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

Present: **Thiru B.R. BABU**

Registrar of Co-operative Societies-cum-
First Appellate Authority.

FA/12/2012

Thiru A. Sundararajan,
Chief Cashier,
Pondicherry State Co-operative Bank Ltd.,
166, Lal Bahadur Shastri Street,
Puducherry – 605 001.

>>>>>

Appellant

Vs.

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

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Respondent

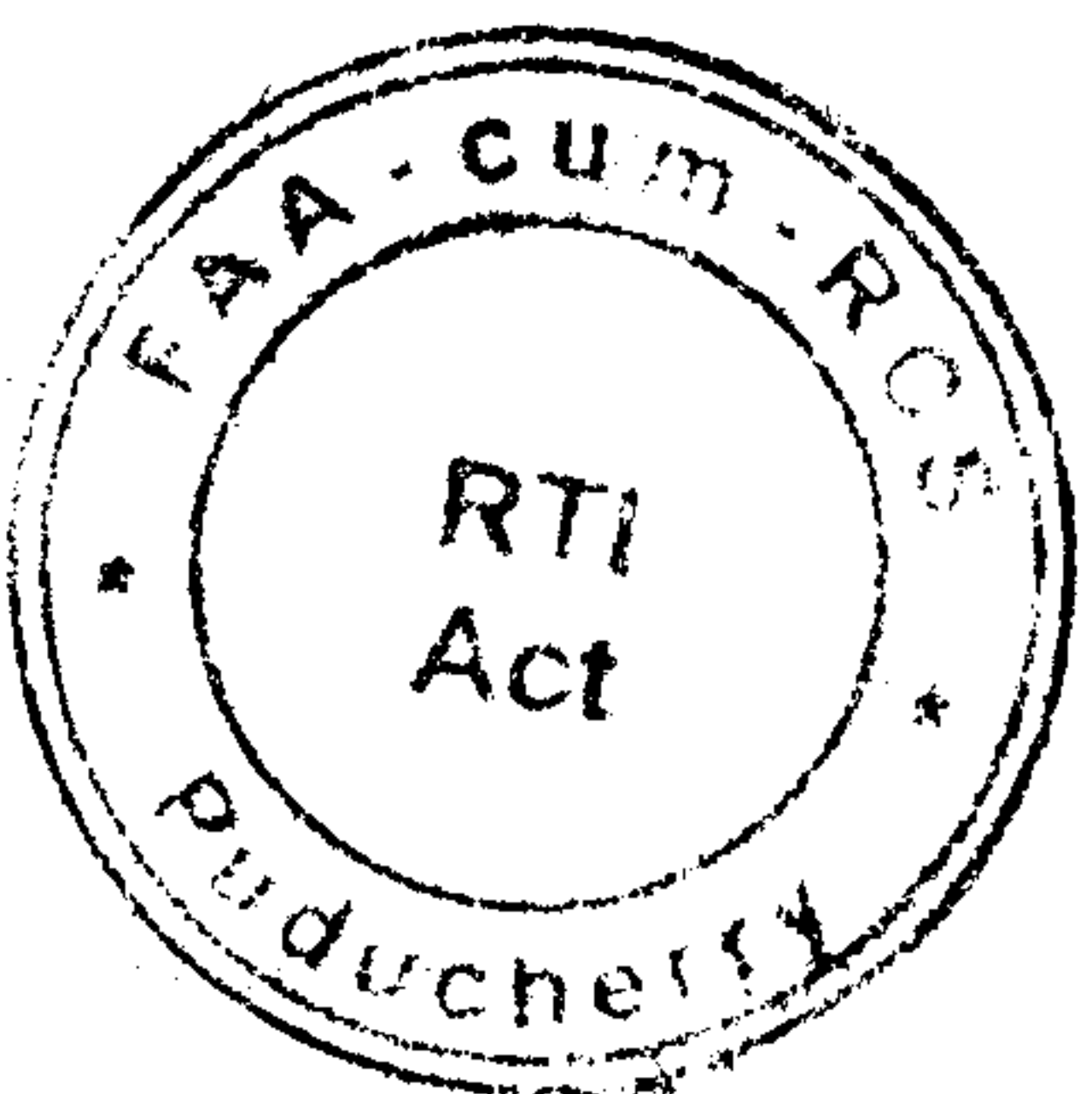
ORDER

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

The short and interesting question that crops up for decision in this first appeal, filed under Section 19 of the Right to Information Act, 2005 (for brevity 'the Act') is whether salary detail of an employee is a personal information and saved by Section 8 (1) (j) of the Act.

