

CENTRAL INFORMATION COMMISSION

(Room No.313, CIC Bhawan, Baba Gangnath Marg, Munirka, New Delhi-110067)

Before Prof. M. Sridhar Acharyulu (Madabhushi Sridhar), CIC

Second Appeal No.: CIC/EPFOG/A/2018/630782

ShriDasuAravind Kumar

Appellant

Versus

CPIO, EPFOG, Hyderabad

Respondent

Order Sheet: RTI filed on 04.06.2018, CPIO replied on 22.06.2018, FAO on 14.08.2018, Second appeal filed on 31.08.2018, Hearing on 04.10.2018;

Proceedings on 04.10.2018: Appellant absent, Public Authority represented by CPIO. Mr.Sridevi from NIC Rangareddy:

Date of Decision – 05.10.2018: Disposed of with directions

ORDER

FACTS:

1. The appellant sought information regarding salary particulars of his wife and her PFV details. He specifically sought (i) Gross Salary details & Latest EPF monthly contribution, (ii) UAN details and nominee of PF and gratuity accounts, and (iii) PF accounts since 2007 along with accumulated balance as on date. The CPIO on 22.06.2018, denied the information on the ground that third party Smt. SravanthiPippalapally had submitted her objections that information relating to her not to be shared with anyone. Not satisfied with the CPIO's reply, the appellant filed first appeal and the FAA had upheld the CPIO's reply. Aggrieved with the above responses, the appellant approached this Commission.

Decision :

2. The appellant was absent.As per the averments made in second appeal, the appellant had stated that his wife Smt. SravanthiPippalapallyhas filed a maintenance case in the jurisdictional Court of Law against this appellant claiming Rs. 50,000/- per month and Rs. 1,00,000/- for legal expenses, out of whichRs.

3,000/-per month and Rs. 10,000/- for legal expense has been ordered vide I.A.No.641 of 2017 in O.P. 382/2016 by the Hon'ble Family Court, Secunderabad, Telangana citing the reason of "Not filing of document proof of salary of his wife". The respondent authority expressed his inability to provide the information on the ground of personal information of third party and accordingly third party had objected to divulge her information.

3. Upon perusal of the records and submissions of the respondent authority, the Commission notes that the matrimonial dispute between the appellant and his wife, there should not be any embargo on divulging the salary and PF accumulations of the wife since the said information is sought by the husband to be placed before the Court. **The High court of Judicature of Bombay bench at Aurangabad in Writ Petition no. 10690 of 2017 in Central Public Information Officer, Aurangabad Vs. Central Information Commissioner and Another**, held that:

".....Para. 12. Though this information is not before this Court, the contention of the petitioner will have to be tested as to whether the said contention could be referable to Section 8(1)(e) or 8(1)(j) contending that personal information cannot be disclosed to a citizen if it is not in public interest. The claimant/husband cannot be termed as a third party citizen. He is the husband of the employee, whose PF details are being sought. The petitioner's case, within the framework of Section 8(1)(e), fails.

13. Section 8(1)(j) was never canvassed by the petitioner before any of the authorities below, except in this Court for the first time. I am considering the submissions of the petitioner even under Section 8(1)(j) since law need not be pleaded.

14. Testing the case of the petitioner under Section 8(1)(j), the petitioner would not be obliged to give any information to an unrelated citizen if it causes unwarranted invasion on the privacy of an individual.

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18. It cannot be lost sight of in this case that the relation between the person seeking information of the lady, who is employed in a private company, is that of a husband and wife. On account of a marital discord, the wife has dragged the husband before the District Court. For the purposes of his litigation, the husband requires the information about the salary and provident fund accumulations of the wife. Such information could also be acquired by the husband by making an application before the District Court. Rather than perpetuating the hardships of the

husband, the CIC has found it fit to direct the petitioner to disclose the said information.

19. In this backdrop, it is imperative that the petitioner must first come to a conclusion, either under sub-clauses (e) or (j) of Section 8(1) that the information is confidential and cannot be disclosed. It is only when the competent authority justifies the non-disclosure under the first part of sub-clauses (e) or (j) that the second part in the said sub-clauses would have to be considered to the extent of whether the information is required to be disclosed in larger public interest. In my view, the petitioner has failed in the first place to justify its refusal to disclose the information. The husband seeking information cannot be said to be a stranger or a third party. The information sought by him also cannot be said to be confidential.

20. In my view, if matrimonial matters are being prosecuted by the parties, there should not be any embargo on divulging the PF accumulations of the wife since the said information is sought by the husband to be placed before the District Court. It also cannot be ignored that the wife is not before this Court and has not challenged the impugned order.

21. considering the above, I do not find that the stand taken by the petitioner would fall either under Section 8 (1)(e) or Section (1)(j)".

4. Considering the *ratio decidendi* of the aforementioned judgment, the Commission finds that the CPIO had wrongly denied the information to the appellant and the contentions raised by the respondent authority is denied as baseless and illegal. Hence, the Commission directs the respondent authority to provide point wise information to the appellant, in the form of certified copy, within 7 days from the date of receipt of this order. Disposed of.

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