

Central Information Commission

P Narasimha Rao vs Department Of Posts on 8 February, 2022

Author: Saroj Punhani

के िय सूचना आयोग
Central Information Commission
बाबागंगनाथमाग , मुनिरका
Baba Gangnath Marg, Munirka
नई द ली, New Delhi - 110067

File No : CIC/POSTS/A/2020/138457 +
CIC/POSTS/A/2020/137798

Pachipulusu Narasimha Rao

.....अपीलकता /Appellant

VERSUS

बनाम

CPIO,
Department of Posts, O/o The
Supdt. Of Post offices,
Machillipatram Division, RTI
Cell, Machillipatnam-521001,
Andhra Pradesh.

.... ितवादीगण /Respondent

Date of Hearing : 02/02/2022

Date of Decision : 07/02/2022

INFORMATION COMMISSIONER : Saroj Punhani

Note- The abovementioned Appeals have been clubbed together for decision as these are based on same RTI Application.

Relevant facts emerging from appeal:

RTI application filed on : 28/04/2020

CPIO replied on : 12/06/2020

First appeal filed on : 06/07/2020

First Appellate Authority order : 27/08/2020

2nd Appeal/Complaint dated : 02/12/2020

Information sought:

The Appellant filed an RTI application dated 28.04.2020 seeking the following information;

1

2

3

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The CPIO denied the information to the appellant on 12.06.2020 under [Section](#)

8(1)(h) & 8(1)(j) of RTI Act, 2005.

Being dissatisfied, the appellant filed a First Appeal dated 06.07.2020. FAA's order dated 27.08.2020, upheld the reply of the CPIO.

Feeling aggrieved and dissatisfied, the appellant approached the Commission with the instant set of Second Appeals.

Relevant Facts

emerging during Hearing:

The following were present:-

Appellant: Present through audio-conference.

Respondent: B V N Suresh, Superintendent of Post Offices & CPIO present through audio-conference.

The Appellant while narrating the factual background of the case raised the following grounds in the instant Appeals -

"...The Superintendent of Post offices Tenali Division, Tenali issued a Rule-14 charge sheet on me vide Memo No. Inv/Misc/MpUPNR dated 14-08-2019 based on a draft charge sheet prepared and issued on me by the Superintendent of Post offices, Machilipatnam Division under whose care I worked as Postmaster Grade 1 at Pamarru SO from 22-06-2015 to 25-08-2016 i.e. 430 days or one year two months & 10 days. The allegation of the charge sheet is that the four members of public shown in fourth column invested deposits without any agent and that I have converted the deposits through GDS BPM and an agent and effected commission of Rs. 16,510/- in all causing loss to the exchequer. In this connection I humbly submit that I have followed the prescribed procedure of the department while accepting deposits through agents/ GDSBPM. The department with the intention of punishing me obtained wrong statements from the investors and issued a charge sheet on 14-08-2019 with a delay of more than 3 years as the offence is stated to have been committed in 2016. Nothing prevented the disciplinary authority to issue a charge sheet in 2016 itself. As there is delay in issue of charge sheet by more than 3 years and the work relating to past work verification of mine at Pamurru SO under Machilipatnam Division also stands completed rejection of information by the CPIO as per [Section 8\(1\) \(h\) & 8 \(1\)\(j\)](#) and rejection of appeal under the same section calls for review by the Hon'ble Commissioner. Besides this, the department has also filed a police complaint on me during the year 2020 with the SHO of Pamuru. Under these circumstances I pray with folded hands, the kind hearted Hon'ble Commissioner of New Delhi to take mercy on me and direct the CPIO to provide the information called for and

copies of documents to save this poor postal official from the clutches of law as I commit no mistake..."

The CPIO submitted that the Appellant has sought information pertaining to his suspension through the instant RTI Application regarding which inquiry was under way and also some points of RTI Application contain the elements of personal information of third parties, therefore the information has been denied to the Appellant under [Section 8\(1\)\(j\)](#) and [8\(1\)\(h\)](#) of RTI Act. To a query from the Commission regarding the stage of inquiry, the CPIO initially pleaded lack of knowledge and later submitted that inquiry has not yet been completed, however, the suspension of the Appellant has been revoked and he has resumed office .

