सूचना के अधिकार नियम 2005 के अंतर्गत जानकारी के तहत निम्नलिखित प्रार्थी द्वारा मांगी गयी बिन्दुवार जानकारी निम्नलिखित है ।

This has reference to the RTI received from Mr. Anil K Kataria having reg. no: PGCIL/R/E/20/00181.

Information Sought:

1. Kindly provide the details of official tours performed by Head of Personnel Department of Western Region2 during the period 01.07.2018 to 31.08.2018
2. What was the reason for these tours performed?
3. Kindly provide the details of expenditure on various tours performed during this period.
4. Do approval of competent authority has been accorded for these tours kindly provide the copy of approvals

Reply:

1. The performance of official tours by an employee/officer of an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the Service Rules which falls under the expression "personal information", the disclosure of which has no public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of the individual. Furthermore, applicant has not made out any larger public interest which would justify the disclosure of the same. Hence, the disclosure of the same cannot be acceded to as the same is exempted under section 8(1)(j) of RTI Act.

2. The applicant has not sought for any information which is readily available as in the form as defined as "information" under Sec 2 (f) of the RTI Act, 2005, instead cast upon a duty/obligation on the CPIO to gather information as regards to the reason for certain actions performed by an employee/officer in an organization, which is not permitted under the RTI, Act, 2005.

3. For Point No: 3 & 4: As stated above at point no.1 above, the performance of official tours by an employee/officer of an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the Service Rules which falls under the expression "personal information", the disclosure of which has no public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of the individual. Furthermore, applicant has not made out any larger public interest which would justify the disclosure of the same.

As per the provisions of RTI Act, 2005 and under precedents of various judicial orders, it has been established that only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. It is beyond the scope of the Act to gather & create any information by the CPIO so as to provide the same to the Applicant. In addition to the above, the supply of information sought above by the applicant would disproportionately divert the resources of the public authority and hence the information sought above by the applicant vide query nos. 1 to 4 cannot be disclosed for the reasons as stated above and the application is hence rejected.

(निखिलेश कुमार)
वरि. महाप्रबंधक (मा.सं.)

संलग्न: आर.टी.आई. अनुरोध विवरण

RTI REQUEST DETAILS

Registration No. :	PGCIL/R/E/20/00181	Date of Receipt :	11-05-2020
Type of Receipt :	Online Receipt	Language of Request :	English
Name :	ANIL K KATARIA	Gender :	Male
Address :	B3-1 POWERGRID TOWNSHIP , 765/400 KV SUBSTATION VILLAGE ALIJHERA , PO- ROURA JHANSI ROAD GWALIOR, Pin-475001		
State :	Madhya Pradesh	Country :	India
Phone No. :	+91-9111101961	Mobile No. :	+91-7773001180
Email :	anilkataria.powergrid@gmail.com		
Status(Rural/Urban) :	Urban	Education Status :	Graduate
Is Requester Below Poverty Line ? :	No	Citizenship Status	Indian
Amount Paid :	10	Mode of Payment	Payment Gateway
Does it concern the life or Liberty of a Person ? :	No(Normal)	Request Pertains to :	

Information Sought :

FOLLOWING INFORMATION IS REQUIRED UNDER THE RTI ACT 2005:

1. Kindly provide the details of official tours performed by Head of Personnel Department of Western Region2 during the period 01.07.2018 to 31.08.2018
2. What was the reason for these tours performed
3. Kindly provide the details of expenditure on various tours performed during this period
4. Do approval of competent authority has been accorded for these tours kindly provide the copy of approvals

The above information is related to life and liberty of applicant as well as act of misconduct by management representatives hence the information may please be furnished to the earliest

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967) 3 SCR 525 : AIR 1967 SC
54: AIR 1969 SC 783
WB/A/2006/0405 dated 5-7-

F.No. CIC/MA/A/2006/027
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Committee should be disclosed, although the final decision is vested with the Appointment Committee of the Cabinet. While it was true that the final decision in this matter vests with the ACC, the recommendations of the selection committee, the material on the basis of which the ACC made a decision, becomes liable for the disclosure under the first proviso of sub-section 8(1)(i) of the RTI Act.[1] If the decision making process was complete, and a decision has been made, the information can be disclosed. If there was specific reason for ignoring the promotion by DPC, the Commission held that it should be communicated to the appellant.[2] However, the deliberations of selection committee , DPCs are exempt from disclosure. There ought to be a greater degree of objectivity and openness in the procedure of promotions or placements in sensitive positions, particularly of officers who have at any point of time in their career had done wrong. Without taking due cognizance of the integrity of officers in such matters, it is not possible even to think of the creation of a corruption free society. The Commission, therefore, saw no reason why the names of the officers who were promoted or placed in sensitive positions while they were concurrently under discreet watch i.e. 'Agreed list' by the competent authority, should not be disclosed.[3]