2. This is one more round of litigation between the parties. The appellant / applicant, an employee of the Pondicherry State Co-operative Bank Ltd., (hereinafter called 'the Bank') sought for details of salary received by nine employees of the Bank. The respondent while disposing the application dated 24.8.2011 has stated that since the name of the employees were not specified, the details could not be given. Aggrieved by the reply the appellant / applicant preferred an appeal under Section 19 of the Act. While dismissing the appeal in No.FA/44/2011 dated 12.12.2011, liberty was given to the appellant to apply afresh with specific names and designations of employees and on receipt of such application the respondent was directed to dispose the application in accordance with law.

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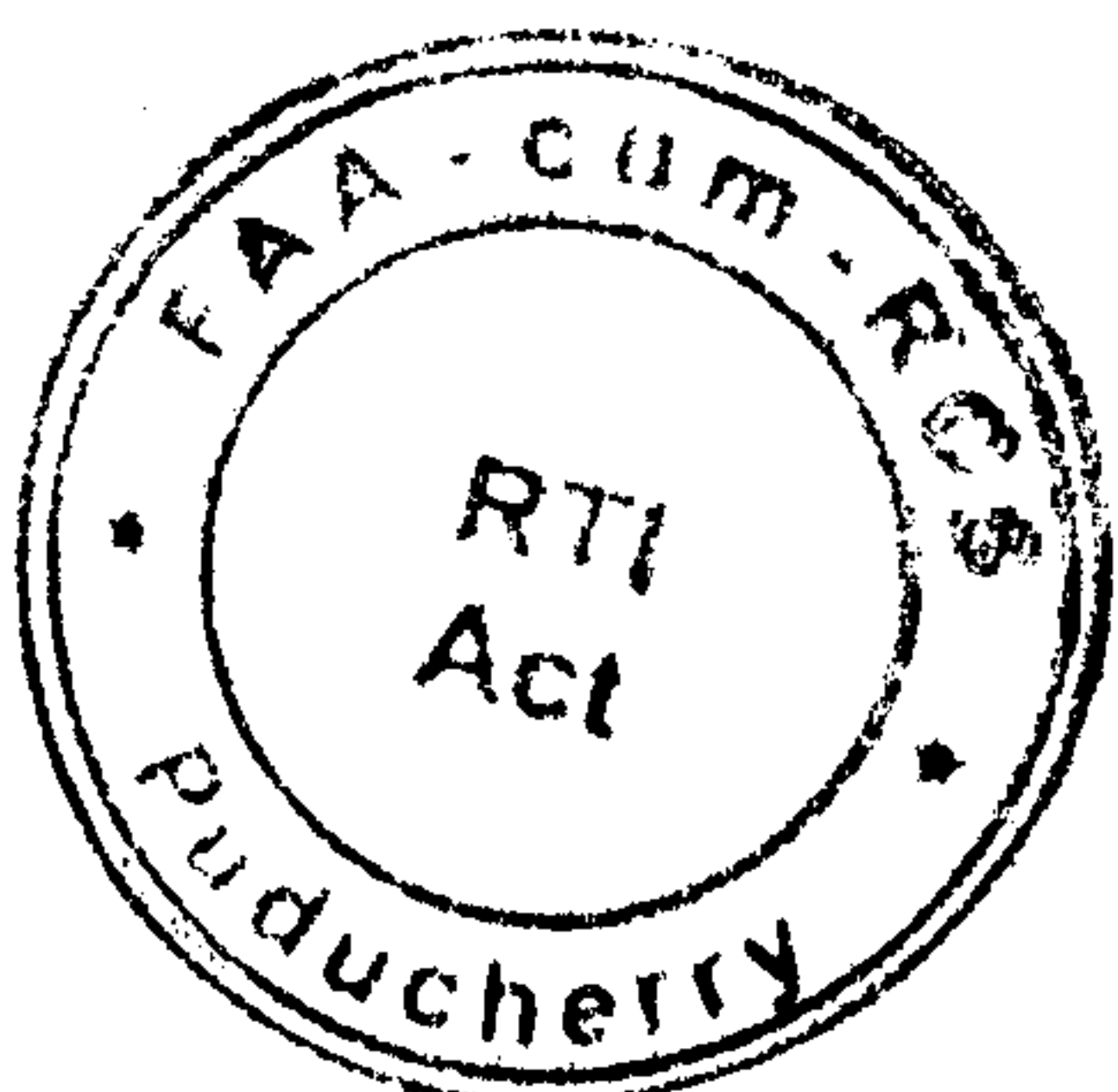
3. When the appellant made an application vide letter dated 26.12.2011, specifically mentioning the name of nine managers of the bank seeking the details of salary received by them, the respondent vide letter dated 27.1.2012 informed the appellant that the details would be provided in ten days of time. But by letter dated 10.2.2012 the respondent informed that the information sought for would fall within the exemption provided under Section 8 (1) (j) of the Act and the disclosure of such confidence (sic) information of third party is not felt warranted in the larger public interest. This reply is impugned in this first appeal.

