

(2016) 11 DEL CK 0033

DELHI HIGH COURT

Case No: Writ Petition (C) 8975 of 2015 and CM No. 20240 of 2015 (for interim relief)

Union of India Ministry of
Railways

APPELLANT

Vs

Kishan Lal Meena

RESPONDENT

Date of Decision: Nov. 8, 2016

Acts Referred:

- Constitution of India, 1950 - Article 226
- Right to Information Act, 2005 - Section 8(1)(g), Section 8(1)(j)

Citation: (2016) 234 DLT 546

Hon'ble Judges: Mr. Sanjeev Sachdeva, J.

Bench: Single Bench

Advocate: None, for the Respondent; Ms. Prerna Mehta, Advocate, for the Petitioner

Final Decision: Allowed

Judgement

Sanjeev Sachdeva, J. (Oral)—Notice in the petition was issued to the respondent on 18.09.2015. By order dated 24.02.2016, this Court recorded that despite service none had appeared for the respondent. The respondent was proceeded ex-parte.

2. The petitioner seeks quashing of order dated 04.06.2015, passed by the Central Information Commission allowing the appeal of the respondent and directing the petitioner to provide information sought for by the respondent.

3. The petitioner by his application filed under the Right to Information Act, 2005 (hereinafter referred to as "the Act") had sought for inter alia the information being copies of the files pertaining to investigation against one Sh. Akhilesh Kumar, Senior DME, Ajmer.

4. The provision of the said information was declined on the ground that the same was exempted under Section 8(1)(g) and (j) of the Act being personal information and there being no public interest involved.

5. On an appeal by the respondent, the first Appellate Authority upheld the decision of the CPIO and held that the information was exempted from being disclosed.

6. The Central Information Commission, by the impugned order, has directed the petitioner to provide the information to the respondent.

7. Perusal of the impugned order dated 04.06.2015 shows that the CIC has merely recorded the contentions of the appellant as well as the respondent and has passed a one line order which reads as under:-

"9. Respondent is directed to provide to the appellant, within 30 days of this order, the information sought in the RTI application."

8. The Central Information Commission has not returned any finding as the infirmity in the orders of the CPIO and the first appellate authority. The CIC has not recorded any finding as to how the information, sought for by the respondent, is not exempted under Section 8 of the Act. There is no reasoning given by the Central Information Commission in the order as to the errors committed by the CPIO as well as the First Appellate Authority.

9. Reliance may be also had to the decision of the Supreme Court in **Girish Ramchandra Deshpande v. Central Information Commissioner & Ors.: (2013) 1 SCC 212**, wherein the Supreme Court held as under:-

"12. The petitioner herein sought for copies of all memos, show cause notices and censure/punishment awarded to the third respondent from his employer and also details viz. movable and immovable properties and also the details of his investments, lending and borrowing from Banks and other financial institutions. Further, he has also sought for the details of gifts stated to have accepted by the third respondent, his family members and friends and relatives at the marriage of his son. The information mostly sought for finds a place in the income tax returns of the third respondent. The question that has come up for consideration is whether the above-mentioned information sought for qualifies to be "personal information" as defined in clause (j) of Section 8(1) of the RTI Act.

13. 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 organisation 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. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger

public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right."

10. The Supreme Court in Girish Ramchandra Deshpande (supra) has held that the performance of an employee/officer in an organisation is primarily a matter between the employee and the employer and would normally be 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. The Supreme Court has also held that disclosure of such information would cause unwarranted invasion of privacy of that individual. The Supreme Court has, however, noted that, in a given case, if the CPIO or the State Public Information Officer or the Appellate Authority is satisfied that larger public interest justifies disclosure of such information, appropriate orders could be passed.

11. In the present case, there is no finding returned by the Central Information Commission that there is a larger public interest which justifies the disclosure of the information, in fact, there is no reasoning or rationing accorded in the impugned order except to direct the petitioner to furnish the information.

12. In view of the above, the impugned order, is not sustainable. The same is, accordingly quashed. The writ petition is allowed in the above terms. There shall be no order as to costs.