

CPIO POWERGRID refused to give the information at point no.4 of rti reply, on the basis of 8(1) (j) of RTI Act 2005.

A Mahartna Public company is not supposed misuse the clause 8(1)(J) of RTI Act 2005 to hide the information sought at point no. 4 of RTI Application and misguide the applicant through their RTI reply because :

(A) clause 8(1)(j) of RTI act 2005 also states that "the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person".In this regard it is to mention that information sought at point no. 4 of the RTI application can not be denied to the Parliament or a State Legislature hence shall not be denied to me

(B) As the Transfer Policy of POWERGRID is in the public domain in their website of RTI because Powergrid is a Public Undertaking and any activity done by the Powergrid shall be in public interest only hence any information sought regarding the rules/policy of transfer policy shall be in public interest and it shall not be considered as personal information.

Name of the employee , Place of posting, related to the public activity, and hence are not personal information of an employee. Also this information can not be denied to the Parliament or a State Legislature under clause 8(1)(j) hence this information shall not be denied to me under rti act 2005

Account details, salary, is not related to public activity hence are personal information of an employee.

(C) POWERGRID *Officers are Public Servant under Section 21 in The Indian Penal Code which states that :*

“Public servant”.—The words “public servant” denote a person falling under :

Every person—

(a) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;

(b) in the service or pay of a local authority, a corporation established by or under a Central, Provincial or State Act or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956).]

(D) Various decisions of Central Information Commission (CIC) have clarified that following information can't be considered personal information, which may be exempted, and hence can't be denied by the Public authority under Section 8 (1) (j) of RTI Act 2005:

1. Appointments, Postings, Transfers, Promotions, Gradations, etc. of public servants relate to the public activity, and are hence not personal information.
2. Details of leave taken by the public servant are not personal information; however, the purpose of leave is personal information.
3. Official tour program of public servants is not personal information; however, the personal tour program is personal information.

In view of above reasons it is clear that Powergrid CPIO tried to misuse the clause 8(1)(J) of RTI Act 2005 to hide the information sought at point no. 4 of RTI Application.

Hence you are requested to provide the list of Employees (as sought at RTI application Point no 4) who did not join the new place of posting within 30 days from the date of issuance of order and not regulated as per clause 6.3 of transfer policy .