

पावर ग्रिड कोर्पोरेशन ऑफ इंडिया लिमिटेड
Power Grid Corporation of India Limited
सूचना का अधिकार अभिनियम 2005 के अंतर्गत अपीलिय अधिकारी
Appellate Authority under the RTI Act, 2005
केन्द्रीय कार्यालय, 'सौदामिनी', प्लॉटनं.2, सैक्टर-29, गुडगांव, हरियाणा-122007
Corporate Centre, 'Saudamini', Plot No. 2, Sector-29, Gurgaon, Haryana-122007

Ref: C/CP/AA/RTI Act, 2005

Date: 13th January, 2015

Appellant: Shri Mandeep Tyagi
Flat 152, POWERGRID CGHS, GH-23
Sector 21 C, Part III, Faridabad, Haryana

Appeal letter dated: 3rd December, 2014

Public Authority: Power Grid Corporation of India Ltd., Corporate Centre, Gurgaon.

Respondents: 1. General Manager (CP) & CPIO, Corporate Centre, POWERGRID, Gurgaon.
2. General Manager (HR), Corporate Centre, POWERGRID, Gurgaon.

ORDER

Grounds of Appeal

The Appellate Authority, Corporate Centre, POWERGRID has received an appeal dated 3rd December 2014 from Shri Mandeep Tyagi, under RTI Act, 2005. Earlier, an application dated 8th October, 2014 was filed by the Applicant with the CPIO, Corporate Centre, POWERGRID under RTI Act, 2005 to obtain certain information related to POWERGRID employees namely Shri Kamal Sarkar and Shri Anand Shankar. Information sought is about the certificates issued by POWERGRID to obtain membership in a Cooperative Society formed by POWERGRID employees and their Official and Residential addresses as per the official records as on 15.10.2000.

On receipt of the appeal, comments/opinion of the CPIO, Corporate Centre, HR department and the concerned employees (as third parties) were heard and relevant papers were perused. In the appeal, Appellant stated that similar type of information was earlier provided by CPIO vide letter dated 28.6.2013, therefore, it would be wrong to discriminate and denying the similar type of information.

While hearing the matter, CPIO stated that the information sought was personal in nature. Accordingly, based on the input received from HR department, the applicant was informed that as per provision of Clause 8.1(j), information which relates to personal information comes under unnecessary invasion of privacy and therefore exempted from disclosure as it does not relate to any public activity or interest.

HR department informed that subsequent to receipt of the Appeal letter, since the information sought was personal in nature and related with third party, consent of third party, i.e. Shri Kamal

Sarkar and Shri Anand Shankar were asked if the information sought can be disclosed or not. Both of them intimated that the information sought should not be disclosed on following ground:

- There is a specific bar for sharing such information to third parties under the provision of Section 11 of RTI Act, 2005 and the Law in this regard has been settled by the Hon'ble Supreme Court in the SLP (C) No. 22609 of 2012- R.K.Jain vs. Union of India. Further, this has also been observed by CIC as per order CIC/LS/A/2011/003154.
- Disclosure of the information sought would lead to unnecessary invasion of their individual privacy and it did not relate to any public activity or interest.
- Any attempt to disclose such personal information amount to infringement of their fundamental rights guaranteed under the constitutional rights with respect to life and liberty.
- In earlier occasion, the information received from the CPIO has been utilised by the Shri Mandeep Tyagi for filing a false FIR against the third parties and till now the no charge sheet has been filed in this case, leading to unnecessary harassment. This has resulted in infringement of individual's guaranteed fundamental rights for privacy and caused mental agony in defending individual's freedom, fundamental rights and honour. This needless and frivolous litigation also led to loss of work-life balance in meeting organizational commitments.

CPIO summarized the following based on the submissions of HR department & the Third parties:

- It appears that there is an ongoing dispute between the RTI applicant and the third parties and the information earlier provided to the applicant has been stated to be used for filing a case against the third parties and information sought in the instant application may also be used by the applicant for similar purpose.
- Information sought is personal information related to third party, and they are entitled to their right to privacy. The applicant is trying to obtain certain information from the official records of the third parties through the public authority.
- The disclosure of information sought is not related to any public activity, is not expected to serve any public interest and in contrary, such disclosure may harm the third parties personally besides amounting to unwarranted invasion of their privacy. Further, it may facilitate the RTI applicant to harass the third party as has been pointed out by them citing the example of the case filed against them by the Appellant earlier.

CPIO further stated that as per Section 8(1)(j) of the RTI Act, there shall be no obligation to give any citizen - information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information'.

CPIO also pointed out that as per the Hon'ble Supreme Court in Girish Ramachandra case in 2012 (Special Leave Petition (Civil) No. 27734 of 2012) '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'.

CPIO further added that the Hon'ble Delhi High Court in Arvind Kejriwal vs. CPIO (AIR 2010 Del 216) has made it very clear that CPIO or the Appellate Authority has to hear third party before taking a decision and third party may plead a privacy defense which for good reasons could be overruled. This is facilitated by the procedure outlined u/s11(1) of RTI Act which also include that CIC may still decide that information should be disclosed in public interest overruling the objections the third party may have indislosure of such information.

In the instant case, there is enough justification for considering the information sought by the RTI Applicant as personal information of the third parties and they have every right to secure their privacy and personal information. Further, CPIO has opined that there is no overriding public interest in overruling the objections made by the Appellant to the disclosure of such information.

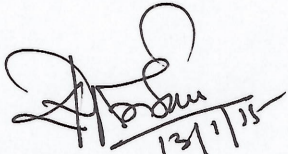
CPIO further pointed out that as per CIC order No.CIC/AD/A/2012/003544-SA and CIC/SS/A/2012/002180, the employee of public authority whose personal information the RTI applicant seeking is certainly the third party, especially when the information sought is not related to public authority's activity and thus, when the RTI applicant in this case seeking personal information or information which has no connection with public activity of appellant, employee has every right as third party to all procedure safeguards prescribed under RTI Act.

CPIO concluded that, considering above aspects of the case, he is of the view that the information sought is personal information and therefore need not to be disclosed as such there is any overriding public interest in disclosure.

Decision: After going through the appeal and the submissions made by the CPIO, HR department and the written statements given by third parties to HR department, I am of the opinion that there is enough justification for considering the information sought by the appellant is personal information related to third party and there is no larger public interest involved in disclosure of the personal information. Considering the above, I am inclined to agree with the submission of the CPIO that the information sought need not be disclosed, as every citizen has the right to secure their privacy.

Therefore, I agree with considered opinion of CPIO to withhold the information sought by the appellant under Sec-8(1) (j) of the RTI Act, 2005, as disclosure of personal information of the third parties might cause invasion of the privacy of the third party and as such there is no public interest involved in disclosure of information.

The appeal is accordingly disposed off.


13/1/15
Appellate Authority

To: Shri Mandeep Tyagi
Flat 152, POWERGRID CGHS, GH-23
Sector 21 C, Part III, Faridabad, Haryana

Copy to: General Manager (CP) & CPIO, POWERGRID, Gurgaon.
General Manager (HR), POWERGRID, Gurgaon.