

**CENTRAL INFORMATION COMMISSION**  
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Bhikaji Cama Place, New Delhi-110066.  
Website : cic.gov.in  
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File No.CIC/LS/A/2012/002430/RM

Appellant:	Ch. Rama Krishna Rao
Public Authority:	Naval Ship Yard, Port Blair
Third Party	Shri R. Ajit Kumar
Date of Hearing:	25.3.2014
Date of Decision:	05.05.2014

Heard today, dated 25.3.14, through video conferencing.

Appellant present along with Shri M. Lingamayya.

Third Party Shri R. Ajit Kumar present.

Public Authority is represented by Cdr. Sajid Khan on behalf of CPIO, Lt. Chinmoy Sharma and Shri Mahendra Singh, AO on behalf of FAA and Ms. Tamali Biswas, Advocate.

#### FACTS

Vide RTI dated 17.05.2012 the appellant has sought information on following 7 points:

1. Certified copy of appointment letter of Shri R Ajit Kumar , SK (Welder) (Now FM), Token No. 339 and direct recruitment letter of said person as FM ( welder) CIN-217.
2. Assessment Card Report -2000 to 2005 of Shri R Ajit Kumar , SK (Welder) T. No.339.
3. Caste Certificate of Shri R Ajit Kumar during his selection for ND (M) apprenticeship in welder trade as local candidate and his caste certificate during selection as FM ( Welder) in reserve OBC candidate.
4. As per service record his place of birth and SSLC copy as in S/book.

5. Tenure of ND (M) apprenticeship as per service record.
6. As per service record whether he intimate his purchasing of Car no. AN 01 F 0920 under CCS conducts Rule 1964 Section 18 (i) C & source of money.
7. Action taken report of said R Ajit Kumar , SK (welder) who brutally beaten to D Tulsidas, HS ( fitting) during working hours at bay no. 2 of NSRY workshop and enquiry was conducted by Lt Cdr ( now Cdr) P Benerjee.”
8. PIO vide letter dated 12.06.2012 denied information U/S 8 (1) (e)(g) & (j) of RTI Act.
9. The appellant filed first appeal to FAA on 20/06/2012
10. FAA vide order dated 06/08/2012 provided Place of birth as per service records sought at query no. 4 and other details as sought at query no 5 & 6. Remaining information was denied stating that the same is personal information and exempted U/S 8 (1) (j) of RTI Act.
11. Aggrieved with the decision of FAA, the appellant filed second appeal to Central Information Commission on 21/08/2012 citing that Shri Ajit Kumar has submitted fake caste certificate for seeking appointment.
12. CIC vide order dated 27.12.2012 dismissed the appeal stating that personal information can be disclosed only in the larger public interest and appellant has not established any such interest.
13. The appellant filed Writ Petition No. W P 080 of 2013 in the High Court of Calcutta (Circuit Bench at Port Blair). The Honorable High Court remitted the matter to CIC with directions to decide the appeal afresh.
14. The Chief Information Commissioner constituted a 3 member bench of following Commissioners:
  - A ) Shri Rajiv Mathur
  - B ) Shri Basant Seth
  - C ) Smt Manjula Prasher

and the hearing took place on 25/03/2014.

15. The appellant submitted that Shri Ajit Kumar has obtained appointment under reserve category by submitting false caste certificate. On being asked by the Commission as to the evidence he has to prove the same, he replied that he has information from official sources.

16. Shri R Ajit Kumar, the third party submitted that he is recruited under general category and had not submitted any caste certificate to his employer. He also submitted that the appellant had been harassing him and none of his personal information should be provided to him.

17. The CPIO submitted that Shri R Ajit Kumar is appointed under unreserved category and no caste certificate has been submitted by him. A notice was sent to Shri R Ajit Kumar under provisions of section 11(1) of RTI Act. In his response he objected for furnishing any personal information related to him and also stated that there is threat to him. PIO also stated that the appellant is a habitual information seeker and filed RTIs against many employees and blackmailing them.

18. Ms Tamali Biswas, advocate on behalf of public authority stated that fact of employment of Shri R Ajit Kumar under unreserved category and non availability of caste certificate was brought to the notice of Hon'ble High Court also.

19. The Commission directed all the parties concerned to submit their written submissions within a week's time on e-mail as well by hard copy.

20. The Commission is in receipt of written submissions dated 01/04/2014 from the appellant and public authority and submissions dated 31/03/2014 from third party Shri R Ajit Kumar.

21. The appellant has submitted that decision may be taken on the basis of documents/records and justice be delivered in true spirit as per orders of Hon'ble High Court of Calcutta ( Circuit Bench At Port Blair).

