

**Central Information Commission, New Delhi**  
**File No.CIC/SM/A/2013/000384 & 385 (Two Cases)**  
**Right to Information Act-2005-Under Section (19)**

**Date of hearing** : **31/7/2013**

**Date of decision** : **31/7/2013**

**Name of the Appellant** : **Sh. S S Upadhyaya,**  
**C-48-49, Ashok Hotel Staff Qtr., 50-B,**  
**Chanakyapuri, New Delhi**

**Name of the Public Authority** : **Central Public Information Officer,**  
**The Ashoka,**  
**Diplomatic Enclave 50B, Chanakyapuri,**  
**New Delhi -110021**

The Appellant was present.

On behalf of the Respondent, the following were present:-

- (i) Shri Goutam Chatterjee, GM & CPIO,
- (ii) Shri Ashok Dash, Chief HR

**Chief Information Commissioner** : **Shri Satyananda Mishra**

2. We heard both the parties.

3. In two separate RTI applications, the Appellant had sought a variety of information relating to engagement of contractors for outsourcing employees and many other staff/employee related matters. The CPIO had provided some information against some of the queries while refusing to give a number of

information against the remaining queries on one ground or the other. The Appellant had appealed against the orders of the CPIO in both the cases. However, the Appellate Authority had not given any further relief to him.

4. We have carefully gone through the contents of both the RTI applications and the submissions made during the hearing. In our opinion, the CPIO should provide the following additional information to the Appellant:

i. The list of persons recommended by the management for issue of passes to use the swimming pool being run by M/s Amatra;

ii. the details of the action taken against M/s Amatra for encroachment including the details of lawsuits filed by the management, if any;

iii. the copies of the file noting from the relevant files in which the complaint of the Appellant dated 30 March 2010 had been dealt. However, if any disciplinary proceeding has been initiated against any employee consequent to this complaint, no information may be disclosed in line with the Supreme Court order in the Girish Deshpande case;

iv. the copy of the file noting and correspondence from the relevant file in which the management had taken any action on the order dated 8 February 2001 of the Provident Fund office.

4. We direct the CPIO to provide the above information to the Appellant within 10 working days of receiving this order.

5. About the remaining information, some of these have already been

provided to the Appellant and some others cannot be provided either because they relate to personal information of some individual employees or because the relevant record is not physically available. From the requests made by the Appellant, it appears that the management has been outsourcing a lot of staff for various purposes. The entire process of engaging outsourced staff should be made completely transparent. This is a primary requirement under the Right to Information (RTI) Act. Therefore, the hotel management must ensure in future that every single detail regarding the engagement of contractors for outsourcing staff should be put up in the website of the hotel immediately after the bidding process is complete. Thereafter, the details of the staff provided by the contractors including their names, educational qualification, monthly wages and other compensation to be paid to each of them should also be regularly uploaded in the website for everybody to see. Once such information is made public on a regular basis, there would be no need for citizens to seek such information from the management. This also applies to the various contracts given by the management, from time to time, for both procurement and other services. Essential details about all such contracts, such as, the names of the bidders, the terms and conditions of the bids, the name of the successful bidder, the quality criteria/parameters of services/material to be provided and such other details should also be published in the website. However, while doing so, care must be taken not to disclose anything in the nature of commercial confidence which would adversely affect the competitive position of the bidder concerned. In other words, progressive publication of all such information by the management would go a long way in reducing the requests for information and enhance transparency in its functioning. We would like the CPIO to place this order before the competent authority in the management so

that appropriate action can be taken and the disclosures as suggested above could be made within a period of three months from the passing of this order.

6. Both the appeals are disposed off accordingly.
7. Copies of this order be given free of cost to the parties.

**(Satyananda Mishra)**  
**Chief Information Commissioner**

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

**(Vijay Bhalla)**  
**Deputy Registrar**