4. While furnishing response the respondent has stated that the appellant's plea for fixation of pay based on the scale of nine managers was not tenable. He reiterated that the disclosure of confidence (sic) information of the third party was not felt warranted in the larger public interest.

5. It is pertinent to note that the fixation of pay of the appellant is not challenged in this first appeal and it is nobody's case whether the fixation of salary to the appellant is reasonable or otherwise. The point for consideration is whether the appellant is entitled to have the salary details of nine managers of the bank. It is made clear that there is no provision under the Act to deny a confidential information. Only the exception provided under Section 8 and 9 of the Act can be relied on by the respondent to deny a request for a disclosure and not any other exemption. Further the details of salary provided to an employee cannot be treated as personal information which will fall under the exempted category of Section 8 (1) (j) of the Act.

6. This view is strengthened by the following decisions of the Central Information Commission:

- (i) *"It is evident from the above that the details of remuneration, etc., of an employee were to be disclosed by the Public Authority as a part of suo-moto disclosure under Section 4 (1) (b) of the Right to Information Act. In other words, information in respect of the salary and other remunerations of an employee are not privileged information and will have to be placed in public domain."* (Manisha Vs. Integrated Headquarters of Army, MOD, CIC/WB/A/2007/001636-SM dated 10.12.2008).



- (ii) *"Under Section 4 (1) (b) of the Right to Information Act, it is excepted that salaries of all the employees to be displayed suo-moto. In view of this, details of how the salaries are arrived at cannot be claimed to be exempt under Section 8 (1) (j) of the Right to Information Act and would not be held as an invasion on the privacy of an individual."* (Asim Chandra Patra Vs. Rushikulya Gramya Bank, CIC/SM/A/2011/000742/SG/14799 dated 22.9.2011).

