

**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/27/2013

Thiru A. Sundararajan,
No.45, Vallalar Street,
Chellaperumalpet,
Lawspet,
Puducherry – 605 008.

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Appellant

Vs.

The Public Information Officer,
Pondicherry State Co-operative Bank Ltd.,
East Coast Road, Olandaikerapalayam,
Mudaliarpot Post,
Puducherry – 605 004.

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Respondent

ORDER

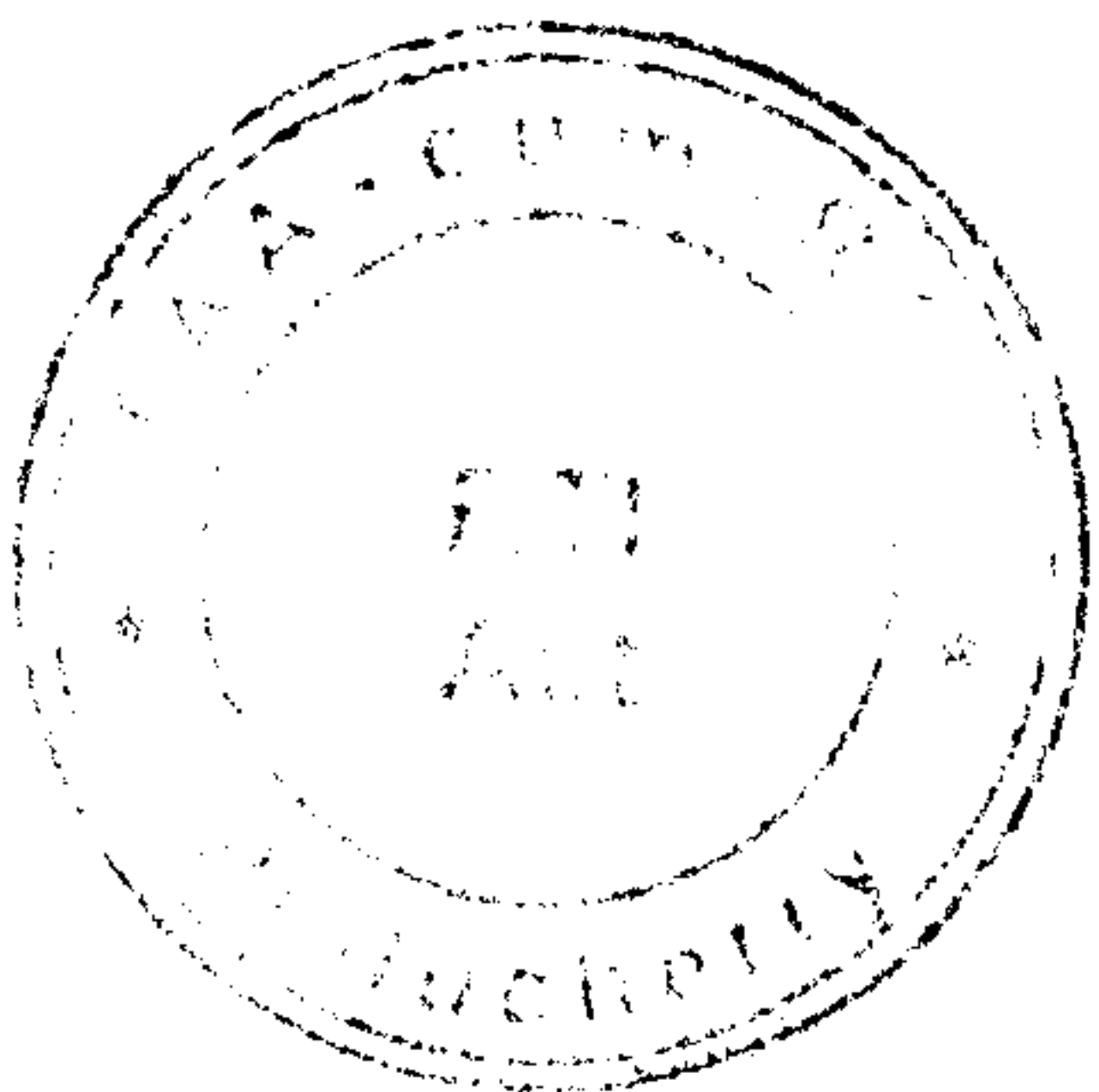
(Issued under Section 19 of the Right to Information Act, 2005)

The denial of information in respect of the disciplinary action taken against some past and present employees of the Pondicherry State Co-operative Bank Ltd., Puducherry (for short 'the Bank') as sought by the appellant / applicant has triggered this first appeal.

