

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग , मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या/Second Appeal No.:

CIC/POSTS/A/2021/155961

Prakash Gopalan

.....अपीलकर्ता/Appellant

VERSUS/बनाम

Public Information Officer Under RTI,
Assistant Postmaster General-(Staff),
Office of the CPMG-Kerala Circle,
Department of Posts-India, Kerala Circle,
Thiruvananthapuram-695033

...प्रतिवादीगण/Respondents

Relevant facts emerging from appeal:

RTI application filed on	:	14.10.2021
CPIO replied on	:	16.11.2021
First appeal filed on	:	18.11.2021
First Appellate Authority order	:	15.12.2021
Second Appeal received at CIC	:	27.12.2021
Date of Hearing	:	04.08.2022
Date of Decision	:	04.08.2022

सूचना आयुक्त : श्री हीरालाल सामरिया
Information Commissioner: Shri Heeralal Samariya

Information sought:

The Appellant sought information:

Name, Designation, Total Period of Service in the Department as on 06/10/2021, Educational Qualifications while joining the service, Total Period of Working in the Office as on 06/10/2021 in respect of officers/officials working the office of Assistant Postmaster General (Staff & Vigilance) of the CPMG Office of Kerala Postal Circle.

- PIO furnished reply, vide letter dated 16.11.2021, as under:

Information sought vide the request is furnished below:

INFORMATION SOUGHT	REPLY	
Name, Designation, Total Period of Service in the Department as on 06.10.2021, Educational Qualification while joining in the service, Total Period of working in the office as on 06.10.2021 in r/o officers/officials working in the office of the APMG (Staff & Vigilance) of the COMG office of Kerala Postal Circle.	Sl no	Name (Sri/Smt)
	1	Prateek
	2	Gopakumar G
	3	S Krishna Veni
	4	Ramesh Babu C
	5	Neeraj J S
	6	Amy Bridget D
	7	Jayalekshmi M U
	8	Binoosha A
	9	Asha S
10	Anu G	
		Designation
		APMG [Staff & Vigilance]
		ASP [Staff & Vigilance]
		Section Supervisor
		Postal Assistant [CO]
		Postal Assistant [CO]
		Postal Assistant [CO]
		Postal Assistant[RLO]
		Postal Assistant [CO]
		Postal Assistant [RLO]
		Postal Assistant [CO]
	It is informed that other details of the officials/officers cannot be supplied under the provisions of Section 8(j) of RTI Act 2005 in the absence of any larger public interest.	

- Dissatisfied with the response received from PIO, Appellant filed First Appeal, vide letter dated 18.11.2021.

- The FAA vide order dated 15.12.2021 held as under:

मामले की पृष्ठभूमि / Back Ground of the case

Sri Prakash Gopalan has preferred an appeal dated 18.11.2021 against the reply of even number dated 16.11.2021 furnished by CPIO [APMG (Staff), Kerala Circle] to his online RTI request dated 14.10.2021.

अपील का आधार/ Grounds for Appeal

The applicant had sought Name, Designation, Total Period of Service in the Department as on 06.10.2021, Educational Qualification while joining in the service, Total Period of working in the office as on 06.10.2021 of the officers/officials working in the office of the APMG (Staff & Vigilance) of the CPMG office of Kerala Postal Circle. The appellant was unsatisfied by the information furnished by CPIO. The appellant vide his appeal has claimed that the information provided is incomplete and requests the First Appellate Authority for the disclosure of the information sought for.

तथ्य/ Facts

In response to the request submitted by the applicant Name and designation of the officials/officers were supplied to the applicant and he was informed that other details of the officials/officers cannot be supplied under the provisions of Section 8(j) of RTI Act 2005 in the absence of any larger public interest.

Information which is in the nature of personal information about a third party cannot be furnished by the CPIO as it would cause unwarranted invasion of the privacy of the officials.

The appellant states that he needs to get the information in case he has to bring the employees to the government's notice for action / service under FR 56 (j) and other similar provisions. There is already a well established procedure for review under these provisions and the contention put forward by the applicant is not found to have merit.

अपील प्राधिकारी का निर्णय/ Decision of the appellate authority

I have gone through the original request, reply furnished by the CPIO and the appeal. The reply furnished by the CPIO is found to be in order and the appeal stands disposed accordingly.

- Written submissions have been received from PIO, vide letter dated 26.07.2022, as under:

Kindly refer to the letter cited above. The details of the case are furnished below for information. Shri. Prakash Gopalan, Chiraparambil House, Manakkad PO, Thodupuzha 685608 had preferred an RTI request dated 14.10.2021 to the CPIO, APMG(Staff&Vigilance), O/o The CPMG, Kerala Circle received at this CPIO on 18.10.2021 requesting the following information. The information sought for and the reply furnished to the applicant vide ST/RTI/DAIV/2020 dated 16.11.2021 is furnished below.

