o the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/Desks/Sections, DOP&T and Department of Pension & Pensioners Welfare.

Central Information Commission, New Delhi
File No.CIC/SM/A/2013/000058
Right to Information Act-2005-Under Section (19)

Date of hearing	:	26/06/2013
Date of decision	:	26/06/2013
Name of the Appellant	:	Sh. Manoj Arya, (RTI Activists and Social Worker) 67, Sec-12, CPWD Flats, R K Puram, New Delhi -110022
Name of the Public Authority	:	Central Public Information Officer, Cabinet Secretariat, (Vigilance & Complaint Cell), 2nd Floor, Sardar Patel Bhawan, New Delhi -110001

The Appellant was not present in spite of notice.

On behalf of the Respondent, Shri M.P. Sajeevan, DS & CPIO was present.

The third party, Shri S B Agnihotri, DG (DEF. ACQ) MoD was present.

Chief Information Commissioner : Shri Satyananda Mishra

2. We heard the submissions of both the respondent and the third party in the case.

3. In his RTI application, the Appellant had sought the copies of the complaints made against the third party in the case and the details of the action taken including the copies of the enquiry reports. He had also wanted the copies of the correspondence made between the Cabinet Secretariat and the Ministry of Shipping in respect of the third party in the case. The CPIO after consulting the third party under Section 11 of the Right to Information Act, had

refused to disclose any such information by claiming that it was personal in nature and thus exempted under the provisions of section 8(1) (j) of the Right to Information (RTI) Act. Not satisfied with this decision of the CPIO, the Appellant had preferred an appeal. The Appellate Authority had disposed of the appeal in a speaking order in which he had endorsed the decision of the CPIO.

4. We have carefully gone through the contents of the RTI application and the order of the Appellate Authority. We have also considered the submissions of both the respondent and the third party in the case. The entire information sought by the Appellant revolves around the complaints made against an officer of the government and any possible action the authorities might have taken on those complaints. The Appellate Authority was very right in deciding that this entire class of information was qualified as personal information within the meaning of the provisions of Section 8 (i) (j) of the RTI Act. In this connection, it is very pertinent to cite the decision of the Supreme Court of India in the SLP(C) No. 27734 of 2012 (Girish R Deshpande vs CIC and others) in which it has held that "the performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression personal information, the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which could cause unwarranted invasion of the privacy of that individual." The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest. The information sought by the Appellant in this case is about some complaints made against a government official and any possible action the authorities might have taken on those complaints. It is, thus, clearly the kind of information which is envisaged in the above Supreme Court order. Therefore, the information is completely exempted from disclosure under the provisions of the RTI Act which both the CPIO and the Appellate Authority have

rightly cited in their respective orders.

5. We find no grounds to interfere in the order of the Appellate Authority. The appeal is rejected.

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

(Satyananda Mishra)
Chief 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