2. Before embarking on the issue raised, it would be necessary to advert the facts leading to filing this first appeal under Section 19 of the Right to Information Act, 2005 (for brevity 'the Act').

2.1. In his application dated 31.7.2013, the appellant / applicant requested information as to why some past and present employees of the Bank were placed under suspension, report of the enquiry officer, nature of punishment imposed on them and copies of records / documents. He has mentioned therein that such information was required in view of ongoing enquiry.

...2/-



2.2. To the said application the respondent declined to provide information, vide letter dated 28.8.2013, invoking Section 8 (g) and (j) of the Act.

2.3. Aggrieved by the denial, in his application the appellant disputed the reliance placed by the respondent under Section 8 (g) and (j) of the Act. According to the appellant the information sought will not endanger the life / physical safety of any person nor will it invade the privacy of an individual. He reiterated that the information sought by him was essential to defend the domestic enquiry he was facing.

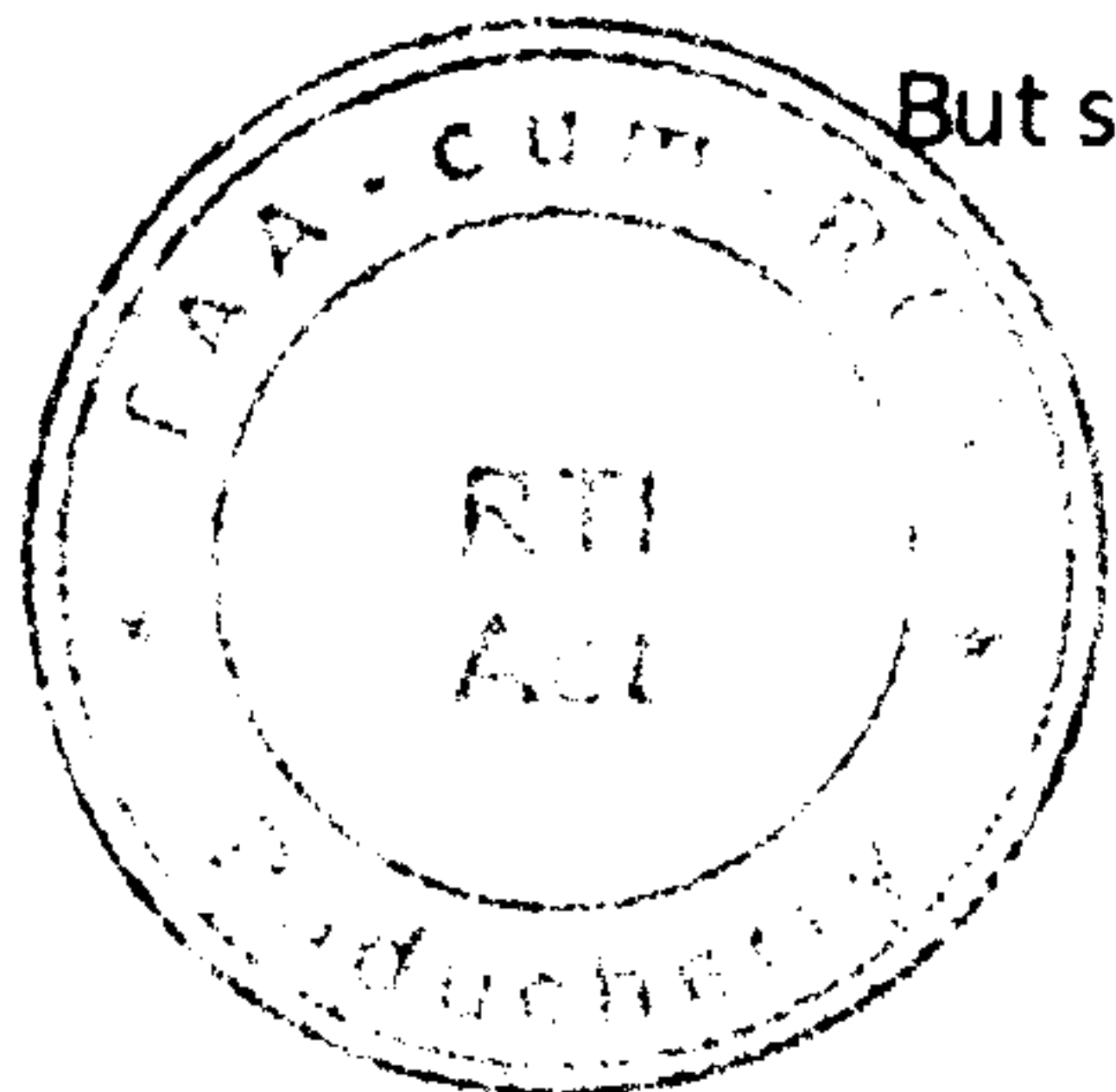
2.4. By way of filing response, the respondent submitted that the information sought by the appellant is barred under the Official Secrets Act, 1923. Such information is exempted under Section 8(1)(g), 8(1)(h) and 8(1)(j) of the Act. Further no public interest is involved for such disclosure and of the above premises the respondent sought to dismiss the first appeal.