S L N O	INFORMATION SOUGHT	REPLY		
		Sl no	Name (Sri/Smt)	Designation
1	Name, Designation, Total Period of Service in the Department as on 06.10.2021, Educational Qualification while joining in the service, Total Period of working in the office as on 06.10.2021 in t/o officers/officials working in the office of the APMG (Staff & Vigilance) of the CPMG office of Kerala Postal Circle.	1	Gopakumar G	ASP [Staff & Vigilance]
		2	S Krishna Veni	Section Supervisor
		3	Ramesh Babu C	PA[CO]
		4	Neeraj J S	PA[CO]
		5	Amy Bridget D	PA[CO]
		6	Jayalekshmi M U	PA[RLO]
		7	Binoosha A	PA[CO]
		8	Asha S	PA[RLO]
		9	Anu G	PA[CO]
		It is informed that other details of the officials/officers cannot be supplied under the provision of Section 8(j) of the RTI Act 2005, in the absence of any larger public interest.		

2. The appellant preferred first appeal dated 18.11.2021 against the reply furnished by the CPIO. The appellant vide his first appeal submitted that CPIO has provided incomplete information and did not provide the information pertaining to the Government Service and Educational Qualification of the officials working under APMG (Staff & Vigilance). The information is pertaining to the Government service and educational qualification as prescribed while recruiting them into the service.

This information sought is also having larger public interest as the case of employees need to be brought to the Government for the application of FR 56(j) and other provisions lay down the procedure of periodical review for premature retirement of Government Servants at all levels on the grounds of lack of integrity and ineffectiveness in public interest.

3 The First Appeal was disposed by the then DPS(HQ) Trivandrum, First Appellate Authority(FAA) vide ST/RTI/DAIV/2020 dated 15.12.2021. The FAA upheld the reply provided by the CPIO considering that the RTI Act does not cast on the CPIO any obligation to answer queries. The applicant's right extends only to seeking information as defined in Section 2 (f).

The FAA also observed that, in the judgement dated 31.12.2018 in Rajasekharan M Vs IIT-Madras, the Hon'ble CIC had observed that as regards the information sought regarding personal details of the employees, their educational qualifications, Community and experience certificates, copy of testimonials, property returns filed by the staff members etc. the Commission observed that the same fell in the category of Third Party information which was exempted from disclosure as per Section 8(1) (f) of the RTI Act, 2005.

It was also referred to the judgment of the Hon'ble Supreme Court of India in Girish Ramchandra Deshpande vs. Central Information Commission & ors. SLP(C) No. 27734 of 2012 dated 03/10/2012 wherein it was held as under:

"13.....The performance of an employee/officer in an organization 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 would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right."

It was also mentioned that the satisfaction has to be arrived at by the authorities objectively and the consequences of such disclosure have to be weighed with regard to the circumstances of a given case. The decision has to be based on objective satisfaction recorded for ensuring that larger public interest outweighs unwarranted invasion of privacy or other factors stated in the provision."

4. The appellant stated that that he needs to get this information in case he has to bring the employees to the government's notice for action/review under FR 56(J) and other similar provision. Regarding this it is noted by the FAA that that there is already a well-established procedure for review under the provision and the contention is put forward by the appellant does not appear to have merit. In this regard, the RTI appeal was disposed by the FAA on the above observations.

With respect to the second appeal preferred by the appellant alleging that the certain officials are not subjected to rotational movements after completion of normal tenure, it may kindly be noted that the averments of the second appellant is quite contradictory to aim and purpose of the RTI Act 2005 which is obvious in the second Appeal. Venue for challenging the rotational and tenure posting of the officials is not through RTI. Seeking educational qualifications of the officials working in a section does not have any association with tenure posting of the officials. Thereby the intention of the appellant is questionable. Hence his First appeal was disposed by the First Appellate Authority accordingly.

In the view of above facts, it is kindly requested to dispose the second Appeal preferred by Shri.Prakash Gopalan accordingly.

Grounds for Second Appeal:

The PIO has not provided correct information to the Appellant.

Relevant Facts emerging during Hearing:

The following were present: -

Appellant: Present via video-conference.

Respondent: Mr. Prateek, PIO, present via video-conference.

Appellant stated that relevant information, as sought in the instant RTI Application, has not been furnished to him. He further requested the Commission that complete set of information be furnished to him.

PIO submitted that relevant information has been furnished to the Appellant, vide letter dated 16.11.2021 & 15.12.2021. Written submission has been received from PIO and duly taken on record, explaining the factual matrix of the instant matter.

He further submitted that he would abide by the orders of Commission, if any.

Upon Commission's instance, Appellant stated that he has not received information with regards to total period of working in the office as on 06.10.2021.

Decision:

Commission, after perusal of case records and submissions made during hearing, observes that Appellant is not satisfied with the reply furnished by concerned PIO. Therefore, Commission directs the concerned PIO to furnish a revised reply to the Appellant, with regards to *total period of working in the office as on 06.10.2021*, as mentioned in instant RTI Application, free of cost via speed-post/registered post, within 15 days from the date of receipt of this order and accordingly, compliance report be sent to the Commission.

In case relevant information pertains to some other department/branch, then PIO must procure the same and furnish to the appellant. Further, PIO must make sure that any third-party information or any other information which is exempted from disclosure under RTI Act, 2005 shall not be disclosed to the appellant while providing the said reply. No further action lies.

The appeal is disposed of accordingly.

Heeralal Samariya (हीरालाल सामरिया)
Information Commissioner (सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणितसत्यापितप्रति)

Ram Parkash Grover (रामप्रकाशग्रोवर)
Dy. Registrar (उप-पंजीयक)
011-26180514