

केन्द्रीय सूचना आयोग
Central Information Commission
बाबागंगनाथमार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नईदिल्ली, New Delhi – 110067

File No : CIC/POSTS/A/2021/699884

Nagsen Rajaram Suralkar

.....अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO,

Department of Posts,
O/o the Superintendent of Post
Office, Bhusawal Division, RTI Cell,
HPO Building, Modern Road, Bhusawal.
Maharashtra – 425201.

....प्रतिवादीगण /Respondent

Date of Hearing : 23/02/2022

Date of Decision : 23/02/2022

INFORMATION COMMISSIONER : Saroj Punhani

Relevant facts emerging from appeal:

RTI application filed on : 21/09/2020

CPIO replied on : 03/11/2020

First appeal filed on : 19/11/2020

First Appellate Authority order : 09/12/2020

2nd Appeal/Complaint dated : 13/01/2021

Information sought:

The Appellant filed an RTI application dated 21.09.2020 seeking the following information:

- 1. Photocopies of Scheduled Tribes, Deprived Castes, Nomadic Tribes and Other Backward Classes wise information should be obtained from the postal workers and all other employees coming under your Bodwad Sub Post Office.*
- 2. Photocopies of the caste certificate and caste validity certificate submitted to your office by the Scheduled Tribes, Deprived Castes, Nomadic Tribes and other Backward Classes of the postal workers and all other employees coming under your Bodwad Sub Post Office should be obtained.*

The CPIO furnished a point wise reply to the appellant on 03.11.2020.

Being dissatisfied, the appellant filed a First Appeal dated 19.11.2020. FAA's order dated 09.12.2020 upheld the reply of CPIO.

Feeling aggrieved and dissatisfied with the non-receipt of information in response to point no. 2 of RTI Application, the Appellant approached the Commission with the instant Second Appeal.

Relevant Facts emerging during Hearing:

The following were present:-

Appellant: Present through audio-conference.

Respondent: U P Dusane, Supdt. of Post offices & CPIO present through audio-conference.

The Commission at the outset apprised the Appellant that caste certificates and ancillary information of all the employees as sought by him through the instant RTI Application stands exempted from disclosure under Section 8(1)(j) of RTI Act. In response to it, the Appellant did not raise any further objection in the matter.

The CPIO relied on his written submission dated Nil, relevant portion of which is as under –

".....He sought information about caste, Caste Certificate and Cast Validity Certificate of all departmental and GDS employees of Bodwad SO for the year

2015 to 2020. He requested for the photocopies of Caste Certificate and Caste Validity Certificate of all the employees recruited under SC, ST, NT & OBC caste.

This office has collected "Consent letter" of all the employees under Bodwad SO, as they are willing or unwilling to give their Caste Certificate and Caste Validity Certificate to RTI Applicant. All the employees under Bodwad SO submit their unwillingness to give their personal record to the RTI Applicant.

Therefore, this office submitted information about caste of all employees under Bodwad SO under which they were recruited. Caste certificate & Caste validity certificate not supplied to applicant, as all the employees were submitted their unwilling for the same....."

Decision:

The Commission upon a close scrutiny of the contents of RTI Application observed that the caste certificate and other related information of all the employees as sought by the Appellant is squarely hit by Section 8(1)(j) of RTI Act. In this regard, attention of the Appellant is drawn towards a judgement of 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 while explaining 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...”
(Emphasis Supplied)

However, the CPIO has erred in providing the caste related information of all the employees in response to point no. 1 of RTI Application to the Appellant without seeking consent of said employees under Section 11 of RTI Act. In this regard, the CPIO is advised to follow due process of law as envisaged under the RTI Act before parting with any information which stands exempted from disclosure under Section 8(1)(j) of RTI Act.

In view of the above, no further relief can be granted in the matter.

The appeal is disposed of accordingly.

Saroj Punhani (सरोजपुनहानि)
Information Commissioner (सूचनाआयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

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