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**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/22/2013

Thiru J. Gnanasekaran,
S/o. Thiru Jeyaraman,
No.11, Muthallamman Koil Street,
Pavazha Nagar,
Puducherry – 605 005.

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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.

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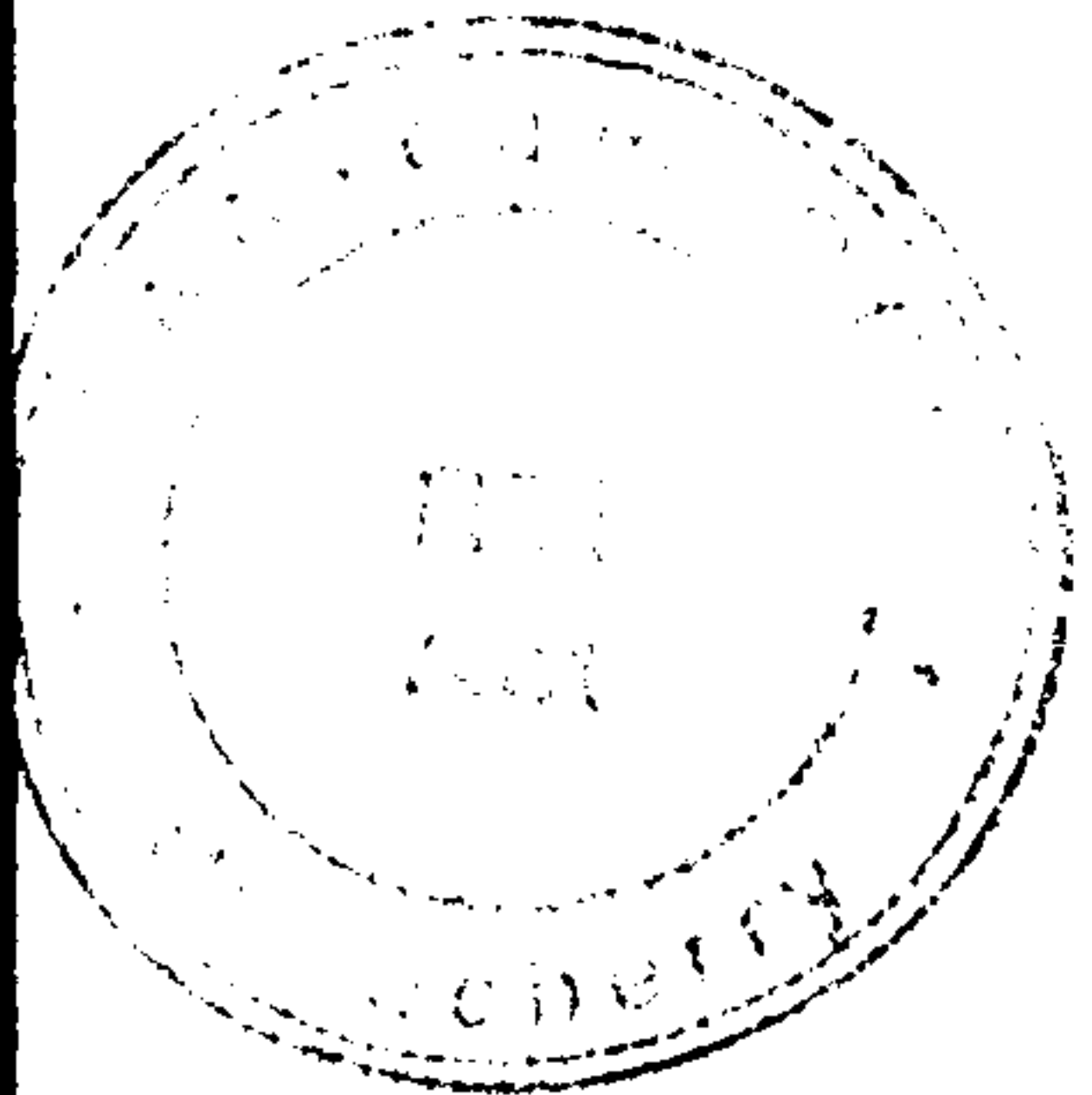
Respondent

ORDER

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

This first appeal filed under Section 19 of the Right to Information Act, 2005 (for brevity 'the Act') seeks to challenge the order dated 15.7.2013 of the respondent declining to provide the information sought by him vide his application dated 17.6.2013.

2. The facts which are imperative to be adumbrated are that through his application the appellant / applicant sought copies of suspension order issued to one Thiru Thillai Villalan, an employee of the Pondicherry Co-operative Spinning Mills (for short 'the Mills'), the charge memo issued to him, the order given by the Mills reinstating him to service and the weekly holiday given to him during the period of suspension.



3. Contending that the information sought for would not fall within the definition of '*information*' under Section 2 (f) of Act, the respondent stated that his application could not be entertained. Further the respondent stated that the required information was of quasi-judicial proceeding and belongs to third party information.

