

CENTRAL INFORMATION COMMISSION
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File No. CIC/BS/A/2014/000797/7229
19 March 2015

Relevant Facts emerging from the Appeal:

Appellant : Dr. Ram Kumar
Saraswati Parwati Bhawan
Neelam Path, Jaipur – 302020
Rajasthan

Respondent : FAA & Controller of Communication Acts
Department of Telecommunications
O/o the Controller of Communication Acts
SDA Complex, Block No. 18A,
Kasumpti, Shimla – 171009 (HP)

CPIO & Sr. General Manager (Admin)
O/o the Chief General Manager Telecom
H.P. Telecom Circle,
Shimla, Himachal Pradesh

RTI application filed on : 07/12/2013
PIO replied on : No Reply
First appeal filed on : 21/01/2014
First Appellate Authority order : 04/03/2014
Second Appeal dated : 10/03/2014

Information sought:-

The applicant in his 2nd appeal has mentioned that he needs information regarding point no. 7, 8 & 9 of his RTI Application relating to Mr. Vishwanath Sharma:-

7. Supply total payment of arrear of (i) Gratuity due to all notional promotion (ii) leave encashment due to all notional promotion (iii) Pension due to all notional promotion.
8. Supply total payment of arrear of (i) Gratuity including earlier paid (ii) Leave encashment including earlier paid & (iii) Pension including earlier paid.
9. Supply total payment of pension for m/o from Jan to Dec 2013 month wise w.e.f Jan 2010

Grounds for the Second Appeal:

The CPIO has not provided the desired information.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Dr. Ram Kumar through VC M: 08764241248

Respondent: Mrs. Urmi Bala Singh FAA DoT

The appellant stated that he needs information relating to payment of arrears made to Shri Vishwanath Sharma for gratuity, leave encashment and pension. The FAA stated that the information relates to a third party and they had carried out the process as outlined under Section

11 of the RTI Act but the employee has objected the disclosure. She contended that no public purpose has been demonstrated by the appellant to justify the disclosure of the information and claimed exemption under Section 8(1)(j) of the RTI Act. The appellant pleaded that though he and Shri Sharma are colleagues but there is a vast difference in the arrears paid to them. The FAA stated that if the appellant makes a representation the same can be examined expeditiously on merits. The appellant agreed.

Decision notice:

The basic protection afforded by virtue of the exemption from disclosure enacted under Section 8(1)(j) cannot be lifted or disturbed unless the petitioner is able to justify how such disclosure would be in 'public interest'. However, as agreed by the FAA she should examine the appellant's representation and convey the decision to him within 30 days from the date the representation is received.

The appeal is disposed of accordingly.

BASANT SETH
Information Commissioner

Authenticated true copy:

(R. L. Gupta)
Dy. Registrar/Designated Officer