

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)

Central Information Commissioner

CIC/POSTS/A/2017/180150

Nishaben Vivekbhai Bhatt v. PIO, Department of Posts

RTI	:	16.04.2016
FAO	:	03.06.2016
Second Appeal	:	10.10.2016
Hearing	:	01.08.2017
Appellant	:	Absent
Public Authority	:	Mr. F.B. Saiyyed, CPIO
Decided On	:	03.08.2017

FINAL ORDER

FACTS:

1. Appellant filed RTI application dated 16.04.2016 seeking the details of the pension amount being paid to her father-in-law for supporting evidence in her maintenance petition for herself and minor daughter. The CPIO replied that the information cannot be disclosed as it is third party and private information; no larger public interest was found in the matter.

Decision :

2. In her second appeal she claimed that her husband wrongfully stated in his response to her petition in court, that his father was fully dependent upon him. She also claimed that her father in law who took voluntary retirement from service has given approval and informed the same to Superintendent to disclose, The information regarding salary of pension of public servant cannot be considered as his private information.

3. As per Section 4(1)(b) the public authority has to disclose on its own the salaries of the staff. Generally salary means and includes the 'pension'. The pension related information could not be considered as personal or third party information. Assuming that it is personal information, the CPIO should have disclosed it as the father in law, the third party, has approved the disclosure.

4. The Commission finds that the respondent authority has illegally denied the information sought, without examining that the pension is part of the salary and financial remuneration for the service rendered to public authority, it is connected to his public activity, and hence it cannot be rejected. The public authority has completely ignored the fact that father in law had no objection to disclosure of information. Even if he had objected, it is the duty of the CPIO to satisfy whether there is any public interest.

5. The daughter-in-law applicant has proved that the information was needed in her maintenance petition against her husband. It is in the interest of justice that the court has to examine whether father in law is fully dependent on the son, who is fighting his wife's petition for maintenance.

6. The Commission directs the respondent authority to provide the complete information sought by the appellant, free of cost, within 15 days from this date. Disposed of.

SD/-
(M. Sridhar Acharyulu)
Central Information Commissioner

Authenticated true copy

(Dinesh Kumar)
Deputy Registrar

Copy of decision given to the parties free of cost.

Addresses of the parties:

1. The CPIO under RTI,
Department of Posts,
Superintendent of Post Office,
Gondal Division, Gondal,
Rajkot, Gujarat-360311.
2. Shri Nishaben Vivekbhai Bhatt,