(j) (i) Personal information, the disclosure of which has no relationship with (a) any public activity or (b) public interest or (c) which would cause unwarranted invasion of the privacy of individual : The concentration of power in one hand and liberty in the other cannot go side by side. On the one hand power has been given to the Central or State Public Information Officer, that personal information which has no relationship with (a) any public activity or (b) public interest or (c) which would cause unwarranted invasion of the privacy of individual should not be disclosed to any citizen, unless such Central or State Public Information Officer is satisfied that the larger public interest justifies such a disclosure of information. On the other hand a citizen has been given a fundamental right of privacy as it is part of 'personal liberty' contained in Art. 21 of the Constitution. What is privacy of individual ? It is a "right to be let alone". A citizen has a right to safeguard the privacy of his or her personal information, his or her own body, his or her family, marriage, procreation, motherhood, child bearing, telephonic conversation, changing dress, bath, and education among other matters. None can publish anything concerning the above matters without his or her consent, whether truthful or otherwise and whether laudatory or critical. If he does so, he would be violating the right to privacy of the person concerned and would be liable in an action for

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[1] Ms. Sweety Kothari v. Department of legal Affairs, Appeal No. CIC/AT/A/2006/077 dated 7-6-2006, See website www.cic.gov.in of Central Inf.Commission

[2] Praveen Sakuja v. Export inspection Council of India, No.ICPBA./CIC/2006 dated 10-5-2006, See website No.www.cic.gov.in of Central Inf.Commission

[3] Smt. S.R. Sawant v. Directorate General of Vigilance, Customs and Central Excise, Appeal No. 31 IC/A/06 F.No. CIC/MA/A/2006/0116 dated 1-5-2006, See website www.cic.gov.in of Central Inf.Commission

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(x) Administrator of the U.T. appointed under Art. 239 of the Constitution.

The term 'Competent Authority' does not include every 'public authority', but the term 'Public Authority' includes every 'competent authority' also. Under Section 28 of this Act, power has been given to the 'Competent Authority' to make Rules to carry out the provisions of this Act.

2.(f) "Information" – According to the definition clause, 'information' means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any law for the time being in force. It is inclusive definition. Information is not confined to those mentioned under section 4 of this Act.[1] Its contents may be discussed hereinafter :

(i) *Any material in any form :* The first part of the definition of the term "information" says that it means any material in any form. It may be material relating to the affairs (decision, action or plan) of the appropriate Government or Public authorities, which may include on-the-spot verification of an office, interview with the concerned personnel, complete or partial copy of a file, complete or partial copy of a register or muster roll, samples and photo of construction materials, copy of and notes on the relevant correspondence and telephonic conversation, complete or partial copy of a video cassette, computer floppy, CD ROM or diskettes or any other electronic medium in which information is stored. There is nothing in the Act disallowing videography, and therefore it cannot be excluded unless it violates the parameters of any information sought & agreed to be provided.[2]

(ii) *Information automatically generated in the computer is also included in the term 'any material in any form' :* Every computer automatically generates information which solely for the purposes of enabling an electronic record to be despatched or received. A computer automatically generates a backup file of every document or record saved in it. It will come in the category of 'any material in any from'. Section 7 of the Information Technology Act, 2000 permits retention of electronic records. The electronic record shall be deemed to be retained in the electronic form if it is stored in media, magnetic, optical, computer memory, micro film, computer generated micro fiche or similar device. However, the proviso to clause (c) of sub-section (1) of section 7 of the Information Technology Act, 2000 lays down that the said clause does not apply to any information, which is automatically generated solely for the purpose of enabling an electronic record to be despatched or received. Sub-section (1) of section 7 of the Information Technology Act, 2000 creates of obligation to retain the

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[1] Canara Bank v. Central Information Commission Delhi & Anr, AIR 2007 Kerala, 225

[2] Sanjay Singh v. PWD, Appeal No. CIC/WB/A/2006/0144 dated 20-3-2006, See website www.cic.gov.in of Central Information Commission