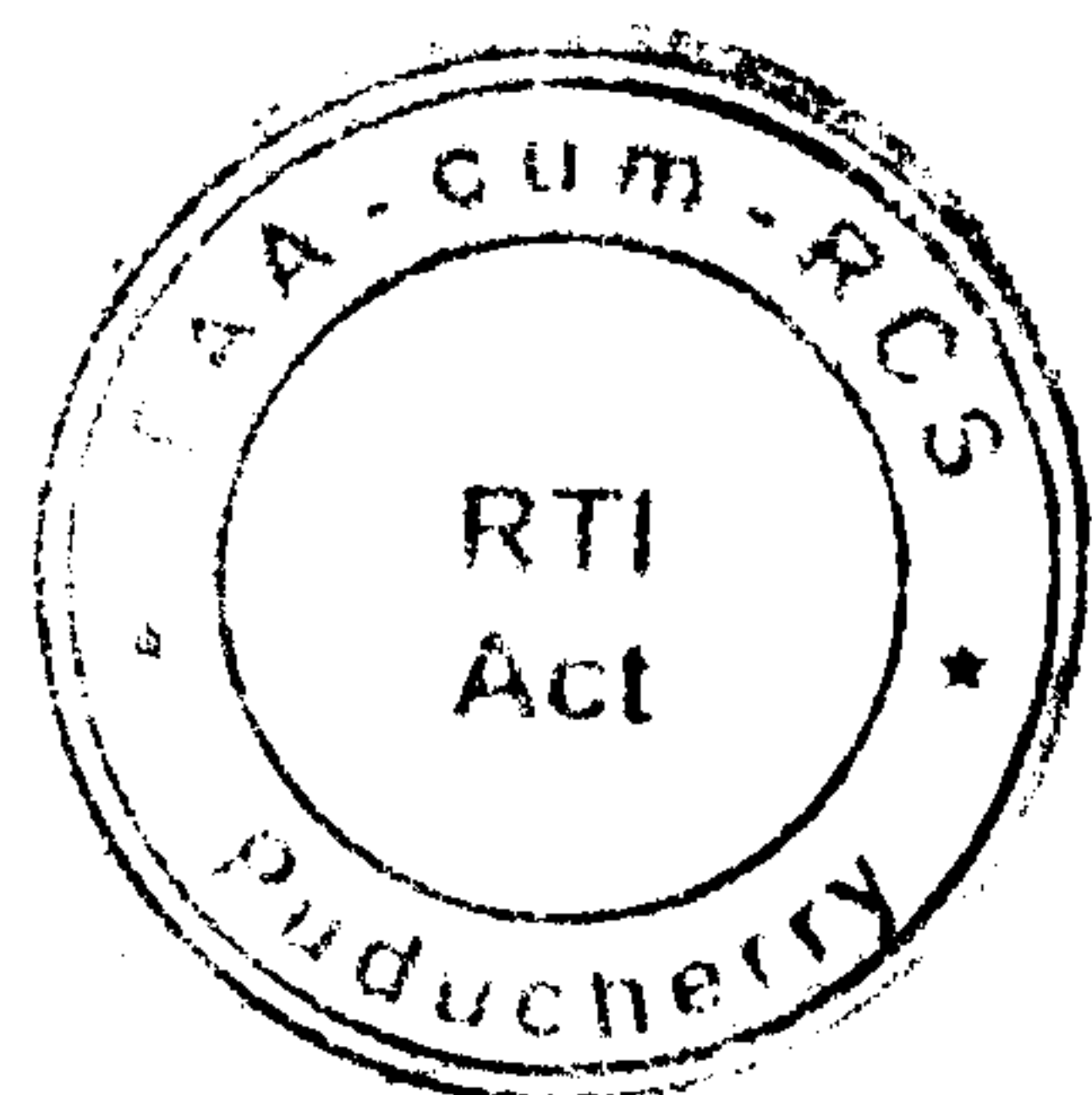
7. I feel persuaded to quote a decision of the High Court of Madras in '*R. Anbazhagan Vs. The State Information Commission and others*' 2008 (5) MLJ 200 : 2009 (1) ID 7:

The question that was decided was whether income received by an individual from a public sector undertaking can be a private information and saved by Section 8 (1) (j) of the Act. Rejecting the objection made by the petitioner, the Court observed that the petitioner receives his salary from a public sector undertaking and is subject to the provisions of the Income Tax Act. Therefore, there is nothing secret about the income received by him. Further, it is also cannot be stated that the disclosure has no relationship to any public activity or interest.

8. In view of the law laid on the subject, the stand taken by the respondent is not sustainable and the appellant is entitled to succeed. The respondent is directed to provide the appellant the salary paid to the employees from November 2007 to October 2008, within 10 days from the date of receipt of this order. It is made clear that only the salary paid to them under various heads is to be disclosed and not the deductions made from them. The appellant is advised that if he has any grievance on fixation of his pay, it is open to him to approach the proper forum for settlement of his grievance and this Act cannot come to his rescue to redress his grievance.

