

CENTRAL INFORMATION COMMISSION
BLOCK IV, OLD JNU CAMPUS, NEW DELHI 110067

F.No.PBA/06/171
September 27, 2006

Appeal No.118/ICPB/2006
In the matter of Right to Information Act, 2005 – Section 19.

Appellant: Mr. S. P.Sharma, C.A.O. (TR)

Public authority: Bharat Sanchar Nigam Ltd. U.P.(W) Circle.
Sh. Shameem Akhtar, GM - PIO
Sh. Mohinder Singh, CGM & Appellate Authority.

FACTS:

The appellant vide his application dated 6.3.2006 addressed to the PIO, BSNL, UP (W) Telecom Circle, Meerut, has requested for the following information:

- (i) Details of inquiries pending against appellant.
- (ii) Photocopies of all inquiry reports submitted to different authorities (copy of inquiry report is permitted under CCS(CCA) Rules).
- (iii) Photocopies of vigilance clearance reports given by circle vigilance officer in the case w.e.f. 01/01/2004 to till date.
- (iv) Complete photocopies of all files in respect of disciplinary cases initiated against appellant along with copies of rules and grounds on which the same were initiated.

2. By a letter dated 2.4.2006, the PIO informed the appellant that in so far as the information sought for in serial no.(i) and (ii) of his application is concerned, no disciplinary enquiry under Rule 14 of CCS (CCA) Rules 1965 was pending against the appellant and that in regard to serial no.(iii), the same would be furnished after tracing the old records and in so far as the information at serial no.(iv) is concerned, the same could not be provided as the same is exempted in terms of Section 7 and 8(g) of the Act. The appellant filed an appeal on 24.4.2006 pointing out that he had asked for all types of enquiries pending against him but the CPIO has only informed that no enquiry under Rule 14 was pending and that the Vigilance clearance from 1.1.2004 could not be considered to be old requiring tracing of files and that in respect of information sought under serial (iv), the same cannot be denied under Section 7 or 8(g) of the Act as these provisions are not applicable. Since he did not receive any decision from AA, the appellant has filed this appeal before this Commission. Comments were called for from the CPIO wherein it is stated that 8 complaints received against the appellant are under investigation and therefore in terms of

Section 8(f) of the RTI Act, the same cannot be furnished. In so far as serial no.(ii) is concerned, there were two cases of investigation – one under Section 14 and another under Section 16. During the investigation, whatever documents were demanded by him, they were supplied. Copies of investigations are exempt from disclosure under Section 8(g) of the Act. In so far as vigilance clearance report is concerned, a copy thereof has already been furnished to the appellant. In so far as item no.(iv) is concerned, the same is protected under Section 8(g) and (f) of the Act. It is also stated that in case, the appellant is desirous of having specific document like statement of any officer or official, bills, details of purchase of stores or requisitions etc., they could be supplied on receipt of an application thereof.

DECISION:

3. In so far item (i) is concerned, in the comments furnished by the CPIO, a copy of which has been given to the appellant, the information sought for have been given. In so far as item (iii) is concerned, copy of the vigilance clearance has been furnished to the appellant. In so far as the information sought under items (ii) and (iv) is concerned, even though the CPIO has wrongly applied Section 8(g) & (f), since the complaints are under investigation the information sought is exempt under Section 8(h) of the Act and therefore the same cannot be disclosed.

Appeal is dispose of in the above terms.

Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Information Commissioner

Authenticated true copy :

(L. C. Singhi)
Addl. Registrar

Address of parties :

1. Sh. Shameem Akhtar, GM (D&A) PIO O/o CGMTUP (W) Circle BSNL Shastri Nagar Exchange Meerut, U.P.
2. Sh.Mohinder Singh, CGM & Appellate Authority, BSNL Phone Exchange Building, Shastri Nagar, Meerut, U.P.
3. Mr. S.P. Sharma, CAO (TR), J-64, Janakpuri, Aligarh (U.P).