

## **Central Information Commission**

**Appeal 03/IC(A)/CIC/2006**

**Dated, the 24<sup>th</sup> February, 2006**

**Name of the Appellant :** R.C. Sankhla, IRS, F-240, Lal Kuan (Badarpur), Near Panchmukhi Mandir, New Delhi-110044

**Name of the Public Authority :** Directorate General of Vigilance, Customs & Central Excise, Department of Revenue, Ministry of Finance, New Delhi

### **DECISION**

#### **Grounds for Appeal :**

R.C. Sankhla, IRS has filed an appeal dated 17<sup>th</sup> January, 2006 against the order F.No. V-500/141/2005 dated 9<sup>th</sup> January, 2006 passed by Jogendra Singh, Director General (Vig.) & Appellate Authority of Directorate General of Vigilance, Customs & Central Excise, rejecting the request of the appellant for inspection of Department of Revenue, Finance Ministry's File No. C-14011/38/2003-Ad.V and Directorate of Vigilance, Customs and Central Excise, New Delhi's File No. V-581/3/200 within 48 hours claiming that it pertains to his life and liberty.

2. These files contain information relating to the prosecution of the appellant. The appellate authority has contended that a case of possession of assets beyond the known sources of income was registered by the CBI vide RC2(A)/2002-ACU (VII) against R.C. Sankhla, Joint Commissioner, Customs and Central Excise presently working as SDR, CESTA, New Delhi and investigated by them. After completing the investigation, CBI submitted a report dated 14.11.03 in the matter recommending prosecution of R.C. Sankhla under Prevention of Corruption Act, 1988 in the CBI Court as well as initiation of major penalty proceedings against him under CCS (CCA) Rules, 1965. On receipt of the CBI's report, the same was examined in the Directorate in File No. V-581/3/2000 and referred to Central Vigilance Commission (CVC) for advice. The CVC vide OM No. 002/CEX/058 dated 23.1.04 advised prosecution of R.C. Sankhla under Prevention of Corruption Act, 1988 as well as initiation of major penalty proceedings against him. Accordingly, prosecution against R.C. Sankhla was sanctioned by the Competent Authority vide F.N. C-14011/38/2003-Ad.V dated 25.02.04. The Charge memo for major penalty proceedings under the Central Civil Services (CCA) Rules, 1965 was also issued to him vide F.No. C-14011/38/2003-Ad.V dated 24.02.04. Proceedings are in the Court of Law.

3. The appellate authority has also contended that the appellant is freely performing his duties as a government servant and he is not prevented from leading a normal life. Therefore, there was no immediate threat to his life and liberty, which he claims under Section 7(1) of RTI Act, 2005. Further, as the said files deal with investigation carried out in the case, disclosure of information contained in the said files might impede the process of prosecution of offenders. Accordingly, an exemption under Section 8(1)(h) of the Right to Information Act, 2005 has been claimed.

**Commission's Decision:**

The appellant has requested for inspection of files within 48 hours as it pertains to his life and liberty. The said files contain information about his prosecution initiated by the CBI on the advice of CVC. As the appellant is performing his normal duties as a government official and is leading a normal life, there is no perceived threat to his life and liberty. Therefore, appellant's appeal under Section 7(1) of the RTI Act, 2005 is not justified.

The proceedings are in progress in the Court of law through which the appellant may have access to the details of papers in the said files. The disclosure of information or inspection of files at this stage by the appellant would impede the process of prosecution of offenders. The exemption from disclosure of information under Section 8(1)(h) has therefore been correctly applied by the appellate authority.

The appeal is accordingly dismissed.

Sd/-

(M.M. Ansari)  
Information Commissioner

Authenticated true copy :

(S.C. Bhatia)  
Deputy Secretary

CC:

1. Shri C.S. Prasad, Additional Director General (Vig.), Directorate General of Vigilance, Customs & Central Excise 1st & 2<sup>nd</sup> Floor, Samrat Hotel, Kautilya Marg, Chanakya Puri, New Delhi-110021.
2. Shri R.C. Sankhla, IRS, F-240, Lal Kuan (Badarpur), Near Panchmukhi Mandir, New Delhi-110044