

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
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File No. CIC/BS/A/2014/000051/6583
17 December 2014

Relevant Facts emerging from the Appeal:

Appellant : Mr. Francis Assis Fernandes
C/o Shri S. C. Tiwari
M-104, Dupelx, Stadium Ground,
Nanda Nagar, Indore – 452011

Respondent : CPIO & Sr. Superintendent of Post Offices
Department of Posts
Malwa Division
Ujjain – 456010

RTI application filed on : 22/07/2013
PIO replied on : 21/08/2013
First appeal filed on : 20/09/2013
First Appellate Authority order : 21/10/2013
Second Appeal received on : 20/11/2013

Information sought:-

The appellant has sought following information/documents:-

1. Provide the certified true copy of application form, and other documents given by Sh. Bhure Khan, Sh. Gaurav Shukla, Sh. Rameshwar, Sh. Subhash Chandra Joshi and Sh. Prahlad Ratohre for the appointment in Postal Department and also the copy of their appointment letters.
2. Provide the copy of the service book and other related documents of Sh. Praveen Srivastava working in the O/o Asst. Superintendent Ujjain.

Grounds for the Second Appeal:

The CPIO has denied the information under Section 8(1)(h) & claiming third party as per the RTI Act 2005.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Francis Assis Fernandes through VC

Respondent: Mr. H S Pandey CPIO's representative through VC

The appellant stated that he has not been provided the information requested in his RTI application dated 22/07/2013. As regards query 1 the CPIO's representative stated that at the relevant time the appointments were in progress and hence, the information could not be supplied and subsequently it was found that the advertisement issued was erroneous due to which the appointments were cancelled. He contended that the information sought under both the queries is personal in nature, relates to third party and since no larger public interest has been demonstrated by the appellant to justify the disclosure, exempt under Section 8(1)(e)&(j) of the RTI Act.

Decision notice:

The Hon'ble Supreme Court in its decision dated 13/12/2012 [Civil Appeal no. 9052 of 2012 Bihar Public Service Commission vs. Saiyed Hussain Abbas Rizvi & anrs] has inter alia held as under:

“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”

The Hon'ble Bombay High Court vide its decision dated 22/8/2013 (WP No. 1825 of 2013 Subhash Bajirao Khemnar vs. Shri Dilip Nayku Thorat & Others) has held “that the Chief Information Commissioner was not justified in directing the Information Officer to supply personal information in respect of the **service record**, income tax returns and assets of the petitioner unless the Commissioner was satisfied that the disclosure of the information was justified in larger public interest.”

In view of the above cited decisions the CPIO's representative's submissions cannot be faulted. In the matter at hand the appellant has not succeeded in establishing that the information sought is for larger public purpose. Hence, there is no need to interfere with the respondent's decision.

The matter is closed.

BASANT SETH
Information Commissioner

Authenticated true copy:

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