3. On poring over the order dated 28.8.2013 of the respondent declining the information invoking Section 8 (g) and (j) of the Act, I find that the aforesaid order is totally unspeaking. It is lacking not even in reasons for which it was opined that the information sought by the applicant would endanger life or physical safety of any person or invade the privacy of any individual, even the facts of the case have not been referred to in detail. In the absence of brief facts and reasons it is not possible to appreciate as to what weighed with PIO in reaching the conclusion.

4. It is well settled in law that the every order passed by the quasi-judicial authority or even an administrative authority affecting the rights of the parties must be a speaking order. It must not be like "inscrutable face of sphinx". The Appellate Authority cannot efficiently exercise its power of judicial review unless in the order impugned, facts and reasons have been stated in detail. The respondent has buttressed, in his response dated 25.9.2013, as to why he denied the information.

But such reasons were found missing in the order dated 28.8.2013.

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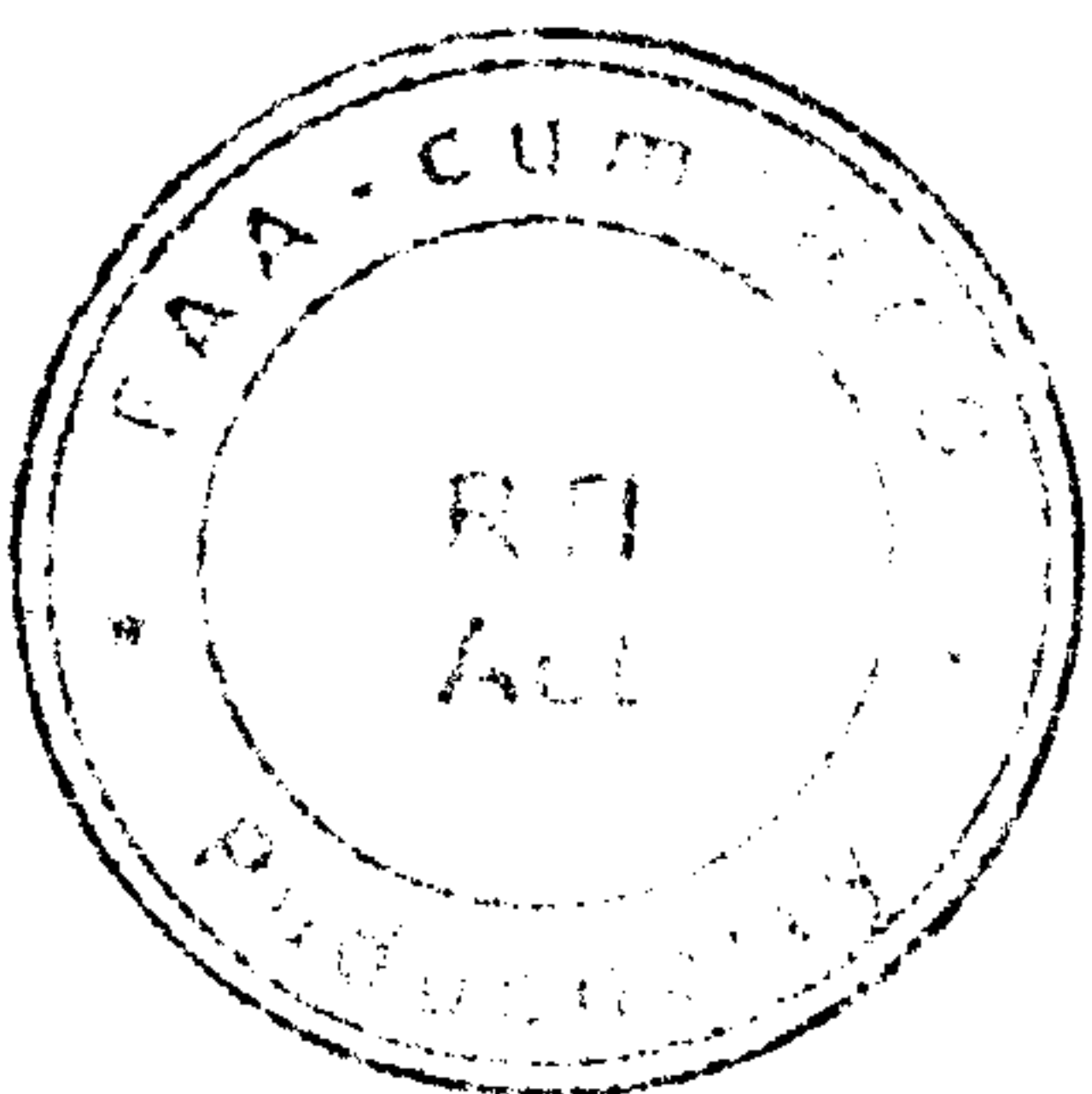
5. The respondent has placed reliance on the Official Secrets Act, 1923 to deny information. Section 22 of the Act specifically provides that the provisions of the RTI Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 and any other law for the time being in force or any instrument having effect by virtue of any law other than this Act. Hence the reliance placed by the respondent on the Official Secrets Act, 1923 is misplaced.

6. Now the question is whether the appellant is entitled to get the information on the disciplinary action taken against the past and present employees of the Bank. This issue is no more '*res integra*'. 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) 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."

7. In the instant case the appellant is candid in admitting that he required the information is to support of the disciplinary case instituted against him. No public interest is obviously involved in such a request.

