पावरग्रिड
POWERGRID

पावर ग्रिड कॉरपोरेशान ऑफ इंडिया लिमिटेड
(भारत सरकार का उद्यम)
POWER GRID CORPORATION OF INDIA LIMITED
(A Government of India Enterprise)

SPEED POST
Ref No: NESH/PESM/RTI/1117/103 **Date: 11.07.2022**

To,
Khukhan Das
Vice president, All Assam SC Students Union,
Khageswar Road, Bashbari, Near Puja Field, Assam-785621
aascsu@gmail.com

Sub : Your RTI Applications dated 09.06.2022 & appeal dtd. 23.06.2022 received at CPIO office on 23.06.2022.

Sir,

1.0 This has reference to your RTI application dated 09.06.2022 & appeal dtd. 23.06.2022 under RTI Act, 2005 received at CPIO office on 23.06.2022.

2.0 As advised vide Order of Appellate Authority vide. NESH/ED/RTI/852, dtd. 09.07.2022, the RTI information pertaining to your query regarding are given below:

Sl. No.	Query	Information
a.	Appeal against the answer of point No. 3, The CPIO has furnished partial information. while the remaining information of Point No. 3 has been denied u/s 8(1) (j) of the RTI Act, 2005. As per the desired data/document should be provided as per the Honorable Central Information Commission, New Delhi decision No. CIC/SG/A/2008/00248/1596 dated 10/02/2009 in connection with the appeal No. CIC/SG/A/2008/00248, wherein it is clearly stated that ".....when a person "is holding a public office, getting salary from the public exchequer and discharging public functions in a public institution, therefore whatever documents she has submitted in pursuance of her appointment to public office in a public institution falls in public domain." The act of applying for a job or a selection process is not a private activity but is clearly a Public activity, and disclosure of the documents and papers submitted to obtain the job cannot be held to be an invasion on privacy. This has also been held by the Commission earlier in decision CIC/WB/A/2007/00178, and the Commission agrees with the same. The Commission respectfully disagrees with the decisions relied on by the third party." (Copy of the said decision is enclosed for your information.)	The following information is denied as per RTI provisions under Section 8(1)(j) r/w Section 8(1)(e) of RTI Act, 2005. The CIC Decision dated. 10.01.2020 in favour of this reply regarding Second Appeal No. CIC/FCIND/A/2018/133960 is attached as **Annexure-I**.

3.0 First Appeal, if any, against the reply of CPIO may be made to the first Appellate Authority within 30 days of the receipt of the reply of CPIO. Details of Appellate Authority of Power Grid Corporation of India Limited, NERTS, under RTI Act,2005 is as below:

Sh. Naveen Srivastava, ED (NERTS)
POWERGRID, Dongtieh, Lower Nongrah,
Lapalang, Shillong - 793006, Meghalaya.
0364-2536371, naveensrivastava@powergrid.in

आपको धन्यवाद,

भवदीय,

11/7/22

(A L SYNGKON)
Sr. DGM & CPIO
0364-2536439,
nerts_rti@powergrid.co.in

Copy: Appellate Authority & ED, NERTS, POWERGRID, Shillong

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग,मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No.CIC/FCIND/A/2018/133960

Manohar Dhakate ... अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO, Food Corporation of India,
Nagpur. ...प्रतिवादी/Respondent

Relevant dates emerging from the appeal:

RTI : 01-03-2018	FA : 27-04-2018	SA:30-05-2018
CPIO : 12-04-2018	FAO : 03-05-2018	Hearing: 10-01-2020

ORDER

1. The appellant filed an application under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Food Corporation of India, Nagpur seeking following information of some other employees:-

1. "Caste Certificate.
2. Caste Validity Certificate.
3. School Leaving Certificate.
4. 1st page of the Service Register.
5. Xerox copy of the appointment order."

2. The CPIO responded on 12-04-2018. The appellant filed the first appeal dated 27-04-2018 which was disposed of by the first appellate authority on 03-05-2018. Thereafter, he filed a second appeal u/Section 19(3) of the RTI Act before the Commission requesting to take appropriate legal action against the CPIO u/Section 20 of the RTI Act and also to direct him to provide the sought for information.

