

## CENTRAL INFORMATION COMMISSION

2<sup>nd</sup> Floor, August Kranti Bhawan, Bhikaji Cama Place  
New Delhi-110066, website:cic.gov.in

Appeal No.:-CIC/DGTV/A/2017/316018-BJ

Appellant : Mr. Gopal Kansara,  
Respondent : CPIO  
Joint DIT (Vig.) Unit-II, Mumbai & CPIO,  
O/o. the Directorate of Income Tax  
(Vigilance), Mumbai  
Date of Hearing : 09.10.2017  
Date of Decision : 09.10.2017

Date of filing of RTI application	04.08.2016
CPIO's response	22.08.2016
Date of filing the First Appeal	29.08.2016
First Appellate Authority's response	22.09.2016
Date of diarised receipt of second appeal by the Commission	28.10.2016

### ORDER

#### **FACTS:**

The Appellant vide his RTI application sought information on 06 points regarding the name of the DG(Vig.), Mumbai posted during the period when letter dated 24.03.2011 was received from Mr. Amitabh Thakur, SP, ACB, CBI, Mumbai, the date of joining and retirement of the then DG(Vig.), Mumbai, copy of the note sheet with reference to the said letter and action taken thereon, etc.

The CPIO vide its letter dated 22.08.2016 denied disclosure of information u/s 8(1)(j) of the RTI Act, 2005 citing the judgment of Hon'ble Supreme Court in Girish Ramchandra Deshpande vs. Central Information Commission & ors. SLP(C) No. 27734 of 2012 dated 03/10/2012. Dissatisfied by the response, the Appellant approached the FAA. The FAA vide its order dated 27.09.2016 concurred with the response of the CPIO.

#### **HEARING:**

##### **Facts emerging during the hearing:**

The following were present:

**Appellant:** Absent;

**Respondent:** Mrs. Anita Rupavataram, CPIO/ADIT (Vig.), Unit-2, Mumbai through VC;

The Appellant remained absent during the hearing. Mr. Prem Shanker representative of NIC studio at Rajsamand confirmed the absence of the Appellant. The Respondent explained that vide letter dated 22.08.2016, she

had sent a response to the Appellant denying disclosure of information under Section 8(1)(j) of the RTI Act, 2005. The Respondent also referred judgment of Hon'ble Supreme Court in Girish Ramchandra Deshpande vs. Central Information Commission & ors. SLP(C) No. 27734 of 2012 dated 03/10/2012 to support her contention. The FAA had also upheld the decision of the CPIO drawing reference to various decisions of the Commission in File no. CIC/BS/A/2014/000818+001164/6667 dated 01.01.2015 and further reliance was placed on the decisions of the Commission with respect to non-disclosure of information u/s 8(1)(g) of the RTI Act, 2005 in the matter of Sanjeev Kumar Bhatia v/s ONGC, in the matter of Maj(Retd.) R. Mohan v/s ONGC and the case of Vinod Kumar Sharma v/s Delhi Police.

In this context, the Commission referred to the judgment of the Hon'ble Supreme Court of India in Girish Ramchandra Deshpande vs. Central Information Commission & ors. SLP(C) No. 27734 of 2012 dated 03/10/2012 wherein it was held as under:

*"13.....The performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right."*

Furthermore, the Hon'ble Supreme Court of India in the matter of of Canara Bank Rep. by its Deputy Gen. Manager v. C.S. Shyam, Civil Appeal No. 22 of 2009 dated 31.08.2017 had held as under:

*"5) The information was sought on 15 parameters with regard to various aspects of transfers of clerical staff and staff of the Bank with regard to individual employees. This information was in relation to the personal details of individual employee such as the date of his/her joining, designation, details of promotion earned, date of his/her joining to the Branch where he/she is posted, the authorities who issued the transfer orders etc. etc*

*11) Having heard the learned counsel for the appellant and on perusal of the record of the case, we are inclined to allow the appeal, set aside the impugned order and dismiss the application submitted by the 1st respondent under Section 6 of the Act.*

*12) In our considered opinion, the issue involved herein remains no more res integra and stands settled by two decisions of this Court in*

*Girish Ramchandra Deshpande vs. Central Information Commissioner & Ors., (2013) 1 SCC 212 and R.K. Jain vs. Union of India & Anr., (2013) 14 SCC 794, 5 it may not be necessary to re-examine any legal issue urged in this appeal.*

*14) In our considered opinion, the aforementioned principle of law applies to the facts of this case on all force. It is for the reasons that, firstly, the information sought by respondent No.1 of individual employees working in the Bank was personal in nature; secondly, it was exempted from being disclosed under Section 8(j) of the Act and lastly, neither respondent No.1 disclosed any public interest much less larger public interest involved in seeking such information of the individual employee and nor any finding was recorded by the Central Information Commission and the High Court as to the involvement of any larger public interest in supplying such information to respondent No.1.”*

The Appellant was not present to contest the submissions of the Respondent or to establish the larger public interest in disclosure which outweighs the harm to the protected interests.

## **DECISION**

Keeping in view the facts of the case and the submissions made by the Respondent and in light of the aforesaid judgments of Hon'ble Courts, no further intervention of the Commission is required in the matter.

The Appeal stands disposed accordingly.

**(Bimal Julka)**  
**Information Commissioner**

Authenticated True Copy:

(K.L.Das)  
Deputy Registrar