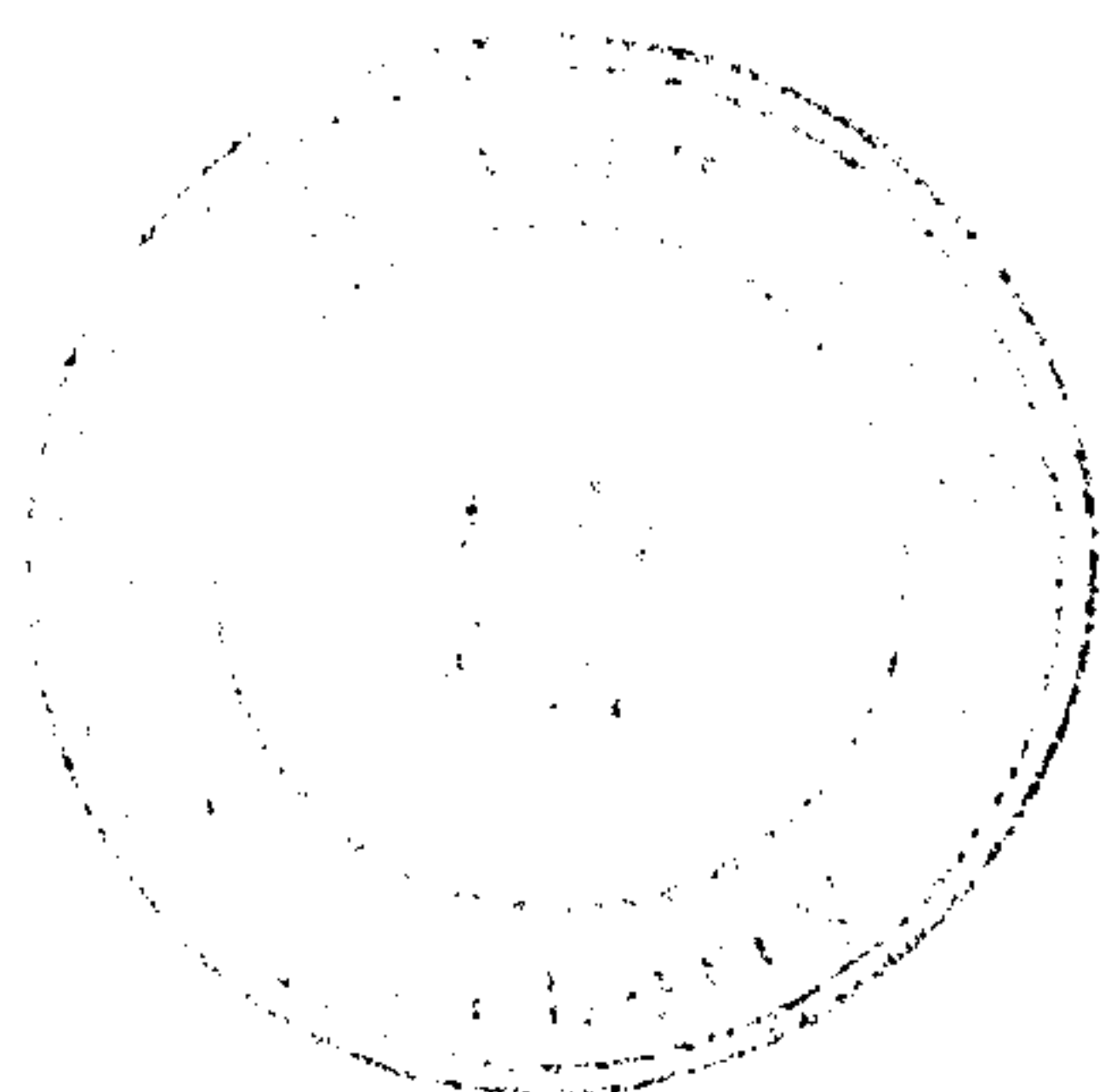
4. Aggrieved by the reply this first appeal was filed. The appeal came up for hearing on 23.8.2013. The respondent was represented by Thiru S. Sivakumar, while the respondent authorised the Administrative Manager of the Mills to represent him.

5. On behalf of the appellant it was submitted that the contentions of the respondent that documents sought for would not fall within the definition of '*information*' was erroneous and in an earlier case such information about a co-employee was provided. The reply of the respondent was brief of details and amounts to wrong denial of information.

6. Per contra the respondent submitted that the information sought pertains to the disciplinary action taken against another employee and would therefore fall under the classification of '*personal information*' and hence denial was justified.

7. On hearing the rival submissions, I find that the order dated 15.7.2013 of the respondent was erroneous and his contention that documents sought for would not fall within the definition of '*information*' is fallacious. Further the respondent could not substantiate how the required information would not fall within the definition of '*information*'. When an information is denied it should be fully supported by reasons and the respondent should pass a speaking order. Reason is that the heart beat of every conclusion and without the same it becomes lifeless. In the instant case the order of the respondent certainly falls short of the requirement.

