

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26101592

File No. CIC/BS/A/2014/000389/6846
27 January 2015

Relevant Facts emerging from the Appeal:

Appellant : Mr. M. Mahadevappa
No. 788/96, F-4,
12th Cross, Ramanuja Road,
Mysore District

Respondent : CPIO & Dy. General Manager (HR/Admin)
BSNL
O/o the Sr. General Manager Telecom
Jayalakshmpuram, Mysore - 570012

RTI application filed on : 14/11/2013
PIO replied on : 07/12/2013
First appeal filed on : 07/01/2014
First Appellate Authority order : 06/02/2014
Second Appeal dated : 12/03/2014

Information sought:-

The applicant has sought the information in respect of Sri. M Cheluvvaraju TS(O) 197508569, S/o MARIAPPA K, working at CSC, D.D. Urs Road, BSNL Mysore:

- (i) Copy of the Articles of Charges framed against the above said official under Rule 14 of CCS (CCA) Rules.
- (ii) Copies of the proceedings initiated under (i) above including documents submitted from the side of PO and the PO Report/Statements.
- (iii) Final order passed by the Disciplinary Authority based on the IO report in respect of (i) above.
- (iv) Details of the Suspension Period and the payment details during the said period.
- (v) Copy of the Appeal filed by the delinquent employee.
- (vi) Copy of the order passed by the Appellate Authority.
- (vii) Copy of the Writ petition filed by the above said official before the Hon'ble High Court of Karnataka.
- (viii) Copy of the decision rendered by the Hon'ble High Court of Karnataka in relation to (vi) above.
- (ix) Copy of the OA filed by the above said official before the Hon'ble CAT, Bangalore Bench.
- (x) Copies of the objection statement, Memos, Affidavits, Para-wise comments submitted by GMT, Mysore in the said OA.
- (xi) Copy of the verdict passed by the Hon'ble CAT, Bangalore Bench in the said OA.
- (xii) Details of compliance of the said order passed by the Hon'ble CAT, Bangalore Bench, along with the copies of the necessary Notes and Office Notes.

Grounds for the Second Appeal:

The CPIO has not provided the desired information.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Ganesh appellant's representative through VC

Respondent: Mr. Shankar H CPIO's representative through VC

The appellant's representative stated that he wants all the documents relating to the disciplinary proceedings carried out against Mr. M. Cheluvvaraju. The CPIO's representative stated that the information sought is personal in nature and exempt from disclosure as per the Hon'ble Supreme Court's order in Girish Ramchandra Deshpande's matter.

Decision notice:

The Hon'ble Supreme Court vide decision dated 03/10/2012 Girish Ramchandra Deshpande vs. CIC & others [SLP (Civil) No.27734 of 2012] has held that disciplinary orders and the documents in the course of disciplinary proceedings are personal information within the meaning of Section 8(1)(j) and the disclosure of which normally has no relationship to any public activities or public interest. On the other hand the disclosure of which would cause unwarranted invasion of the privacy of an individual unless the petitioner is able to demonstrate that the information sought for is for larger public purpose.

The appellant has not succeeded in demonstrating that the information asked for by him is in larger public interest. It being so, 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