22. Shri R Ajit Kumar has submitted that his appointment was under Unreserved Category and the appellant is seeking information to harass him. The appellant has a criminal background and is involved in a forgery case and the issue is sub judice. He has requested that his personal information should not be provided to the appellant.

23. The public authority has submitted that the appellant is a retired employee of their yard and was involved in two criminal cases for forgery. He is misusing RTI Act against NSRY and its employees . Shri Ajit Kumar was appointed under Unreserved Category and copy of recruitment letter is enclosed with the submissions. A notice was sent to third party by them who responded stating that it is an unwarranted invasion of privacy and perpetuation of biased campaign of maligning his professional image as well as disturbing the personal peace and also seems to be an act of personal vendetta.

## DECISION

24. The Commission observes that Shri R Ajit Kumar has been appointed under unreserved category, hence the plea of getting employment by submitting forged caste certificate does not have any merit and the contention that disclosure sought is in public interest fails.

25. In Stroud's Judicial Dictionary, Volume 4 ( IV Edition ) , 'Public Interest ' is defined as : " a matter of public or general interest does not mean that which is interesting as gratifying curiosity or love of information or amusement but that in which a class of community have a pecuniary interest , or some interest by which their legal rights or liabilities are affected."

26. The appellant has made mere conjectures and surmises and not able to give any cogent and sound evidence to prove the element of 'Public Interest ' .

27. Hon'ble Supreme Court in its decision dated 13/12/2012 in the case of Bihar Public Service Commission V/S Saiyed Hussain Abbas Rizwi & Anr has held that :

"23. The expression 'public interest' has to be understood in its true connotation so as to give complete meaning to the relevant provisions of the Act. The expression 'public interest' must be viewed in its strict sense with all its exceptions so as to justify denial of a statutory exemption in terms of the Act. In its common parlance, the expression 'public interest', like 'public purpose', is not capable of any precise definition. It does not have a rigid meaning, is elastic and takes its colour from the statute in which it occurs, the concept varying with time and state of society and its needs. [*State of Bihar v. Kameshwar Singh* (AIR 1952 SC 252)]. It also means the general welfare of the public that warrants recommendation and protection; something in which the public as a whole has a stake [Black's Law Dictionary (Eighth Edition)].

24. The satisfaction has to be arrived at by the authorities objectively and the consequences of such disclosure have to be weighed with regard to circumstances of a given case. The decision has to be based on objective satisfaction recorded for ensuring that larger public interest outweighs unwarranted invasion of privacy or other factors stated in the provision. Certain matters, particularly in relation to appointment, are required to be dealt with great confidentiality. The information may come to knowledge of the

authority as a result of disclosure by others who give that information in confidence and with complete faith, integrity and fidelity. Secrecy of such information shall be maintained, thus, bringing it within the ambit of fiduciary capacity. Similarly, there may be cases where the disclosure has no relationship to any public activity or interest or it may even cause unwarranted invasion of privacy of the individual. All these protections have to be given their due implementation as they spring from statutory exemptions. It is not a decision simpliciter between private interest and public interest. It is a matter where a constitutional protection is available to a person with regard to the right to privacy. Thus, the public interest has to be construed while keeping in mind the balance factor between right to privacy and right to information with the purpose sought to be achieved and the purpose that would be served in the larger public interest, particularly when both these rights emerge from the constitutional values under the Constitution of India.”

28. The Hon'ble High Court of Delhi in its judgement dated 05/02/2014 (Shail Sahni V/S Sanjeev Kumar & Others ) have observed :

“... This Court is also of the view that misuse of the RTI Act has to be appropriately dealt with , otherwise the public would lose faith and confidence in this “Sunshine Act”. A beneficial Statute, when made a tool for mischief and abuse must be checked in accordance with law...”

29. Keeping in view above, the Commission holds that the information sought by the appellant is personal information of Shri R Ajit Kumar and protected from disclosure U/S 8 (1) (j) of RTI Act as no larger public interest is established.

30. The appeal is disposed of.

Sd/-  
(Rajiv Mathur)

Sd/-  
(Basant Seth)

Sd/-  
(Manjula Prasher)

Information Commissioner

Information Commissioner

Information Commissioner

Authenticated true copy forwarded to:

Lt. Commander & CPIO  
Naval Ship Repair Yard  
C/o Navy Office, Port Blair-744102.

The First Appellate Authority  
Naval Ship Repair Yard  
C/o Navy Office, Port Blair-744102.

Shri R. Ajit Kumar, SK(welder), - To be delivered through CPIO  
T.No.339 (Third Party)

Shri Ch. Rama Krishana Rao,  
C/o H.F. Shipping Opp.  
PHC, Haddo Port,  
Port Blair Pin 744102

(Raghubir Singh)  
Deputy Registrar  
.05.2014