

**CENTRAL INFORMATION COMMISSION**

**Club Building (Near Post Office)**

**Old JNU Campus, New Delhi - 110067**

**Tel: +91-11-26161796**

**Decision No. CIC/SG/A/2011/001824/15268**

**Appeal No. CIC/SG/A/2011/001824**

**Relevant Facts emerging from the Appeal**

Appellant : Ms. Bimla Prakash  
76 Ist Floor,  
Chitra Vihar ( Near Scope Minar)  
Laxmi Nagar, Delhi-110092

Respondent : Mr. V. C. Ramchandran  
CPIO & DGM  
**Indian Overseas Bank**  
**Central Office**  
RTI Cell, Law Department  
P.O. Box No. 3765  
Anna Salai, Chennai-600002

RTI application filed on : 17/01/2011  
PIO replied : 14/02/2011  
First appeal filed on : 07/03/2011  
First Appellate Authority order : 07/04/2011  
Second Appeal received on : 08/07/2011

<b>S. No</b>	<b>Information Sought</b>
1.	Service Book of Shri Chandra Prakash (applicant's husband)w.e.f 17.07.2006 to till date
2.	File noting containing approval of the competent authority for issuance of order dated 12.10.2006 placing Shri Chandra Prakash. under suspension
3.	Has statement of monetary benefits of Shri Chandra Prakash been provided to him from the order dated 12.10.2006, placing him under suspension till date. If so, the statement <i>I</i> details may be provided. If not reasons then.
4.	Has Provident Fund Statement w.e.f. 17.08.1983 to till date been provided to Shrichandra Prakash showing members contribution as well as employer's contribution? If not, the reasons for not providing the same.
5.	Has the statement <i>I</i> details of Earned leave that has accrued till Shri Chandra Prakash last worked in the Bank, been provided to him? If not, the reasons then.
6.	Has any Details <i>I</i> statement of terminal benefits amounts payable to Sh. Chandra Prakash, on account of: A) Provident Fund B) Gratuity C) Earned Leave Encashment, been provided to Sh. Chandra Prakash? Details may be provided, If not reasons there for.
7.	If terminal benefits are not paid till date, it amounts to unjust enrichment of the Bank. In which case how he Bank has decide.d to compensate Sh. Chandra Prakash for retaining the amounts for such a long time?
8.	Please provide details of the officers responsible for withholding the terminal benefits amount for such a long period.
9.	Please also provide the rules of Indian Overseas bank under which terminal benefits could be withheld.

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

The information request on personal and official details of Employees, with no ostensible relations to any public interest or public activity, formed the personal information of others *and* the disclosure of the same would cause invasion of the privacy and exempted for disclosure under Section 8(1)(j) of RTI Act 2005.

The information requests are in the form of raising queries in respect of administrative actions of the officials with attempts to elicit views and opinion of the CPIO regarding issuance of various statements on monetary benefits, PF, Earned leave, Terminal benefits to one Sri.Chandra Prakash as stated by the Appellant as under suspension. Such queries are not covered under the definition of information under Sec 2(f) of RTI Act 2005. Also furnishing reasons, explanations for administrative actions as raised by you do not fall under the definition of Information under Sec 2(f) of RTI Act 2005.

Further rhetorical queries in respect of administrative business actions of authorities by raising hypothetical queries about situations and attempts to elicit views and opinion of the CPIO. Under provisions of RTI Act, no applicant can be allowed the liberty of raising hypothetical queries about situations and demanding for a public authority to identify the rule or provision which would fit the description of the situation in respect of administrative actions of the officials. Such details are not properly classified as information under Sec 2(f) of RTI Act. RTI Act does not require the Public Information Officer to deduce some conclusion from the material or supply the conclusion from the material so deduced to the applicant. PIO is only required to supply the material in the form as held by the Public Authority and is not required to perform interpretations on behalf of the citizen to deduce anything from the material and then supply to him.

**Grounds for the First Appeal:**

Incomplete and unsatisfactory information provided by the PIO. Consent letter of Shri Chandra Prakash was attached.

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

The PIO was ordered to furnish the information to the Appellant within 15 days.

**Grounds for the Second Appeal:**

Unsatisfactory reply by the PIO.

**Relevant Facts emerging during Hearing:**

The following were present

**Appellant :** Ms. Bimla Prakash;

**Respondent :** Mr. A. K. Mohanthy, PIO & Chief Manager on behalf of Mr. V. C. Ramchandran, CPIO & DGM on video conference from NIC-Chennai Studio;

The PIO is directed to give the complete information to the Appellant for queries 1 to 6 and query 9 as per available records. In case for any of these there is nothing on the records this should be stated.

**Decision:**

The appeal is allowed.

The PIO is directed to provide the information available on the records to the Appellant before 10 November 2011.

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 cost as per Section 7(6) of RTI Act.

**Shailesh Gandhi**  
**Information Commissioner**  
**21 October 2011**

*(In any correspondence on this decision, mentioned the complete decision number.)(ved)*