

By Registered Post with Ack. Due

**BEFORE THE REGISTRAR OF CO-OPERATIVE SOCIETIES-CUM-FIRST APPELLATE
AUTHORITY UNDER THE RIGHT TO INFORMATION ACT, 2005**

Present: **Tmt. P. PRIYTARSHNY,**
Registrar of Co-operative Societies-cum-
First Appellate Authority.

FA/13/2013

Thiru P.K.N. Kadiravan,
No.10, Mariamman Koil Street,
L.R. Palayam Post,
Villupuram District – 605 107.

>>>>

Appellant

Vs.

The Public Information Officer,
Pondicherry Co-operative Spinning Mills Ltd., P.396,
Puducherry-Villupuram National High Way,
Thiruvandarkoil P.O., Thirubhuvanai,
Puducherry – 605 102.

>>>>

Respondent

ORDER

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

Aggrieved by the denial of information to his query on an employee of the Pondicherry Co-operative Spinning Mills Ltd., Puducherry (hereinafter 'the Mills'), the appellant herein impugned the reply in this first appeal, filed under Section 19 of the Right to Information Act, 2005 (for brevity 'the Act').

2. The appellant / applicant in his letter dated 4.2.2013 requested the details of one Thiru Manavalan, on his employment in the Mills and the documents he produced while joining service. The respondent in his curt to reply dated 4.3.2013 declined to provide information under Section 8 (1) (j) of the Act that it was personal information.

3. The appeal was admitted and the respondent was directed to file his response. By way of filing response, the respondent provided the information sought by the appellant along with the copies of certificates, etc.

...2/-

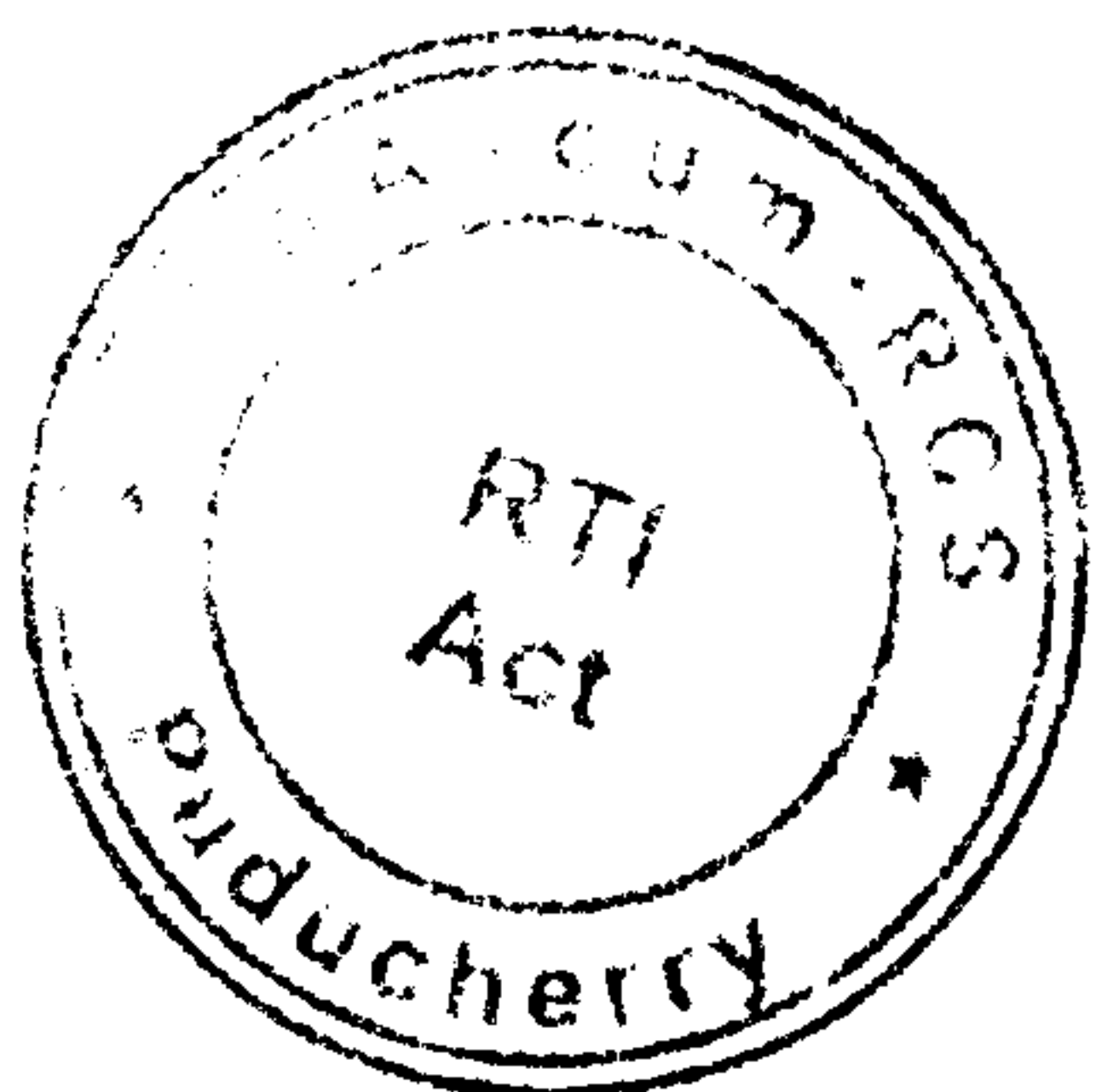


4. The denial of information invoking Section 8 (1) (j) is not in accordance with the provisions of the Act. What is sought for is not personal information as contended by the respondent. The Division Bench of the High Court of Delhi in 'UPSC Vs. N. Suganathan', LPA No.797 of 2011 dated 12th December 2011 has held that "disclosure of information as to the educational qualification and experience of a person selected / short listed for a public post is in public interest in as much as the selectee is seeking the benefit of appointment to the public post on the basis thereof and the competitors in the appointment process; if not the public are definitely entitled to know the qualifications and experiences of the occupant of the public post".

