

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

File No : CIC/AIRIN/A/2017/182632/SD

D. Sounderraj

....अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO,

Air India,
Air Transport Services Limited,
First Floor, GSD Complex,
Near Gate No.5,
CSI Airport Terminal – II,
Mumbai - 400099

... प्रतिवादीगण /Respondent

| | | |
|---------------------------------|---|-------------------------|
| RTI application filed on | : | 23/05/2017 |
| CPIO replied on | : | 16/06/2017 & 24/07/2017 |
| First appeal filed on | : | 18/08/2017 |
| First Appellate Authority order | : | No order |
| Second Appeal dated | : | 08/12/2017 |
| Date of Hearing | : | 25/04/2019 |
| Date of Decision | : | 25/04/2019 |

Information sought:

The Appellant sought information regarding the salary paid to the newly recruited 300 employees in Chennai Zone from Décor, Bright Shine and Viskan by Air India in the month of Oct. 2016 for the period from October 2016 – April 2017 along with the mode of payment; their salary structure and rules for use of company vehicles.

Grounds for the Second Appeal:

The CPIO has not provided the desired information.

Relevant Facts emerging during Hearing:

The following were present:-

Appellant: Present through VC.

Respondent: A. Murugaiyan, GM (Pers) & PIO, Regis Fernando, AGM & PIO, Air India, Air Transport Services Limited, CSI Airport Terminal – II, Mumbai present on phone.

Appellant stated that he is not satisfied with the reply of the CPIO dated 11.07.2017 as information has been denied under Section 8(1)(d) of RTI Act.

CPIO submitted that he will abide by the order of the Commission.

Decision

Commission observes from the perusal of facts on record that the CPIO has displayed gross non-application of mind in denying the information under Section 8(1)(d) of RTI Act. CPIO has neither provided any justification for the said denial nor does the nature of information sought attract the exemption of Section 8(1)(d) of RTI Act by any stretch of imagination. The information sought is largely monthly remuneration of employees, which is a part of *suo motu* disclosure under Section 4(1)(b)(x) of RTI Act and rules followed for use of company vehicles. However, the mode of payment of salary and details of deductions made from the salary (sought at para 1 & 1A of the RTI Application) of the employees is essentially third party information as per Section 8(1)(j) of RTI Act following the ratio laid down by Hon'ble Supreme Court in the matter of *Canara Bank Vs. C S Shyam* (Civil Appeal No.22 of 2009)

Moreover, Commission also notes that initially the RTI Application was returned by the CPIO on 16.06.2017 on the ground that the "Pay to" column in the Indian Postal Order has been left blank. Commission deems this as a deliberate attempt of the CPIO at obstructing the Appellant's right to information as the CPIO could have filled the column himself, it was not the case that the Appellant had filled an incorrect IPO, he had merely left the column blank perhaps to avert a situation where his IPO is returned on the grounds of being incorrectly filled.

Commission severely admonishes the CPIO on both the above counts and warns him to remain extremely careful in future.

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CPIO is further directed to provide information sought at **para 1** of the RTI Application restricted to monthly remuneration paid to the employees for the period mentioned therein. CPIO is also directed to provide available order/circular stipulating use of company vehicles by AIATSL officials as sought at **para 2** of the RTI Application. The said information should be provided free of cost to the Appellant within 15 days of receipt of this order. A compliance report to this effect be duly sent to the Commission by the CPIO.

The appeal is disposed of accordingly.

**Divya Prakash Sinha (दिव्य प्रकाश सिन्हा)
Information Commissioner (सूचना आयुक्त)**

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

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हरो प्रसाद सेन, उप-पंजीयक
दिनांक / Date