

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

**File No : CIC/CBRUI/A/2017/180749/SD**

**Manoj Kumar**

....अपीलकर्ता/Appellant

VERSUS

बनाम

**CPIO,**

Central Bureau of Investigation,  
O/o Head of Branch,  
Anti Corruption Branch,  
Dr. S K Singh Path,  
Baily Road,  
Patna – 800022

... प्रतिवादीगण /Respondent

RTI application filed on	:	13/09/2017
CPIO replied on	:	25/09/2017
First appeal filed on	:	02/10/2017
First Appellate Authority order	:	06/11/2017
Second Appeal dated	:	28/12/2017
Date of Hearing	:	16/04/2019
Date of Decision	:	29/04/2019

**Information sought:**

The Appellant sought information through 5 points regarding investigation into irregular appointment of Gramin Dak Sevak staff and Postal Assistants after 17.06.2016 in Sitamarhi and Samastipur Postal Divisions.

**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:** Abhishek Sandilya, SP & CPIO, Central Bureau of Investigation, Anti Corruption Branch, Patna present through VC.

Appellant stated that he is dissatisfied with the denial of information citing Section 24 of RTI Act even as the information sought by him clearly pertains to a CBI inquiry initiated in the year 2013 against appointments of *Gramin Dak Sevak* made on the basis of fake certificates in respect of Sitamarhi and Samastipur Postal Divisions. He further stated that the Hon'ble High Court of Patna took cognizance of the case by way of a Public Interest Litigation filed by one of the postal employees and observed that *prima-facie* 90% of the appointments were suspicious. That, the Court has asked CBI to submit its report in this regard and that the said case of corruption has also been reported in the public domain. Appellant urged that despite these facts, CPIO invoked Section 24 of RTI Act to deny the information sought in the instant RTI Application even as the proviso to Section 24(1) of RTI Act allows disclosure of corruption related information.

CPIO did not object to the contentions of the Appellant however submitted that, the proviso to Section 24(1) of RTI Act is applicable only in cases which involves allegations of corruption against their own employees and not with respect to the routine cases inquired by the Anti-Corruption Branch of CBI as by the very nature of its work, it is required to investigate into cases involving corruption only.

### **Decision**

Commission observes from the perusal of facts on record that the allegation of corruption is *prima-facie* evident from the subject matter of the information sought in the RTI Application and therefore the proviso to Section 24(1) of RTI Act is applicable herein. It is irksome to note that the CPIO chose to ignore the fact that the averred inquiry was also a subject matter of a Public Interest Litigation concerning corruption. CPIO has grossly erred in invoking the veil of Section 24 of RTI Act mechanically without assessing the nature of information sought and the same is viewed adversely by the Commission. Even further, Commission summarily rejects the contention of the CPIO that he is required to provide information only on those allegations of corruption that pertains to their own employees, as RTI Act nowhere provides for any such exception. Similarly, Section 24 of the RTI Act does not provide for any further exemption from disclosure once

it is established that the information sought pertains to allegations of corruption and/or human rights violation.

In view of the foregoing, Commission directs the CPIO to provide available and specific information sought in the RTI Application in a point-wise manner to the Appellant free of cost within 15 days from the date of receipt of this order. A compliance report to this effect be duly sent to the Commission by the CPIO.

Further, Commission finds that the incorrect connotation ascribed by the CPIO to the proviso to Section 24(1) of RTI Act that it is only applicable to cases involving CBI's own employees may result in gross violation of the provisions of RTI Act by the Respondent office in future. In this regard, a copy of this order is marked to the Director, CBI advising him to appreciate the necessity of sensitizing their CPIOs regarding the scope and ambit of RTI Act and that of Section 24 in particular by way of appropriate workshops etc.

**The appeal is disposed of accordingly.**

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

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(अभिप्रमाणित सत्यापित प्रति)

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हरो प्रसाद सेन, उप-पंजीयक  
दिनांक / Date

**Copy to:**

**Director**

Central Bureau of Investigation  
Plot No. 5-B, 6<sup>th</sup> Floor, CGO Complex,  
Lodhi Road, New Delhi – 110003

**--(For taking note of the above advisory)**

