

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

File No: CIC/WECRL/A/2024/627033

Rakesh Agrawal

.....अपीलकर्ता/Appellant

VERSUS
बनाम

C.P.I.O,

West Central Railway

Divisional Medical Officer,
O/o Divisional Railway Manager,
New Railway Colony, Kota,
Rajasthan - 324 002

....प्रतिवादी/Respondent

Date of Hearing : 10-02-2026

Date of Decision : 10-02-2026

INFORMATION COMMISSIONER : Swagat Das

Relevant facts emerging from appeal:

RTI application filed on : 13-04-2024

CPIO replied on : 02-05-2024

First appeal filed on : 09-05-2024

First Appellate Authority's order : 03-06-2024

2nd Appeal/Complaint dated : 24-06-2024

Information sought:

1. The Appellant filed an RTI application dated 13-04-2024 seeking the following information:

"This RTI is related to Mr. Mukesh Agrawal S/o Rameshware Prasad posted as an Sr. Pharmacist in Sub Divisional Railway Hospital, Gangapur City under Railway Division Kota. Pls provide all the record related to his service and posting at Sub Divisional Railway Hospital, Gangapur City, like Service Record, Transfer, Promotion, Suspension, Investigation or inquiry faced during service period, if any, etc."

2. The CPIO furnished a reply to the Appellant on 02-05-2024 stating as under:
“किसी अन्य व्यक्ति से सम्बन्धित व्यक्तिगत जानकारी RTI की धारा 8(1) J के अंतर्गत देय नहीं है। तथा एक प्रति संलग्न है।”
3. The Appellant filed a First Appeal dated 09-05-2024. The F.A.A upheld the reply of C.P.I.O vide order dated 03-06-2024.
4. Feeling aggrieved and dissatisfied, Appellant approached the Commission with the instant Second Appeal.

Relevant Facts emerged during Hearing:

The following were present:-

Appellant: Present through Video-Conference.

Respondent: Shri Aviral Sharma, Sr. DPO present through Video-Conference.

5. Proof of having served a copy of Second Appeal on Respondent while filing the same in CIC on 24.06.2024 is not available on record. Respondent confirms non-service.
6. Written submissions of the Respondent are taken on record.
7. The Appellant, during the hearing, reiterated the contents of his RTI application and instant appeal and submitted that till date information has not been provided to him by the Respondent and the same has been wrongly denied to him.
8. The Respondent while defending their case *inter alia* submitted that vide their letter dated 02.05.2024, they have categorically informed the Appellant that he has sought personal information of third-party, which is exempted from disclosure under Section 8(1)(j) of the RTI Act.

Decision:

9. The Commission based on a perusal of the facts on record observes that the core contention raised by the Appellant in the instant Second Appeal was non-receipt of information from the Respondent. In this regard, it was noted that reply in the matter has already been provided to the Appellant.
10. The Commission observes that the Appellant had asked information which is related to personal information of third party which is exempted

from disclosure under Section 8(1)(j) of the RTI Act. The Appellant has not disclosed any larger public interest in disclosing the information.

11. The same can be garnered from a bare perusal of the text of Section 8(1)(j) of the RTI Act as under:

“8. Exemption from disclosure of information. —

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,

xxxx

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information;..”

12. In this regard, attention of the Appellant is also drawn towards a judgment of the Hon'ble Supreme Court of India in the matter of **Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal in Civil Appeal No. 10044 of 2010 with Civil Appeal No. 10045 of 2010 and Civil Appeal No. 2683 of 2010** wherein the import of “personal information” envisaged under Section 8(1)(j) of RTI Act has been exemplified in the context of earlier ratios laid down by the same Court in the matter(s) of **Canara Bank Vs. C.S. Shyam in Civil Appeal No.22 of 2009; Girish Ramchandra Deshpande vs. Central Information Commissioner & Ors., (2013) 1 SCC 212 and R.K. Jain vs. Union of India & Anr., (2013) 14 SCC 794**. The following was thus held:

“59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal

information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive...”

13. In view of the above, the Commission is of the opinion that there is no *mala fide* intention of obstructing the information to the Appellant, hence no action is warranted under the RTI Act.
14. Hence, no relief can be granted in the matter.

The appeal is disposed of accordingly.

Sd/-

**Swagat Das (स्वागत दास)
Information Commissioner (सूचना आयुक्त)**

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

(Archana Srivastva)

Dy. Registrar
011 – 2610 7040
Date

Copy To:

**The First Appellate Authority,
West Central Railway,
O/o Divisional Railway Manager,
New Railway Colony, Kota,
Rajasthan - 324 002**

Rakesh Agrawal

Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-

Nil