

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

First Appeal No.6/2020

Present: Tmt.SMITHA.R, I.A.S.,
Registrar of Co-operative Societies – Cum--First Appellate Authority.

S. Murugasamy
16, Muthulaksmi Nagar
Murungapakam, Puducherry -605004

> > > > Appellant

Vs

1.The Public Information Officer,
Jipmer Administration,
Puducherry- 605 006

2.The Jipmer Staff Co-operative Thrift & Credit Society Ltd., No.P.231,
Jipmer Campus,
Gorimedu, Puducherry- 605 006

> > > > Respondents

ORDER

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

The appellant submitted an application dated 16-05-2020, under Section 6 of the Right to Information Act, 2005,(hereafter “the Act”) to the 1st respondent and sought for certain information. The 1st respondent transferred the said application to the 2nd respondent on 22-05-2020, under Section 6 (3) of the Act, since the information sought by the applicant is not available with JIPMER.

2. The 2nd respondent-cum- PIO did not furnish any information to the appellant, stating that the society is not coming under the purview of the Act, in the light of the judgement made by the Hon’ble Supreme Court of India in **Thalapalam Service Co-operative Bank Limited & others Vs State of Kerala & others** as well as vide RCS Circular No.RCS/CLC/SFCS/2014/172 dt.23.12.2014.

3. The appellant filed this appeal, as aggrieved by incorrect and misleading information received from the society and sought this authority to issue direction to the society to furnish the information sought for, vide his RTI application dt. 16-05-2020, since the said society is deemed to be run with the financial assistance of the Government as it is managed by the Government staff.

4. The appeal was admitted and taken on file.

5. On perusal of the records, it is found that the 2nd respondent informed the appellant vide letter dt.29-05-2020, that the society would not be a public authority in view of the Registrar of Co-operative Societies Circular No.RCS/CLC/SFCS/2014/72 dt.23.12.2014 in as much as the society has not received any financial assistance from the Government. It is found that the society relied on the decision of the Hon’ble Apex Court in **Thalappalam Service Co-operative Bank Ltd., (Supra)**. In the said judgment, the court ruled that the co-operative societies

.....2 /--

registered under the Kerala Co-operative Societies Act would not be Public authorities in the absence of materials to show that they are owned, controlled or substantially financed by the appropriate Government. Based on the decision of the Hon'ble Apex Court, the Co-operative Department has issued a circular dated 23.12.2014, classifying 260 societies which are substantially, funded by the Government and hence would fall within the definition of the "Public Authorities" under Section 2(h) of the Act.

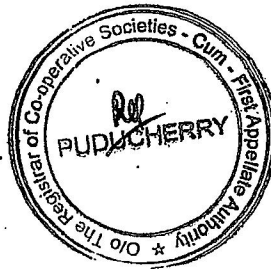
6. It is observed that the respondent society has rightly contended that they are not "Public Authority" in line with the Co-operative Department circular dt. 23.12.2014. Hence, the 2nd respondent society does not fall under the purview of the Right to Information Act, 2005.

7. In view of the reasons stated above, the appeal lacks merits and stands disposed off accordingly.

8. 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 day of June, 2020



(SMITHA.R, I.A.S.)

4/6 Registrar of Cooperative Societies-cum-
First Appellate Authority

To:

- (1) The Appellant.
- (2) The Respondents
- ✓ (3) The Web Editor, Coop-Dept., Puducherry.