

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

**File No : CIC/DOP&T/A/2017/166520/SD +
CIC/DOP&T/A/2017/171090/SD**

Nutan Thakur

....अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO,

Department of Personnel & Training,
North Block,
New Delhi – 110001.

... प्रतिवादीगण /Respondent

RTI application filed on	: 15/05/2017	16/06/2017
CPIO replied on	: 27/06/2017	02/08/2017
First appeal filed on	: 21/06/2017	03/09/2017
First Appellate Authority order	: No order	04/10/2017
Second Appeal dated	: 18/09/2017	07/10/2017
Date of Hearing	: 26/03/2019	26/03/2019
Date of Decision	: 26/03/2019	26/03/2019

Note: The above referred Appeals have been clubbed for decision as Appellant has sought the same information in both the RTI Applications with minor changes in phrasing.

Information sought:

The Appellant sought copy of entire file in DOP&T including the note sheet, and the various letters and documents exchanged between the DOP&T and different Officers regarding each of the criminal cases registered against IAS officers all over the country in the years 2010, 2011, 2012, 2013, 2015, 2016 and 2017.

Grounds for the Second Appeal:

The CPIO has not provided the desired information.

Relevant Facts emerging during Hearing:

The following were present:-

Appellant: Represented by Abhishek Rawat, Advocate through VC.

Respondent: Sanjay Kumar, US & CPIO and K.C. Raju, US & CPIO, Department of Personnel & Training, North Block, New Delhi present in person.

Advocate of the Appellant stated that the information sought is in larger public interest as data on criminal cases against IAS officers would be effective in garnering good governance.

Sanjay Kumar, US & CPIO submitted that their Section deals with the proposals of sanction for prosecution against IAS officers. He further agreed to abide by the order of the Commission.

Decision

Commission observes from the perusal of facts on record that information sought in the RTI Application(s) is largely unspecific and is required to be gathered from voluminous records which may entail disproportionate diversion of resources as per Section 7(9) of RTI Act. Nonetheless, Commission is convinced with the aspect of larger public interest involved in the matter that warrants disclosure of the details of criminal cases registered against IAS officers, which otherwise would have been exempt from disclosure under Section 8(1)(j) of RTI Act. However, in view of the applicability of Section 7(9) of RTI Act as discussed above, Commission is not in a position to order disclosure of relevant files and related documents.

Now, Commission is of the considered opinion that provision of the list of names of IAS officers for whom prosecution sanction has been granted as well as denied will effectively satisfy the Appellant's request for information.

In view of the foregoing, Commission directs Sanjay Kumar, US & CPIO to provide the list of names of IAS officers for whom prosecution sanction has been granted as well as denied for the period starting from year 2010 till date of RTI Application. In the event, the said information is available with any other Section;

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the same should be procured and be directly provided to the Appellant by the CPIO. CPIO shall provide the information free of cost to the Appellant within 15 days from the date of receipt of this order and a compliance report to this effect be duly sent to the Commission.

The appeal(s) are disposed of accordingly.

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

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

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