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8. The appellant could not substantiate or demonstrate how the information sought for would be in public interest. The contention of the respondent that the documents relating to disciplinary proceedings would take in its sweep '*personal information*' has force and merits acceptance. Formidable support can be drawn from the Judgment of the Hon'ble Supreme Court in 'Girish Ramchandra Deshpande Vs. Central Information Commissioner and others', 2012 (5) CTC 810: 2013-1-LW-97: (2012) 8 MLJ 122 (SC). In paragraph 13 of the judgement it was held that:

"We are in agreement with the CIC and the Courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show cause notices and orders of censure/punishment etc. are qualified to be personal information as defined in Clause (j) of Section 8 (1) of the RTI Act. 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."

9. Applying the law as enunciated above, I am convinced that the denial of information is justified under Section 8 (1) (j) of the Act, but for the reasons not stated in the impugned order. However the 4th query relates to the weekly holiday of Thiru Thillai Villalan. As per the respondent, the weekly holiday of Thiru Thillai Villalan is Wednesday 27.3.2013.

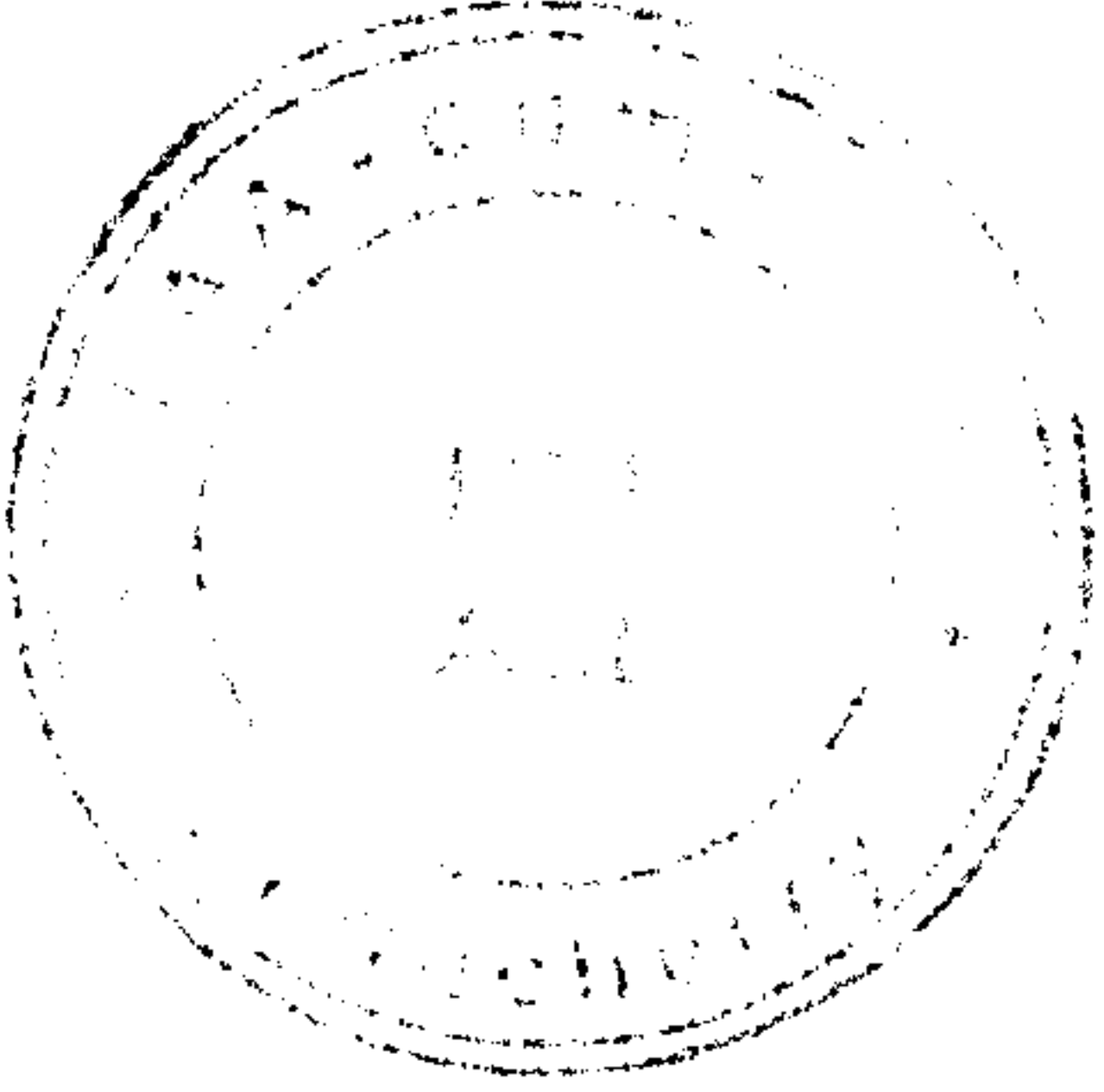
10. This first appeal stands disposed on the above terms.



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11. 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 30th August, 2013.



To

The parties.

(P. PRIYTARSHNY)
REGISTRAR OF CO-OPERATIVE SOCIETIES

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