

CENTRAL INFORMATION COMMISSION
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File No. CIC/BS/A/2014/000225+000235+000236+000280/6664
01 January 2015

Relevant Facts emerging from the Appeal:

Appellant : Mr. Rohit Sabharwal
President
Council of RTI Activists (Regd.)
Kundan Bhawan, 126, Model Gram,
Ludhiana, Punjab

Respondent : CPIO & DGM (Admin)
BSNL
O/o the General Manager Telecom District
Ludhiana, Punjab

RTI application filed on : 14/10/2013 09/10/2013
PIO replied on : 24/10/2013
First appeal filed on : 11/11/2013
First Appellate Authority order : 19/12/2013
Second Appeal dated : 05/01/2014, 05/12/2013

Information sought:-

File No. CIC/BS/A/2014/000225

The appellant has sought the following information regarding Mr. Mohan Singh posted as JTO, Gill Telephone Exchange, BSNL, Ludhiana SSA:-

1. Provide the information showing the details of leave taken by the above said officer from the period 01/01/2000 to till date.
2. Provide the certified copies of the complete passport of the above said public servant available on the records of your public authority.
3. Provide the certified copies of the NOC are given by the BSNL to the above said officer for the purpose to travel abroad. This information is required from the period 01/01/2000 to till date.
4. Provide the relevant documents showing the sources of funds for travelling, boarding & lodging expenses made by the above said officer during his abroad visits.

File No. CIC/BS/A/2014/000235

The appellant has sought the following information regarding Mr. Harjinder Singh posted as SDE, Civil Lines, BSNL, Ludhiana SSA:-

1. Provide the information showing the details of leave taken by the above said officer from the period 01/01/2000 to till date.
2. Provide the certified copies of the complete passport of the above said public servant available on the records of your public authority.

3. Provide the certified copies of the NOC's given by the BSNL to the above said officer for the purpose to travel abroad. This information is required from the period 01/01/2000 to till date.
4. Provide the relevant documents showing the sources of funds for travelling, boarding & lodging expenses made by the above said officer during his abroad visits.

File No. CIC/BS/A/2014/000236

The appellant has sought the following information regarding Mr. Harmohinder Singh posted as SDO, Rahon Road, BSNL, Ludhiana SSA:-

1. Provide the information showing the details of leave taken by the above said officer from the period 01/01/2000 to till date.
2. Provide the certified copies of the complete passport of the above said public servant available on the records of your public authority.
3. Provide the certified copies of the NOC's given by the BSNL to the above said officer for the purpose to travel abroad. This information is required from the period 01/01/2000 to till date.
4. Provide the relevant documents showing the sources of funds for travelling, boarding & lodging expenses made by the above said officer during his abroad visits.

File No. CIC/BS/A/2014/000280

The appellant has sought the following information regarding Mr. Jasbir Singh, Divisional Engineer Phone, BSNL, RBN, Ludhiana:-

1. Provide the information showing the details of leave taken by the above said officer from the period 01/01/2000 to till date.
2. Provide the certified copies of the complete passport of the above said public servant available on the records of your public authority.
3. Provide the certified copies of the NOC are given by the BSNL to Mr. Jasbir Singh for the purpose to travel abroad. This information is required from the period 01/01/2000 to till date.
4. Provide the relevant documents showing the sources of funds for travelling, boarding & lodging expenses made by the above said officer during his abroad visits.

Grounds for the Second Appeal:

The CPIO has denied the information under Section 8(1)(j) of the RTI Act.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Ms. Sukhjinder appellant's representative through VC

Respondent: Mr. Raj Deo CPIO through VC

The appellant's representative stated that the issue involved in all the 4 appeals is the same and hence they may be heard together and disposed of by a common order.

She stated that in response to the RTI applications only copies of NOCs have been provided. The CPIO stated that he will provide the details of leave availed by the employee(s) but the purpose of leave cannot be provided as it is personal information. He further stated that copy of passport and details like source of funding for travel, boarding & lodging etc. is personal information of the employee and since no public purpose has been demonstrated to justify the disclosure, exempt under Section 8(1)(j) of the RTI Act. The appellant's representative argued that

a complaint had been made against the employee that he had taken unauthorized employment abroad and larger public interest warrants disclosure of the information. The CPIO argued that mere allegation without any tangible basis cannot be accepted to justify larger public interest. He informed that they have been requesting the appellant for furnishing proof to support his allegation but no evidence has been provided by him.

Decision notice:

It is seen that a Coordinate bench of the Commission on the issue of leave, vide its decision dated 22/05/2014 [file no. CIC/VS/A/2013/000841/SH - Shri H Basavaraj vs. Canara Bank], has held that details of leave can be disclosed but the purpose of leave should be withheld as it falls in the category of personal information. Hence, as stated by the CPIO the details of leave(s) availed by the employee should be provided, however, while providing the details of leave(s) the purpose of the leave(s) may be withheld.

The appellant's representative has alleged that the employee had taken unauthorized employment abroad but no tangible evidence has been brought on record to substantiate the claim.

The Hon'ble High Court of Delhi in its decision dated 16/09/2014 [W.P.(C) No.807 of 2014 – Manohar Lal Sharma vs. CBI & Ors] has held as under:

*“10. It is clear from the above noticed settled legal position that the petitioner is bound to plead his case and **produce sufficient evidence to substantiate the averments** made in the petition. Admittedly, no such effort has been made by the petitioner herein.”*

Thus, mere allegation without any sufficient evidence to substantiate the averment cannot be accepted. The CPIO's submissions that copy of passport and sources of funding for travel, boarding & lodging etc. is personal information and exempt under Section 8(1)(j) of the RTI Act are in order, hence, there is no need to interfere with the respondent's decision.

The appeals are disposed of accordingly.

BASANT SETH
Information Commissioner

Authenticated true copy:

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