

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

FA/25/2014

Present: **Dr. A.S. SIVAKUMAR,**
Registrar of Co-operative Societies-cum-
First Appellate Authority.

Thiru P. Rudhira Moorthy,
S/o. I. Pavadal,
17, Thirukkanur Road,
Kalitheerthalkuppam,
Madagadipet Post,
Puducherry - 605 107.

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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)

The denial of information with regard to the residential address, nationality and Income certificate in respect of an employee of the Pondicherry Co-operative Spinning Mills Ltd., Puducherry (hereinafter 'the Mills') has triggered this first appeal, filed under Section 19 of the Right to Information Act, 2005 (for short 'the Act').

2. The appellant/applicant, vide his letter dated 16.10.2014 requested the following information from the respondent:

- (1) When Thiru D. Murugadass, Token No.382 joined the Mills;
- (2) What was the address given by him at the time of joining?;
- (3) From which Revenue Village he got Residence, Nationality and Income Certificates; provide copies of the said documents.

...2/-



3. While providing information to query Nos.1 and 2, the respondent denied information to query No.3 invoking Section 8 (1) (j) of the Act. Aggrieved by the said denial the appellant preferred this first appeal stating that the said employee of the Mills belongs to Cuddalore District and he is receiving ration articles from the ration shop situated in the said District. It was alleged that the employee has obtained job in the Mills by producing false certificates. He produced a copy of the family ration card issued by the Civil Supplies and Consumer Protection Department, Government of Tamil Nadu, wherein the name of the employee appeared. This information was collected by him through an application under the Act from Special Tahsildar (Public Distribution), Cuddalore, Tamil Nadu.

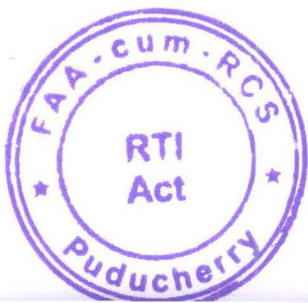
4. While furnishing the response, the respondent reiterated his earlier stand. A copy of the response is forwarded to the appellant.

5. I have given my thoughtful consideration on the claim of the appellant to provide the information, which the respondent did not divulge on the strength of Section 8 (1) (j) of Act. The appellant's grievance is that the said employee has given a false certificate to claim employment in the Mills. If that is the case the appellant has to move the authorities concerned to fortify his case and he cannot compel the respondent to provide the information which is exempted under Section 8 (1) (j) of the Act.

6. The Hon'ble Supreme Court in *Bihar Public Service Commission Vs. Saiyed Hussain Abbas Rizwi and another*, (2013) 1 MLJ 747 : 2013 (1) KLT 516 : 2013-2-LW-293 has, inter alia, held as under:

"Certain matters, particularly in relation to appointment are required to be dealt with great confidentiality. The information may come to knowledge of the authority as a result of disclosure by others who give that information in confidence and with complete faith, integrity and fidelity. Secrecy of such information shall be maintained, thus, bringing it within the ambit of fiduciary capacity"

...3/-



7. The Hon'ble Bombay High Court, vide its decision dated 22.8.2013 (W.P. No.1825 of 2013 *Subhash Bajirao Khemnagar Vs. Shri Dilip Nayku Thorat & others*) has held "*that the Chief Information Commissioner was not justified in directing the Information Officer to supply personal information in respect of the service record, income tax returns and assets of the petitioner, unless the Commissioner was satisfied that the disclosure of the information was justified in a larger public interest.*"

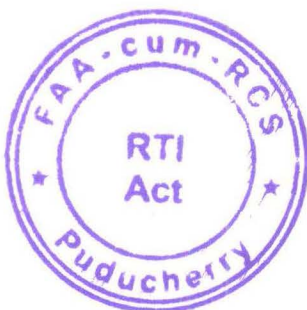
8. The Central Information Commission in a very recent decision in *Mohamed Arif Vs. Department of Posts, Hardoi*, CIC/BS/A/2014/000120 +000128/6585 dated 17.12.2014 has observed that:

"As regards the educational qualification documents, it is obvious that these are in nature of personal information about third party. The employee might have filed these documents before the appointing authority for the purpose of seeking employment, but that is not reason enough for this information to be brought into the public domain to which anybody could have access, unless the petitioner is able to establish that the information sought is for larger public purpose." [Emphasis added]

9. In view of the above cited decisions, the PIO's (respondent) submissions cannot be faulted. In the matter at hand, the appellant has not succeeded in establishing that the information sought is for larger public purpose. Hence, there is no need to interfere with the respondent's decision.

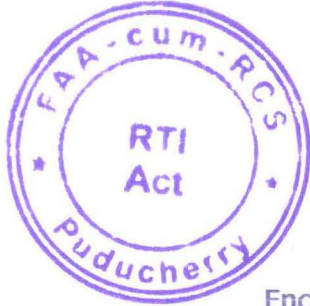
10. The first appeal stands dismissed.

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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 31st December, 2014.




(Dr. A.S. SIVAKUMAR)
REGISTRAR OF CO-OP. SOCIETIES

Telephone : (0413) 2272007
Fax : (0413) 2272619

Encl.: As stated.

To

The Parties.