

केंद्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION
बाबा गङ्गानाथ मार्ग
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File No.: CIC/CRAIL/A/2017/187606

In the matter of:

Subrata Biswas

...Appellant

VS

PIO, DPO-II, Central Railway, Divisional Office,
Personnel Branch, Mumbai CST, Maharashtra

...Respondent

Dates

RTI application : 22.06.2016
CPIO reply : 29.06.2016
First Appeal : 18.07.2016
FAA Order : 19.08.2016
Second Appeal : 18.11.2016
Date of hearing : 26.02.2018

Facts:

The appellant vide RTI application dated 22.06.2016 sought information regarding his grievance in regard to salary as to why juniors of the appellant were drawing higher salary than that of the appellant. The CPIO replied on 29.06.2016. The appellant was not satisfied with the reply of the CPIO, so he filed first appeal on 18.09.2016. The First Appellate Authority (FAA) disposed of the appeal by virtue of its order dated 19.08.2016. Aggrieved with the non-supply of the desired information from the respondent authority, the appellant filed a second appeal under the provision of Section 19 of the RTI Act before the Central Information Commission on 18.11.2016.

Grounds for Second Appeal

The CPIO did not provide the desired information.

Order

Appellant : **Representative of the appellant
Shri Subrata Biswas**
Respondent: **Shri C.P. Bhagat,
Divisional Personnel Officer cum APIO,
Central Railway**

During the hearing, the respondent APIO submitted that they had provided the requisite reply vide their letter dated 29.06.2016 and the First Appellate Authority (FAA)'s order dated 19.08.2016. The reply furnished to the appellant is just and proper and hence the case might be dismissed.

The representative of appellant submitted that he was not satisfied with the reply received from the respondent.

On perusal of the record, the Commission observed that the appellant in his RTI application sought information in regard to why juniors of the appellant were drawing higher salary than him. The same was noted by the Commission as not covered u/s 2(f) of the RTI Act. The reply provided by the respondent PIO that the information did not come under the purview of the RTI Act was proper and the interference of the Commission is not called for.

In this context, The High Court of Bombay in the case of Dr. Celsa Pinto, Ex-Officio Joint Secretary (School Education) vs The Goa State Information Commission on 3 April, 2008 (2008 (110) Bom L R 1238) had held as under:

“Section 2(f) -Information means any material in any form, including records, documents, memos e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force; The definition cannot include within its fold answers to the question why which would be the same thing as asking

the reason for a justification for a particular thing. The Public Information Authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information.”

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In view of the above observation of the Hon'ble HC as well as the discussion prior to it in this order, the appeal is disposed of.

Copies of the order be sent to the concerned parties free of cost.

[Amitava Bhattacharyya]
Information Commissioner

Authenticated true copy

(A.K. Talapatra)
Deputy Registrar