

केंद्रीय सूचना आयोग  
CENTRAL INFORMATION COMMISSION  
बाबा गंगनाथ मार्ग  
Baba Gangnath Marg  
मुनिरका, नई दिल्ली - 110067  
Munirka, New Delhi-110067

Decision no.: CIC/CBSED/A/2018/621521/02087  
File no.: CIC/CBSED/A/2018/621521

In the matter of:  
Rakesh Sharma

... Appellant

VS

Asst. Secretary & CPIO  
Central Board of Secondary Education  
Regional Office, 35-B, M.G. Marg, Civil Lines,  
Allahabad – 211 001

... Respondent

RTI application filed on	:	22/02/2018
CPIO replied on	:	14/03/2018
First appeal filed on	:	10/04/2018
First Appellate Authority order	:	23/04/2018
Second Appeal dated	:	23/05/2018
Date of Hearing	:	07/11/2019
Date of Decision	:	07/11/2019

The following were present:

**Appellant:** Not present

**Respondent:** Gopal Lal Yadav, Assistant Secretary & CPIO, present over VC

**Information Sought:**

The appellant has sought the following information:

1. Dates of absence as per bio-metric attendance-from January, 2015 to February, 2018 in r/o Shri Vijay Singh Yadav, R.O. Incharge.
2. Dates of attending office after 9:30am as per bio-metric attendance-from January, 2015 to February, 2018 in r/o Shri Vijay Singh Yadav, R.O. Incharge.

3. Dates of leaving the office before 5:30 p.m. as per bio-metric attendance- from January, 2015 to February, 2018 in r/o Shri Vijay Singh Yadav, R.O. Incharge.

4. And other related information.

### **Grounds for Second Appeal**

The CPIO did not provide the desired information.

### **Submissions made by Appellant and Respondent during Hearing:**

The Commission is in receipt of a letter from the appellant dated 05.10.2019 wherein he has requested the Commission to decide the case on merits while seeking exemption from his personal appearance.

The CPIO submitted that an appropriate reply was provided to the appellant on 14.03.2018.

### **Observations:**

From a perusal of the relevant case records, it is noted that the reply of the CPIO claiming blanket exemption u/s 8(1)(j) of the RTI Act was not proper. The appellant in his RTI application had mostly sought attendance details of some employees working in the same organisation where the appellant is working. It is noted that leave/attendance record of a public servant conveys information regarding his/her availability for duty and hence, relates to public activity. In view of this, the information sought on points no 1,2,3,7,8,10&13 are disclosable under the RTI Act.

The information sought at points 6,9 & 11 of the RTI application are regarding the medical leave details of Shri Vijay Singh and details regarding reimbursement of medical expenses to him. In this context, the following observations made by the High Court of Delhi in its judgment dated 19.12.2014 in The Registrar, Supreme Court of India vs. Subhash Chandra Agrawal and Ors. [W.P.(C) 1842/2012] are relevant:

*"8. At the outset, it is relevant to note that the information sought by the respondent is with regard to expenses incurred on medical facilities of Judges (retired as well as serving). Concededly, information relating to the medical records would be personal information which is exempt from disclosure under Section 8(1)(j) of the Act. The medical bills*

*would indicate the treatment and/or medicines required by individuals and this would clearly be an invasion of the privacy."*

*"12. Further, the extent of medical reimbursement to an individual is also, in one sense, personal information as it would disclose the extent of medical services availed by an individual. Thus, unless a larger public interest is shown to be served, there is no necessity for providing such information. Thus, clearly, a direction for maintaining records in a manner so as to provide such information is not warranted." A writ petition filed against the above judgment of the High Court of Delhi was dismissed by the Supreme Court vide order dated 17.4.2015 in Subhash Chandra Agrawal vs. Registrar, Supreme Court of India & Ors. The Apex Court made the following observations in this order:- "10. The information sought by the appellant includes the details of the medical facilities availed by the individual judges. The same being personal information, we are of the view that providing such information would undoubtedly amount to invasion of the privacy. We have also taken note of the fact that it was conceded before the learned Single Judge by the learned counsel for the appellant herein that no larger public interest is involved in seeking the details of the medical facilities availed by the individual judges."*

With regard to points no 4,5,12 of the RTI application, the same is exempted from disclosure u/s 8(1)(j) of the Act.

**Decision:**

The Commission, therefore, directs the respondent to provide the information sought vide points no. 1,2,3,7,8,10 &13 of the RTI application by the appellant, after severing that part of information which would result in disclosure of reasons/purpose of leave which is a third party personal information and hence, is exempted from disclosure under Section 8(1)(j) of the RTI Act, 2005. This direction is to be complied with within a period of 20 days from the date of receipt of this order under intimation to the Commission.

**The appeal is disposed of accordingly.**

Vanaja N. Sarna (वनजा एन. सरना)

Information Commissioner (सूचना आयुक्त)

Authenticated true copy  
(अभिप्रमाणित सत्यापित प्रति)

A.K. Assija (ऐ.के. असीजा)

Dy. Registrar (उप-पंजीयक)

011- 26182594 /

दिनांक / Date