Hearing:

3. The appellant, Mr. Manohar Dhakate attended the hearing through video conferencing. Mr. M. J. Vaghmare, Manager (Admin) participated in the hearing representing the respondent through video conferencing. The written submissions are taken on record.

4. The appellant stated that the respondent should be directed to provide him the sought for information.

5. The respondent stated that the appellant is seeking third party information of some other employees which is exempted u/Section 8(1)(j) of the RTI Act, 2005. Further, they informed the Commission that these employees did not give their consent to part with the information. In this regard, they have also furnished a reply to the appellant indicating factual position in the matter vide their letter dated 12-04-2018. The given reply was also read out by the respondent.

Decision:

6. This Commission observes that copies of the educational qualification certificates of some other employees available in the records of the public authority in a fiduciary relationship are exempted under Section 8(1)(e) r/w Section 8(1)(j) of the RTI Act, 2005. Also, there is no public interest in the matter. This position has been upheld by the Hon'ble Supreme Court of India in its order dated 06.08.2013 in the Civil Appeal No. 6362/2013 titled as **UPSC v. Gourhari Kamila**.

7. Further, this Commission observes that the 'caste certificate' of an individual employee is an exempted information as per the provisions of Section 8(1)(j) r/w Section 8(1)(e) of the RTI Act, 2005 and no element of larger public interest has been established in the matter. This position has also been upheld by the Hon'ble Delhi High Court in its order dated 08.11.2013 in **W.P.(C) 5812/2010** titled as **UPSC v. Pinki Ganeriwal**, wherein, it was observed as under:-

> "5. In the present case, the information such as date of birth, institution and year of passing graduation, field experience and caste is personal information of the selected candidates. There is no finding by the Commission that it was in larger public interest to disclose the aforesaid personal information of the recommended candidates. Even in his application seeking information, the respondent did not claim that any larger public interest was involved in disclosing the aforesaid information. In the absence of such a claim in the application and a finding to this effect by the Commission, no direction for disclosure of the aforesaid personal information could have been given."

8. Recently, the Hon'ble Delhi High Court in its order dated 01.07.2019 in **W.P.(C) 776/2016 & CM. No. 3376/2016** titled as **Baljeet Singh v. The Pio, Industrial Training Institute, Jahangirpuri & Anr** has observed as follows:-

> "11. In the case in hand, the respondent no.2 has sought the caste certificate issued to the petitioner. The information is a personal information as the caste to which the petitioner belongs is an issue inter-se between the respondent no.1 and the petitioner i.e. between employer and employee and this aspect is governed by service rules. The disclosure of which has no relationship to any public activity. In fact, it is held so by a Coordinate Bench of this court in UPSC v. Pinki Ganeriwal, W.P.(C) 5812/2010 decided on November 8, 2013."

9. The details of the service records of an individual employee are in the nature of 'personal information' which cannot be supplied to the appellant in the absence of any larger public interest. This position has also been upheld by the Hon'ble Bombay High Court vide its decision dated 22-08-2013 vide W.P. No. 1825 of 2013 in **Subhash Bajirao Khemnar v. Shri Dilip Nayku Thorat & Others**, wherein, it was observed as follows:-

> "...that the Chief Information Commissioner was not justified in directing the Information Officer to supply personal information in respect of the service record, income tax returns and assets of the petitioner unless the Commissioner was satisfied that the disclosure of the information was justified in larger public interest."

10. This Commission also observes that the third party(s) information relating to some other employees which is exempted u/Section 8(1)(j) r/w Section 8(1)(e) of the RTI Act, 2005 cannot be provided to the appellant in terms of the order dated 31.08.2017 of the Hon'ble Supreme Court India in **Civil Appeal No. 22 of 2009** titled as **Canara Bank Rep. by its Deputy Gen. Manager v. C.S. Shyam & Anr.**, wherein it was observed as under:-

> "5....This information was in relation to the personal details of individual employee such as the date of his/her joining, designation, details of promotion earned, date of his/her joining to the Branch where he/she is posted, the authorities who issued the transfer orders etc.
>
> 12. In our considered opinion, the issue involved herein remains no more res integra and stands settled by two decisions of this Court in 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, it may not be necessary to re-examine any legal issue urged in this appeal.

