



Case No.	: SIC/KP(M)1984/2019
Complainant/ appellant	: Sri Rupjyoti Das Sri Muhiteswar Goswami
Respondent	: SPIO of the Office of the Transport Department.
Date of hearing	: 9.10.2020
Complaint/ Second	: Dr. A.P. Rout, IPS (Retd.)
Appeal heard by	: State Chief Information Commissioner, Assam

9.10.2020

1. The petitioners Rupjyoti Das and Sri Muthiteswar Das are present. The public authority i.e. the SPIO of the Office of the Transport Department Sri Pradip Senapati, SPIO & Registrar of the Office of the Commissioner of Transport and Sri Salamuddin Ahmed SPIO & Joint Secretary of Transport Department are present.
2. The petitioner in his RTI dated 18.9.2019 has asked four questions as follows:-
  - (i) In which year Sri Gautam Das, DTO of Kamrup was appointed with copy of his appointment letter and information regarding his movable and immovable properties.
  - (ii) List of movable and immovable properties of Sri Gautam Das.
  - (iii) Information regarding movable and immovable properties of the family members of Sri Gautam Das and sources of their income.
  - (iv) Numbers of Permanent and Contractual employees in the Office of the DTO, Amingaon with their names and designations.
3. The SPIO in their written statement have quoted the Supreme Court Judgment dated 3.10.2012 passed in SLP (Civil) No. 27734/2012 which has been reported in (2013) 1 SCC 212 [ Girish Ramchandra Deshpande Vs Central Information Commissioner and Ors.]. The relevant parts of the judgment are reproduced here in below:-

(i) 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 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.

(ii) 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 ensure/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<sup>4</sup> 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.*

*(iii) The Petitioner in that instant case has not made a bona fide public interest in seeking information, the disclosure of such information would cause unwarranted invasion of privacy of the individual under Section 8(1) (j) o the RTI Act.*

*(iv) We are, therefore, of the view that the Petitioner has not succeeded in establishing that the information sought for is for the larger public interest. That being the fact, we are not inclined to entertain this special leave petition. Hence, the same is dismissed.*

4. In light of the above, the Commission agrees with the written statement furnished by the SPIO in taking recourse to section 8(1)(j) of the RTI Act, 2005. However the Commission takes exception to non furnishing of information as regard point No. 4 of the RTI petition dated 18.9.2019 i.e. numbers of permanent and contractual employees in the office of the DTO, Amingaon with their names and designations.
5. In view of the above, the Commission directs the SPIO of the Office of the Commissioner of Transport to furnish the information as regards point No. 4 of the RTI petition dated 18.9.2019 to the petitioners within 15 days from the date of receipt of this order without fail.
6. With the above direction, the second appeal petition dated 20.11.2019 is disposed off.

Sd/-  
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-  
Registrar i/c  
Assam Information Commission

**Memo No. SIC/ KP(M).1984/2019**

**Dtd. 9.10.2020**

Copy to:

1. Sri Pradip Senapati, SPIO of the Office of the Commissioner of Transport Assam Jawahar Nagar, Khanapara, Guwahati-22 for information and necessary action.
2. Sri Salamuddin Ahmed, SPIO of the Office of the Transport Department, Dispur, Ghy-06 for information.
3. The First Appellate Authority, Office of the Transport Deptt, Janata Bhawan Dispur, Ghy-06 for information.
4. The Appellants, Sri Rupjyoti Das & Sri Muhiteswar Goswami, Rajaduar North Guwahati, Guwahati-30 for information.
5. Computer Section for uploading the order in the website.
6. Office File.
7. Order Book.

Registrar i/c  
Assam Information Commission