

**CENTRAL INFORMATION COMMISSION**  
**Club Building (Near Post Office)**  
**Old JNU Campus, New Delhi - 110067**  
**Tel: +91-11-26161796**

**Decision No. CIC/SM/A/2011/001207/SG/15488**  
**Appeal No. CIC/SM/A/2011/001207/SG**

**Relevant Facts emerging from the Application:**

**Appellant** : Mr. Rahul Aggarwal  
Res: BG-70 (Poorvi),  
Shalimar Bagh,  
Delhi- 110 088.

**Respondent** : Mr. M. K. Sripathi  
PIO & AGM  
**Syndicate Bank**  
Head Office  
Manipal- 576 104, Karnataka

RTI application filed on : 14/01/2011  
PIO replied : 15/02/2011  
First appeal filed on : 25/02/2011  
First Appellate Authority order : 21/03/2011  
Second Appeal received on : 13/04/2011

**Information Sought:**

- Details of office note which was put before the competent authority after receiving my resignation letter dated 22. 06.98.
- Copy of Office Note/Order or any written direction of the competent authority or other instruction of accepting my resignation letter.
- Copy of the said resignation letter which was accepted and I was relieved from the services.
- Copy of letter no. 3307/0089/PD:RD(01/OR -4951 dated 29-11-2010 sent to Ministry of Finance and to Banking division /President Secretariat in reply to my representation made to Govt. Authorities.

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

It is observed that the issue of your relief from service of the Bank accepting your resignation was agitated by you before the Hon'ble High Court of Delhi in WP No. 4851/2000 and that the Court had dismissed the said Petition, upholding the Bank's action, on 02.05.2002. Your Appeal against the above Order was dismissed by the Appellate Court on 30.07.2002, observing that regard to the conduct of the Appellant, we are of the opinion that it is not a fit case where this Court should exercise the discretionary jurisdiction under clause No.10 of the Letters Patent Appeal. You had challenged this order before the Hon'ble Supreme Court of India in SLP No. 22460/2002, which was also dismissed with the observation that we do not find any merit in this Petition. The Special Leave Petition is accordingly dismissed". In the circumstances, it is observed that all the issues relating to your relief from the Bank cm resignation have been finally and irrevocably settled legally. In spite of this, you had once again approached the Hon'ble Appellate. Court for reviewing its 'Judgment for which the Court expressed its reservation on your misusing the process of law and directed you to pay a sum of 50001- towards cost.

In this back drop, we find that your request for the first three information I documents is to reopen an issue 'which has been finally settled and set at rest by the Hon'ble Apex Court of the Country and also for which the Hon'ble High Court of Delhi had found you as misusing the process of law by repeated Petitions. The intention of the RTI Act is not to enable such an exercise, which results in precipitation of issues endlessly.

Further, your Application indicates that you have already had access to a copy of the document requested for by you under item No.4. In any case, this document being a correspondence between the Bank and the Government of India is a privileged document and is held by the Bank in fiduciary capacity.

The above apart, we do not find any public interest in disclosing these information to you. in view of the foregoing, we are unable to furnish the information sought by you by virtue of Section 8(1) (e) of the RTI Act.

### **Grounds for the First Appeal:**

Information provided is unsatisfactory

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

I have gone through all the papers placed before me and I observe that you are misusing the precious Act of RTI Act and causing inconvenience to the Bank and diversion of its resources and manpower to furnish reply to your applications. The legal point involved in your case was finally heard and disposed of by the Competent Court of Law.

As such, you cannot re-open the closed issue by resorting to filing applications under RTI Act. The SLP filed by you was dismissed by the Hon'ble Supreme Court and confirmed the order of the I-Hon'ble Delhi I-Ugh Court After that you preferred Review petition and in the said petition court expressed its reservation on your misusing the process of law and directed you to pay a sum of Rs 5000/- as costs. The same was not challenged by you again. Thus, the decision on the matter has attained finality. The legal position being so now contravening the repeated orders of Hon'ble court you are preferring applications under RTI Act. This act amounts to contempt of Court. The Bank reserves its right to prefer contempt petition against you.

Moreover, the documents sought by you are privileged documents and cannot be parted with. The main motto of RTI Act is to curb the corruption and to maintain transparency of the information but not to trouble the public authority by resorting to file applications after application on same/similar issues. Moreover no public interest is seen in your request. Accordingly, ***I do not find any merit in your appeal hence, rejected.***

### **Grounds for the Second Appeal:**

The FAA rejected the Appeal. The Appellant argued that "The bank had rejected the appeal with malafides which, can be established by the Fact that the information sought for is related to me only which bank has refused to provide just with. the intention of harassing me and they have given a threat of filing contempt proceeding & against me on the grounds that by asking this information I am abusing the process of law as well as RTI Act . This it self proves the malafides on the part of bank since .merely asking for the information related to decided issue does not and can not amount to misuse of process of law. I would, like to add that Commission has allowed my earlier appeals .in my favor in spite of stiff opposition by the bank during personal/ hearing before the commission so bank authorities are trying to harass me without, not providing the information sought for although-this is pertains to me on1y.

### **Relevant Facts emerging during Hearing:**

The following were present

**Appellant:** Mr. Rahul Aggarwal;

**Respondent:** Mr. M. K. Sripathi, PIO & AGM on video conference from NIC-Udupi Studio;

The respondent states that the matter in which the Appellant is seeking information have been disposed in a court and hence the appellant should not seek informatno regarding this. The PIO also claims exemption under Section 8(1)(e) on the ground that there is no public interest involved in giving

the information to the Appellant. From the submissions to the PIO it is apparent that there is no justification under RTI Act that he is able to offer for denying the information. The PIO has refused to give the information without any basis in the law. The Right to Information is a fundamental right to citizens and denial of information is only permitted under the exemptions given under Section 8(1) of the RTI Act. The onus to prove that the denial of information is justified is on the PIO as per Section 19(5) of the RTI Act. The PIO has not justified the denial of information by the Appellant in his initial order under the provisions of the RTI Act and has again not given any reasons during the hearing as per the Act for denial of information. It thus appears to be the denial of information without any reasonable cause. The PIO has made no attempt to show how section 8(1)(e) of the RTI Act would be applied in the instant case.

The respondent states that the person responsible for denying the information was the then PIO Mr. M. P. Nagpal, DGM(P).

**Decision:**

The Appeal is allowed.

The PIO is directed to provide the information to the Appellant before 30 November 2011.

**The issue before the Commission is of not supplying the complete, required information by the then PIO Mr. M. P. Nagpal, DGM(P) within 30 days as required by the law.**

From the facts before the Commission it appears that the then PIO is guilty of not furnishing complete information within the time specified under sub-section (1) of Section 7 as per the requirement of the RTI Act. It appears that the PIO's actions attract the penal provisions of Section 20 (1). A showcause notice is being issued to him, and he is directed give his reasons to the Commission to show cause why penalty should not be levied on him.

**The then PIO Mr. M. P. Nagpal** will present himself before the Commission at the above address on **02 December 2011 at 4.30pm** alongwith his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1). He will also submit proof of having given the information to the appellant.

***If there are other persons responsible for the delay in providing the information to the Appellant the PIO is directed to inform such persons of the show cause hearing and direct them to appear before the Commission with him. If no other responsible persons are brought by the persons asked to showcause hearing, it will be presumed that they are the responsible persons.***

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

**Copy through Mr. M. K. Sripathi, PIO & AGM to:**

1- The then PIO Mr. M. P. Nagpal;