14. In our considered opinion, the aforementioned principle of law applies to the facts of this case on all force. It is for the reasons that, firstly, the information sought by respondent No.1 of individual employees working in the Bank was personal in nature; secondly, it was exempted from being disclosed under Section 8(j) of the Act and lastly, neither respondent No.1 disclosed any public interest much less larger public interest involved in seeking such information of the individual employee and nor any finding was recorded by the Central Information Commission and the High Court as to the involvement of any larger public interest in supplying such information to respondent No.1.

15. It is for these reasons, we are of the considered view that the application made by respondent No.1 under Section 6 of the Act was wholly misconceived and was, therefore, rightly rejected by the Public Information Officer and Chief Public Information Officer whereas wrongly allowed by the Central Information Commission and the High Court.

16. In this view of the matter, we allow the appeal, set aside the order of the High Court and Central Information Commission and restore the orders passed by the Public Information Officer and the Chief Public Information Officer. As a result, the application submitted by respondent No.1 to the appellant-Bank dated 01.08.2006 (Annexure-P-1) stands rejected."

11. With the above observations, the appeal is disposed of.

12. Copy of the decision be provided free of cost to the parties.

Neeraj Kumar Gupta (नीरज कुमार गुप्ता)
Information Commissioner (सूचना आयुक्त)

दिनांक / Date 10-01-2020

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. C. Sharma (एस. सी. शर्मा),
Dy. Registrar (उप-पंजीयक),
(011-26105682)

Addresses of the parties:

1. The CPIO
   Food Corporation of India,
   Manager(Admin.)/CPIO,
   District Office: Ajni, Nagpur,
   Maharashtra- 15

2. Manohar Dhakate

पावरग्रिड
POWERGRID

पावर ग्रिड कॉरपोरेशन ऑफ इंडिया लिमिटेड
(भारत सरकार का उद्यम)
POWER GRID CORPORATION OF INDIA LIMITED
(A Government of India Enterprise)

REGD A/D

संदर्भ संख्या/ Ref No: NESH/ED/RTI/ 852

दिनांक/ Date: 09.07.2022

BEFORE THE APPELLATE AUTHORITY
(Under the Right to Information Act'2005)
POWER GRID CORPORATION OF INDIA LIMITED
NORTH EASTERN REGION TRANSMISSION SYSTEM

In the matter of Appeal under the Right to Information Act'2005
And
In the matter of Sh. Khukhan Das, Vice president, All Assam SC Students Union, Khageswar Road, Bashbari, Near Puja Field, Assam-785621
.....Appellant

Vs

Central Public Information Officer, NERTS, Shillong (CPIO)
.....Respondent

ORDER

1. The appellant has made an appeal dated. 23.06.2022 against information provided by the CPIO vide letter dated. 17.06.2022 to his RTI application dated. 09.06.2022.

2. On perusal, it is found that the said RTI application ref. no. PGCIL/R/E/22/00204 dated. 09.06.2022 had asked for certain information pertaining to the details of employees belonging to Reserved Category of Scheduled Caste (SC) working in Assam.

3. In consideration of the Appeal, the CPIO, NERTS, Shillong is advised to provide the relevant information as requested by the appellant within the ambit of RTI Act'2005 within a period of 15 (fifteen) days.

4. With the above the appeal is disposed off accordingly.

5. The address of the 2nd Appellate Authority is mentioned hereunder for your information:
The Central Information Commission,
CIC Bhawan, Baba Gang Nath Marg,
Munirka, New Delhi-110067.

5. द्वितीय अपीलीय प्राधिकारी का पता आपकी जानकारी के लिए यहां दिया गया है:
केंद्रीय सूचना आयोग,
बाबा गैंग नाथ मार्ग,
मुनिरका, नई दिल्ली -110067

कृपया इस पत्र की प्राप्ति की सूचना दें।
आपको धन्यवाद,

दिनांक: 09.07.2022
जगह: गुवाहाटी

9/7/2022

नवीन श्रीवास्तव
कार्यकारी निदेशक & (अपीलीय प्राधिकरण)

Copy: CPIO, POWERGRID, NERTS, Shillong - For compliance