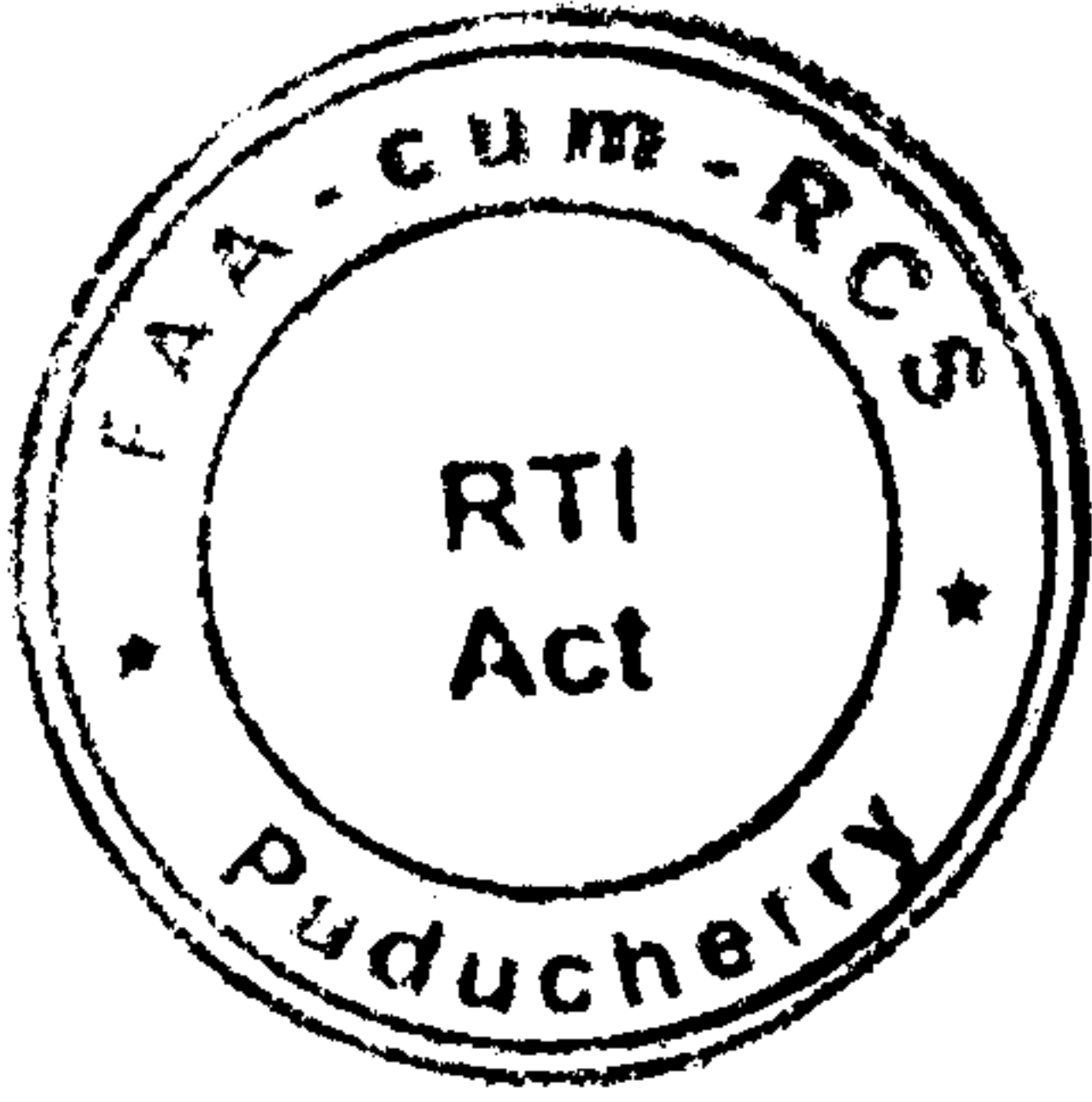
9. With the above direction and observations the first appeal stands disposed.

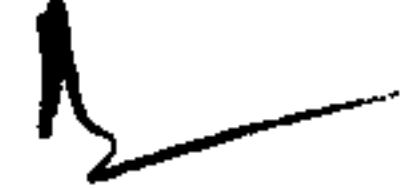
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10. A second appeal against the decision shall lie with the Central Information Commission, Room No.305, 2nd Floor, B-Wing, August Kranthi Bhavan, Bhikaji Cama Place, New Delhi – 110 066 within ninety (90) days, as provided in sub-section (3) of section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

Dated this th 14 day of March, 2012.




(B.R. BABU)
REGISTRAR OF CO-OPERATIVE SOCIETIES

O/c



To

The Parties.