

Before the Registrar of Cooperative Societies-cum-First Appellate Authority
Under the Right to Information Act, 2005.

First Appeal No.3 /2022

Present: Thiru. L.MOHAMED MANSOOR

Registrar of Cooperative Societies-cum-First Appellate Authority.

P.Ragupathy,
No.94,B, Eswaran Koil Street,
Puducherry-605001.

> >>>> Appellant

Vs

The Managing Director –cum--Public Information Officer,
Pondicherry Coop.Milk Producers' Union Ltd.,No.P.1,
Vazhudavoor Road,
Kurumampet, Puducherry-605001.

>>>> Respondent

ORDER

(Issued under Section 19 of the Right to Information Act, 2005)

The appellant submitted an application dated 29.12.2021, under Section 6 of the Right to Information Act, 2005,(hereafter “the Act”) to the respondent-society and sought for certain information(Sl.No.1 to3). The respondent-society made an reply to the respondent on 28.01.2022.

2. Aggrieved by the response of the respondent- society, the appellant filed this first appeal dated 31.01.2022, on the ground that the reply of the respondent stating that the information sought is personal information and it is exempted under Section 8 (1)(j) of the Act is not correct and not satisfactory.

3. The response of the respondent was called for, vide notice dated 7th March 2022. The respondent society furnished their response vide letter dated 22.03.2022 (**Copy Enclosed**). On perusal, it is observed that the respondent-society as stated in their earlier reply dated 28.01.2022, reiterated their stand that the information sought by the appellant falls under the expression “Personal Information”, fortifying with a decision of the Apex Court, reported in the “Indian Lawyer” dated 4th September 2017.The respondent-society also emphasized that the information sought is “Personal Information” as it did not fall under the criteria of public interest. For convenience, the decision of the Apex Court furnished with their response is given below:

- (a) An employee of the bank had sought information regarding transfer and postings of entire clerical staff during the period from 01.01.2022 to 31.07.2006 .*
- (b) The PIO/Bank authority declined to furnish the information stating it was personal information exempted under Section 8(1)(j) of the RTI Act.*
- (c) On appeal, the CIC directed the Bank to furnish the information as sought for.*
- (d) Against the order of the CIC, the Bank approached the High Court which uphold the decision of CIC.*
- (e) Again it was appealed before the Supreme Court, which was of the view that the application under Section 6 of the RTI Act was wrongly allowed by the CIC and the High Court.*
- (f) The Apex court stated that “ 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”.*

4. In the instant appeal, it is observed that the above said decision of the Apex Court cited by the respondent-society and the response furnished vide letter dated 22.03.2022, did not correlate with the information sought by the appellant, since the said Apex Court decision classifies only the performance of an employee/officer in an organization is primarily a matter between the employee and the employer as “Personal Information”. On perusal of the information sought by the appellant, it is found that the information sought by the appellant did not fall under

the said defense of "Personal Information" and the said information could not be exempted under Section 8(1)(j) of the Act, as fortified by the respondent-society. The Act emphasizes that the PIO of the respondent-society shall publish the details of its employees, viz., name, designation, place of work and Gross salary. If it has been published by the respondent-society, the information sought by the appellant would have been met out, without filing of an application under the Act. Further, while perusing the grounds of the appellant, this appellate is satisfied with it and found that the grounds made by the appellant is found substantiated, since the disclosure of the information sought for could not be coloured with Section 8(1)(j) of the Act, in as much as, it is found that the respondent-society misconstrued the decision of the Apex court in respect of "Personal information".

5. In view of the above, the respondent-society is directed to provide the information sought for to the appellant, within fifteen (15) days from the date of receipt of this order, at free of cost.

6. With the above directions, this appeal is disposed of.

7. If aggrieved by this decision, a 2nd Appeal may be filed, under Section 19(3) of the Act, within 90 days, with the 2nd Appellate Authority, whose address is given below:

Central Information Commissioner
Room No.305.II Floor, "B" Wing, August Kranti Bhavan
Bhikaji Cama Place, NEW DELHI-110 066.

Dated at Puducherry on the 31st day of March, 2022




(L. MOHAMED MANSOOR)
Registrar of Cooperative Societies-cum-
First Appellate Authority

To:

1. The Appellant.
2. The Respondent.
3. The Web Editor, Cooperative Dept., Puducherry.
4. Stock File 2022.