

**CENTRAL INFORMATION COMMISSION**  
**Club Building (Near Post Office)**  
**Old JNU Campus, New Delhi - 110067**  
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**Decision No. CIC/SM/A/2011/001154/SG/15489**  
**Appeal No. CIC/SM/A/2011/001154/SG**

**Relevant Facts emerging from the Application:**

**Appellant** : Mr. D.S. Jolly,  
 Flat No.501, Block No.2,  
 DDA Multistoried Flats,  
 Motia Khan  
 New Delhi-110005

**Respondent** : Mr. A. S. Jolly  
 PIO & Chief Manager  
**Punjab & Sind Bank**  
 21, Rajendra Place  
 New Delhi-110008

RTI application filed on : 05/10/2010  
 PIO replied : 07/12/2010  
 First appeal filed on : 31/12/2010  
 First Appellate Authority order : 20/01/2011  
 Second Appeal received on : 07/04/2011

Provide the following documents –

<b>Information Sought</b>	<b>CUTODIAN</b>
Documents required in matter of charge sheet dated 03.06.2004 to DS Jolly and CS Johar in account of Mitees Corporation at IBD Jalandhar	
1. Copy of letter of CVC raising objection while seeking second stage advice by head office in case of CS Johar- Chief Manager	DAC Cell, Head Office Vigilance Department
2. Copy of head office letter for seeking second stage advice from CVC for exoneration of CS Johar before completion of inquiry in case of DS Jolly, the matter being composite case.	DAC Cell, Head Office! Head Office-Vigilance Department
3. Copy of head office letter for seeking second stage advice in case of CS Johar and DS Jolly on completion of inquiry.	DAC Cell, Head Office! Head Office-Vigilance Department
4. Inquiry Report of 10 in case of CS Johar	DAC Cell, Head Office
5. Copy of written briefs submitted by CS Johar	DAC Cell, Head Office
6. Copy of written briefs submitted by presenting officer in case of CS Johar	DAC Cell, Head Office
7. Copies of letters sent by CDI to the CMD of bank during the course of inquiry being conducted by CDI from the date of preliminary hearing to the date of completion of inquiry along with the replies sent by head office to CDI.	DAC Cell, Head Office
8. Copy of note of head office vide which DS Jolly and CS Johar were placed under suspension.	DAC Cell, Head Office

9. The note of head office whereby suspension of DS Jolly was revoked.	DAC Cell, Head Office
10. Coy of head office vigilance department letter along with enclosures sent to CVC for seeking first stage advice in the matter of disciplinary proceedings against DS Jolly and CS Johar.	Head Office- Vigilance Department
11. The head office circular regarding procedure and guidelines for inspection of zonal offices by head office at the relevant time of inspection of zonal office Jalandar as on 31.03.2002.	Head Office Inspection
12. The relevant portion ie pertaining to CS Johar and DS Jolly of quarterly reports submitted by head office vigilance department New Delhi to CVC during the Period 1st July, 2002-Sept 2004.	Head office- Vigilance Department

**Reply of the Public Information Officer (PIO):**

- The information sought under points 1 & 7 is vague hence cannot be supplied;
- The information sought under points 2 and 4 to 6 cannot be provided, being third party information exempted under the Act.
- The information sought under points 10 & 12 is exempted from disclosure under section 8(1)(h) of RTI Act, as it would impede the process of prosecution of offenders. As such cannot be provided
- The information sought under point 11:- File containing HO Circular regarding Procedure & Guidelines for inspection of ZO by HO as on 31-03-2002 is not traceable. Hence cannot be provided.
- The information sought under points 3,8 & 9 :- We are enclosing herewith copies of following documents but only in respect of your case:-
- i) Copy of HO letter seeking 2nd Stage advice;
- ii) Copy of letter vide which Shri D.S. Jolly was placed under suspension;
- iii) Copy of letter whereby suspension of Shri D.S. Jolly was revoked.

**Grounds for the First Appeal:**

Information provided is unsatisfactory

**Order of the First Appellate Authority (FAA):**

FAA Upheld the decision of CPIO. He further sated that

*“In my opinion the CPIO has very rightly denied the documents which were related with the charge sheet dated 03.06.2004 and its subsequent inquiry and further development pertaining to the case of Shri C.S. Johar. Since these documents pertain to personal information of third party disclosure of this would cause unwarranted invasion on the privacy of the individual concerned. As such disclosure of such documents are exempt in terms of section 8(1) (J) of the RTI Act, Copies of letters sent by CDI to the CMD of bank are also third party documents as these documents are issued by the CDI and not by the bank. Bank has no right to issue copies of such letters. As such the appellant, if desired, can seek such information from the CDI directly, Moreover, it has also been brought to my notice that a CBI prosecution case being RC CHG 20Q3/A0017 dated 29.05.2003 registered against Shri D.S. Jolly and others in the account of M/s Mitees Corporation of IBD Jalandhar is pending trial in the CBI Court. In the prevailing circumstances there are apprehensions that disclosure of desired documents would impede the process of CBI investigation/trial as such I concur with the decision of CPIO and dismiss the appeal.”*

**Grounds for the Second Appeal:**

Information provided is insufficient and unsatisfactory

**Relevant Facts emerging during Hearing:**

The following were present

**Appellant:** Mr. D.S. Jolly;

**Respondent:** Mr. Lekh Raj Chug, Sr. Manager on behalf of Mr. A. S. Jolly, PIO & Chief Manager;

The PIO has given certain information but the Appellant is dissatisfied with it. Hence he would like to inspect the relevant records to his queries on 14 November 2011 from 03.00PM onwards.

The PIO is directed to facilitate an inspection of the relevant records by the Appellant on 14 November 2011 from 03.00PM onwards at the office of the PIO. In case there are any records or file which the appellant believes should exist, which are not shown to him, he will give this in writing to the PIO at the time of inspection and the PIO will either give the files/records or give it in writing that such files/records do not exist.

**Decision:**

The Appeal is allowed.

The PIO is directed to facilitate an inspection of the relevant records by the Appellant on 14 November 2011 from 03.00PM onwards. The PIO will give attested photocopies of records which the Appellant wants free of cost upto 200 pages.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

**Shailesh Gandhi**  
**Information Commissioner**  
**04 November 2011**

(In any correspondence on this decision, mention the complete decision number.)PG