Decision:

The Commission upon a perusal of facts on record and after considering the submission of both the parties is of the considered opinion that square denial of information by the CPIO under the umbrage of [Section 8\(1\)\(h\)](#) and [Section 8\(1\)\(j\)](#) of RTI Act by ignoring the fact that majority points of the information sought pertains to the suspension of the Appellant for which he has every right to know in order to corroborate evidence or put forth his defense .

Notwithstanding the aforesaid, the Commission further notes from a close scrutiny of the contents of RTI Application that the information sought by the Appellant at points no. 8(2),9,11,16, 17 to 23, 26,27,28,31,35 to 43 pertains to personal information of third parties; disclosure of which stands exempted under [Section 8\(1\)\(j\)](#) of RTI Act. In this regard, attention of the Appellant is drawn towards a judgment of the Hon'ble Supreme Court in the matter of Central Public Information Officer, Supreme Court of India Vs. Subhash Chandra Agarwal in Civil Appeal No. 10044 of 2010 with Civil Appeal No. 10045 of 2010 and Civil Appeal No. 2683 of 2010 wherein the import of "personal information" envisaged under [Section 8\(1\)\(j\)](#) of RTI Act has been exemplified in the context of earlier ratios laid down by the same Court in the matter(s) of Canara Bank Vs. C.S. Shyam in Civil Appeal No.22 of 2009; [Girish Ramchandra Deshpande vs. Central Information Commissioner &Ors.](#), (2013) 1 SCC 212 and [R.K. Jain vs. Union of India &Anr.](#), (2013) 14 SCC 794. The following was thus held:

"59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets,

liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive..."

Further, the queries raised by the Appellant at points no. 7, 8(1), 12 and 13 are rather about seeking clarification/explanation from the CPIO based on his interrogatories which do not conform to [Section 2\(f\)](#) of RTI Act. In this regard, the Appellant shall note that outstretching the interpretation of [Section 2\(f\)](#) of the RTI Act to include deductions and inferences to be drawn by the CPIO is unwarranted as it casts immense pressure on the CPIOs to ensure that they provide the correct deduction/inference to avoid being subject to penal provisions under the [RTI Act](#).

His attention is also drawn towards a judgment of the Hon'ble Supreme Court on the scope and ambit of [Section 2\(f\)](#) of RTI Act in the matter of [CBSE vs. Aditya Bandopadhyay & Ors \[CIVIL APPEAL NO.6454 of 2011\]](#) wherein it was held as under:

"35. At this juncture, it is necessary to clear some misconceptions about the [RTI Act](#). The [RTI Act](#) provides access to all information that is available and existing.....A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in [section 2\(f\)](#) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the [RTI Act](#)." (Emphasis Supplied) Now, considering the prayer of the Appellant, the limited scope of relief lies at points 1 to 7,10,14 ,15, 24,25,29 and 30 of RTI Application for which the CPIO is directed to retrace their office records and provide relevant available information concerning Appellant only after redacting the identifying particulars and personal details of investigating officers, staffs, witness, etc. Involved in the averred inquiry disclosure of which stands exempted under [Section 8\(1\)\(j\)](#) and [Section 8\(1\)\(g\)](#) of RTI Act. The severance of records may be carried out in consonance with [Section 10](#) of RTI Act. In the event, no records of information on any such points is found traceable/available by the CPIO then a categorical statement to this effect in response to such point of RTI Application in writing be provided by the CPIO.

The aforesaid information should be provided by the CPIO free of cost to the Appellant within 15 days from the date of receipt of this order under due intimation to the Commission.

The appeal (s) are disposed of accordingly.

Saroj Punhani (सरोजपुनहान) हिन) Information Commissioner (सूचनाआयु)
Authenticated true copy (अभ म्माणत स"यापत ित) (C.A. Joseph) Dy. Registrar
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