

**OFFICE OF THE
ASSAM INFORMATION COMMISSION****JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**

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Case No. : SIC/KP(M)108/2020
Complainant/ Appellant : Shri Joydeb Das
Respondent : SPIO of the Office of Personnel: A Department,
Dispur, Guwahati-781006
Date of Hearing : 13-10-2020
Complaint/ Second : Dr. A.P.Rout, IPS(Retd)
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
13-10-2020

1. The petitioner Sri Joydeb Das is present.
2. The Public Authority is represented by Smti Sharmila Baishya, ACS, Deputy Secretary & SPIO of Personnel: A Department, Dispur. The SPIO has submitted a written statement dated 12.10.2020 which is taken into records. In the written statement she has mentioned various reasons leading to delay in furnishing the information which are reasonable.
3. As regards to RTI petition point no. 1 i.e., APR from 2010 onwards, SPIO mentions that the information are available in the website and the same is intimated to the petitioner.
4. As regards to APR of Shri Bibhash Chandra Modi, ACS at the time of joining , the SPIO mentions the 3rd party information and they are seeking consent of the 3rd party.
5. However as per 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:- Quote
 - (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 organization 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.

(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. Unquote

6. In light of the above, the instant 2nd appeal petition dated 10.2.2020 is disposed off.

Sd/-
Dr. A.P.Rout

Authenticated true copy.

Sd/-
Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M)108/2020

Dated: 13-10-2020

Copy to:

1. SPIO of Office of the Personnel A Dept., Dispur, Ghy - 781006 for information.
2. The petitioner, Shri Joydeb Das, S/O-Lt. Karunamoy Das, House No.16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Ghy, Assam for information.
3. Computer section for uploading in the website
4. Office File
5. Order Book

Registrar i/c
Assam Information Commission