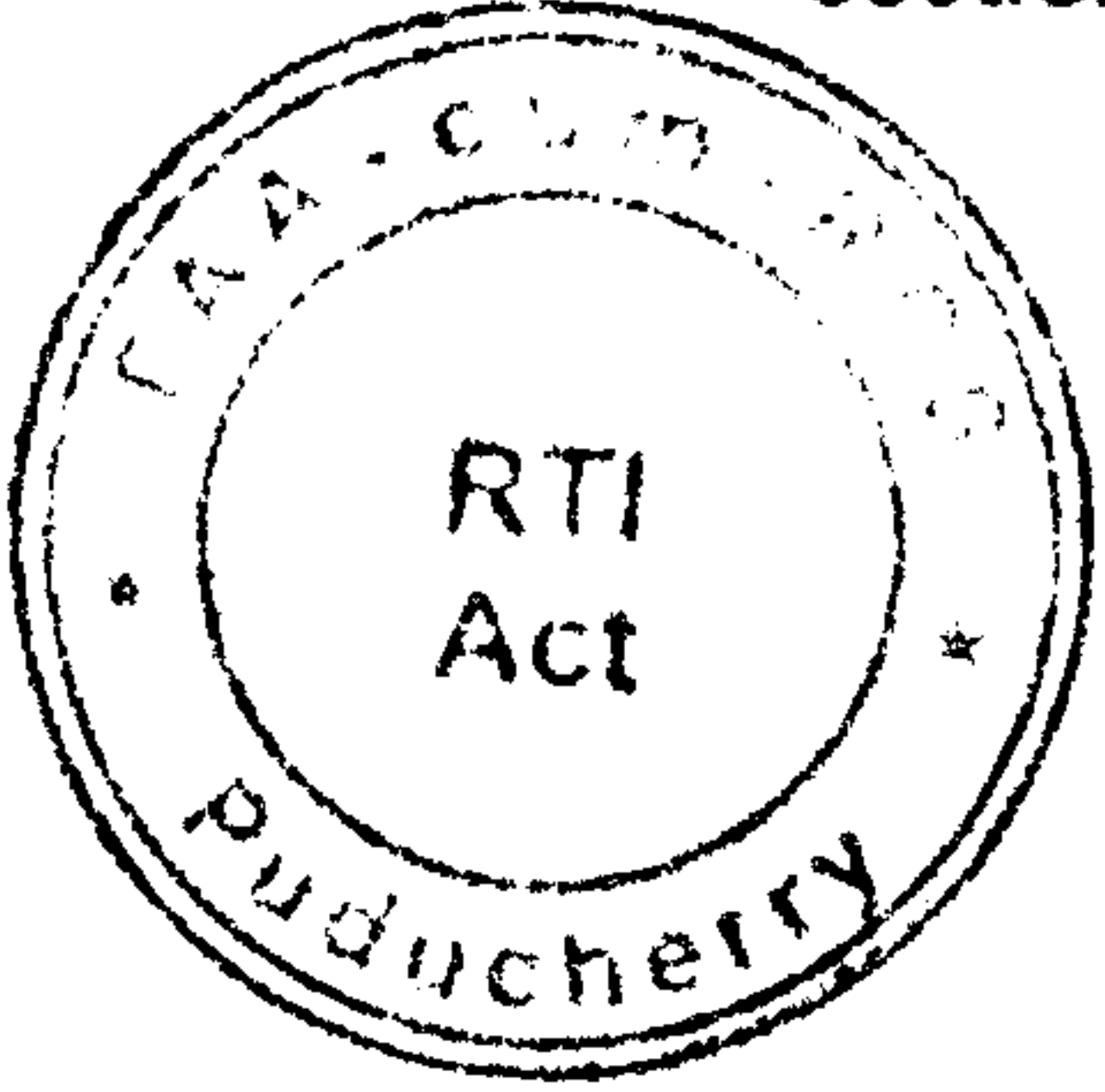
5. In the light of the above, the exemption sought for under Section 8(1)(j) does not hold water. Whenever the information is denied and the application is rejected, the PIO shall communicate the reasons for such rejection. In other words, he should pass a speaking order as to how the provisions he relied would be applicable. Further, the period within which an appeal against such rejection may be preferred and particulars of the appellate authority should be mentioned. This is mandatory under Section 7 (8) of the Act. The respondent shall comply with the above provisions invariably.

6. A copy of the response received from the respondent is forwarded to the appellant. As the appellant has got what he sought for, nothing survives for adjudication.

7. The appeal stands disposed on the above terms.



8. A second appeal against the decision shall lie with the Central Information Commission, Room No.305, 2nd Floor, B-Wing, August Kranthi Bhavan, Bhikaji Cama Place, New Delhi – 110 066 within ninety (90) days, as provided in sub-section (3) of Section 19.



Dated at Puducherry, on the 3rd May, 2013.

Encl.: As above


(P. PRIYATARSHNY)

REGISTRAR OF CO-OPERATIVE SOCIETIES

o/c h

To

The parties.