

RPAD

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

Present: **Thiru. T. KARIKALAN,**
Registrar of Co-operative Societies-cum-
First Appellate Authority.

FA/7/2014

Thiru T. Pravin,
No.25, Kulathu Medu Street,
Thirubuvanai,
Periyapet,
Puducherry – 605 107.

>>>>>

Appellant

Vs.

The Public Information Officer,
Pondicherry State Co-operative Housing
Federations Ltd., P. 486,
7th Cross, Thanthai Periyar Nagar,
Puducherry – 605 005.

>>>>>

Respondent

ORDER

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

The aggrieved applicant who is always seeking information on the very same subject on which he has filed innumerable applications and first appeals, is before me with yet another first appeal filed under Section 19 of the Right to Information Act, 2005 (hereinafter 'the Act'). Here again, the bone of contention and apple of discord is on an employee of the respondent society, Pondicherry State Co-operative Housing Federation.

2. Vide his application dated 20.3.2014, information was sought for from the respondent and it is seen that information was provided to the appellant vide letter dated 2.4.2014. Aggrieved by almost every point of reply he filed this first appeal, the gist and kernel of the appeal, as stood exposited is that :

- (i) The respondent wrongly denied furnishing the copies of certificates of Thiru. Baskar @ Kumaravel;
- (ii) Having said that a resolution was passed to promote him as Collection Supervisor, the respondent now denied that no such resolution was passed;
- (iii) Action taken on the complaint letter given by Thiru. Krubanithi,
- (iv) Duty chart given to Thiru. Baskar @ Kumaravel,
- (v) Action taken on the petition given by Thiru. Balamohan, and
- (vi) Copy of the Co-operative Act and Rules which empower payment of salary to an employee by abuse of power.

3. The appeal was taken on file and the response of the respondent was obtained. A copy of the response filed by the respondent is forwarded to the appellant.

4. On poring over the grounds of appeal and the response filed by the respondent, time and again I find that the appellant is trying to pick holes in whatever information is provided to him. In respect of the first query, there was a typographical error committed by the respondent, i.e., 1.5.2013 was inadvertently given as 1.5.2004. The appellant immediately bounced on the respondent stating that the information sought was suppressed by the respondent. The respondent corrected the typographical error by furnishing the response and stated that no such information was available. Hence, nothing survives on this point.

5. With regard to the second question on furnishing copies of birth certificate, education certificate, driving license, etc., of Thiru. Baskar @ Kumaravel, the respondent relied on Section 8 (1) (j) of the Act and sought exemption from disclosure. The denial was found unacceptable to the appellant.

6. The point for determination is whether denial of such certificate is justified. This point is no more res integra. The Hon'ble Supreme Court in *Union Public Service Commission vs. Gourahari Kamalai*, 2013 (10) SCALE 656, relied on its earlier judgement in *Aditya Bandopadhyay's case*, wherein it was held :

"Similarly, if on the request of the employer or official superior or the head of a department, an employee furnishes his personal details and information, to be retained in confidence, the employer, the official superior or departmental head is expected to hold such personal information in confidence as a fiduciary, to be made use of or disclosed only if the employee's conduct or acts are found to be prejudicial to the employer."

7. The Hon'ble Supreme Court, endorsing the views expressed in *Aditya Bandopadhyay's case* held that the certificate provided by an employee to the employer cannot be disclosed unless there is overwhelming public interest. The basic protection afforded by virtue of the exemption from disclosure enacted under Section 8 (1) (e) of the Act cannot be lifted or disturbed, unless the appellant is able to justify how such disclosure would be in public interest. In the matter at hand, the appellant has not

succeeded in establishing that the information sought is in larger public interest. It being so, the information is exempt under Section 8 (1) (e) of the Act.

8. On question No. 3, the respondent has given contradictory information. While furnishing the information on 2.4.2014, he has stated that no resolution was passed and while furnishing the response, he admitted that a resolution was passed but no follow-up action was taken on the resolution. The respondent is cautioned to be meticulous and diligent while furnishing the information. Now that the respondent has admitted that no follow-up action was taken on the resolution, the issue is no more alive.

9. To query No. 4, the information is now provided by the respondent. To questions 6 and 7, the respondent maintained that no order was passed and nothing further can be demanded.

10. With regard to query No.8, it is the contention of the appellant that by abusing the powers, the Managing Director and Administrative Manager have sanctioned pay to Thiru.Baskar @ Kumaravel and he wanted the copies of the Co-operative Societies Act and Rules which sanction such abuse of power. The respondent has categorically denied that there was no abuse of power. In view of the matter, the appellant cannot maintain that there was an abuse of power and he should be provided with Co-operative Societies Act and Rules in support of such power. The appellant is informed that he is entitled only for the material information available with the Public

Information Officer, subject to the exemptions provided under the Act. He cannot be provided information for his assumptions and presumptions, surmises and conjunctures.

The contention of the appellant on this score is bereft of merit and stands rejected.

11. In fine, the appellant has not established any substantial ground to interfere with the order of the respondent, except for the observations made above. The appeal stands disposed on the above terms.

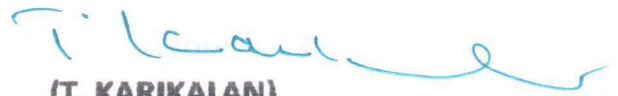
12. A second appeal against the decision shall lie with the Central Information Commission, Room No.305, 2nd Floor, B-Wing, August Kranti Bhavan, Bhikaji Cama Place, New Delhi – 110 066 within ninety (90) days, as provided in sub-section (3) of section 19.

Dated this 26th day of May, 2014.

ENCL: As stated.

To

The Parties.



(T. KARIKALAN)

REGISTRAR OF CO-OPERATIVE SOCIETIES