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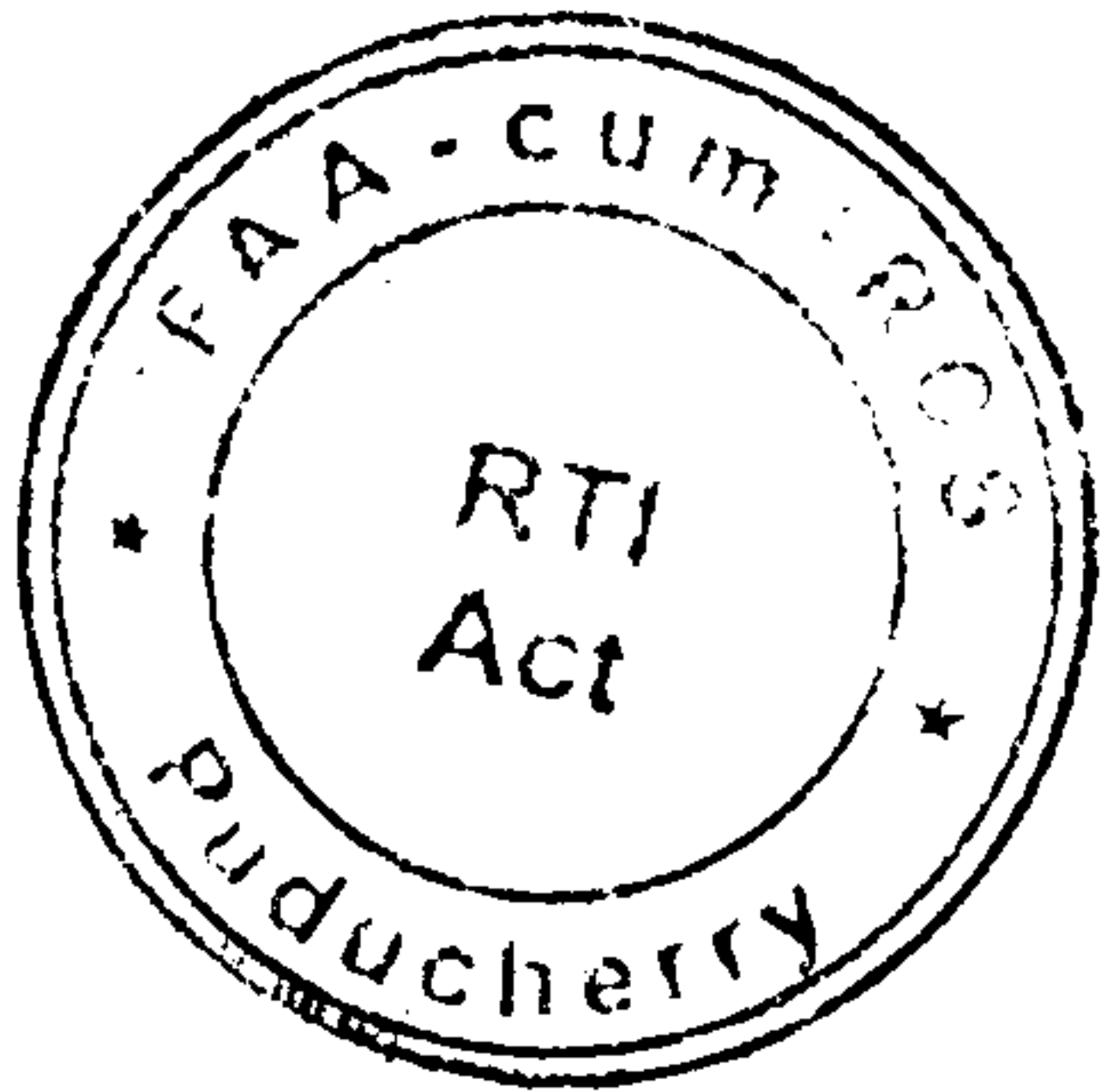


8. Applying the law enunciated above, the Central Information Commission in *Manoj Arya vs. CPIO, Cabinet Secretariat, New Delhi*, No.CIC/SM/A/2013/00058 dated 26.6.2013 ruled that the information sought by the appellant on the complaints made against Government official and any possible action the authorities might have been taken on the complaints would fall within the '*personal information*' and hence exempted from disclosure. Based on the said order of the Central Information Commission, the Department of Personnel and Training of the Government of India issued a Office Memorandum No.11/2/2013-IR(Pt.) dated 14th August, 2013 highlighting the circumstances under which disclosure of personal information, is permissible. As held by the Supreme Court in the order referred supra such information would be disclosed only if it would serve a larger public interest.

9. On the aforesaid premised reasons, I am of the view that the denial of information is quite justified under Section 8(1)(j) of the Act. For the reasons stated above the impugned order does not call for interference. The appeal lacks merit and hence dismissed.

10. 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 th30 September, 2013.



To

The Parties.


(P. PRIYTARSHNY)
REGISTRAR OF CO-OPERATIVE SOCIETIES