



Jammu and Kashmir State Information Commission

جموں اینڈ کشمیر اسٹیٹ انفارمیشن کمیشن

(Constituted under the Right to Information Act, 2009)

Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937

Old Assembly Complex, Srinagar, 0194-2506660, 2506661

www.jksic.nic.in

File No. SIC/J/A/01/2018

Decision No. SIC/J/A/01/2018/230

Appellant: Shri Beer Singh R/O Ghantwal, Tehsil
Chenani, Udhampur.

Respondents: 1. Jt. Director (SSA), Jammu.
(First Appellate Authority)
2. Chief Education Officer, Udhampur.
(Public Information Officer)

Date of Registration: 19-03-2018

Date of Decision : 24-04-2018

FINAL ORDER

The applicant Shri Beer Singh filed an RTI application on 20-09-2017 before the PIO/ Chief Education Officer, Udhampur seeking information / photocopies of attendance registers of all Middle Schools of Chenani Zone from March, 2016 to February, 2017, details of teachers/Masters working in other zones but salary drawn

in Chenani zone, amount of salary drawn, list of teachers/Master whose explanation has been called by ZEO Chenanai from April, 2015 till August, 2017, details of attachment of teachers from May, 2015, list of teachers deputed to other schools, leave availed by teachers from April 2015 with details about number of days, title of leave, sanction orders, entries of service books, salary deducted, month-wise tour details of ZEO from April, 2015, month-wise academic inspections conducted by ZEO, Chenani, year-wise casual leave statements of all employees of ZEO, Chenani since January, 2015 etc. As no information was provided by the PIO, the applicant filed first appeal with FAA on 16-12-2017. The said appeal was disposed of by the FAA on 06-01-2018 directing the PIO to provide the required information to the appellant free of cost. Since no information was provided by the PIO even after the direction of FAA, the appellant filed 2nd appeal before the State Information Commission on 19-03-2018.

Proceedings before the Commission: The appeal came up for hearing before the Commission on 24-04-2018. The appellant submitted that the PIO has failed to provide the information to the appellant within the specified time. The PIO submitted that the appellant has sought huge and voluminous information running into more than two thousand pages. The said information was to be collected from all schools falling within the jurisdiction of Zonal Education Office, Chenani. The PIO further submitted that most of the information was to be gathered by examining and taking extracts of hundreds of service books, other service records, leave registers etc. The PIO submitted that the information has now been collected

and compiled and brought before the Commission for being handed over to the appellant during the hearing. The information comprised of 1953 pages.

The attention of the Commission was, however, drawn by the PIO towards a number of similar RTI applications filed by the appellant. Two of such applications gave rise to 2nd appeals, being appeal No. SIC/J/A/232/2017 and appeal No. SIC/J/A/235/2017, which were disposed of by the Commission on 12-04-2018. In appeal No. SIC/J/A/235/2017, the appellant had sought information relating to personal details including leave availed by ZEO, Chenani since his appointment, nature of leave, his attendance, salary drawn by him, tours/inspections conducted by him, copy of arrival and departure register of ZEO office, Chenani etc. The PIO furnished information to the appellant in those clubbed appeals during the hearing on 12-04-2018 that spread over more than 3000 pages. The Commission, in its order dated 12-04-2018, expressed its displeasure in providing such huge information to the appellant, free of cost particularly keeping in view the meager fiscal resources available with Schools and Zonal Education offices. The Commission also observed in those appeals that the RTI applications filed by the appellant were motivated and aimed at harassing the concerned officers. The Commission had expressed its feeling that the appellant seems to have some personal grudge against ZEO, Chenani (now ZEO, Udhampur) and the sole purpose of seeking such information was to settle personal scores by the appellant. Since, the PIO had brought with him the information running into more than 3000 pages, the same was allowed by the Commission to be handed over

to the appellant during the hearing. However, it was made clear by the Commission in its order dated 12-04-2018 that FAA has not disposed of the 1st appeals properly and had the FAA applied its mind and examined whether the information asked for was givable or exempted from disclosure or whether the appellant should have inspection of records instead of seeking copies given the magnitude of information required, the PIO would not have been forced to play havoc with limited fiscal resources of the Zonal Education Office, Chenani by copying such huge information besides exposing the important school records to harm and damage by taking it out for copying from open market due to non-availability of photocopier in ZEO's office.

The attention of the PIO and the FAA was also drawn toward the landmark judgment of the Hon'ble Supreme Court in case Girish Ramchandra Deshpande Vs. Central Information Commission in which the Hon'ble Supreme Court has held that the performance of an employee/officer in an organization is primarily a matter between the employee and the employer and these aspects are governed by the service rules which fall under the expression 'personal information', the disclosure of which has no relationship to any public activity or public interest. The Supreme Court also held that the disclosure of the said information would cause unwarranted invasion of privacy of that individual, and hence an applicant cannot claim such details as a matter of right.

The kind of information sought by the appellant in the RTI application, giving rise to the present appeal, also falls under the expression 'personal information'. The issues like leave availed,

attendance of teachers, details of inspections/tours conducted, details of transfers and attachment of teachers, salary drawn by teachers, explanations served or enquiries ordered etc. are definitely administrative issues between the employer and the employees and governed by service rules. The PIO is under no obligation to provide or disclose such information under the RTI Act to the appellant. The appellant has failed to specify the public interest that would be served by disclosing the information sought by him. On the other hand, the appellant seems to have some personal issues with the ZEO in charge of Chenani Zone for the relevant period and the motive behind filing of multiple RTI applications by him is only to harass the concerned officer. The appellant is a contractor by profession as per his own statement but seeks information free of cost on the ground of belonging to BPL Category. This is why he seeks such huge information running into thousands of pages in each of his RTI request. How can a contractor be a BPL category person? This aspect needs to be enquired into. By filing multiple applications aimed at personal vendetta, the appellant is misusing the RTI law. Such elements are required to be discouraged. It was for this reason that the Commission disallowed the PIO in this appeal to handover the information consisting of near about 2000 pages to the appellant free of cost during the hearing. As the said information fell under the expression 'personal information', the same is exempted from disclosure unless the PIO is satisfied that public interest justifies such disclosure. However, in case the appellant requires the information collected and compiled by the PIO and the PIO is satisfied that public interest justifies its disclosure, the PIO may

provide the same to the appellant after collecting prescribed fee and copying charges from him.

The appeal is accordingly disposed of with the aforesaid observations. The Tehsildar, Chenani is directed to enquire into the circumstances under which the appellant claims to be a BPL persons inspite of being a Contractor. The Tehsildar shall assess the annual income of the appellant from all sources and then decide if he falls under BPL Category.

Registry is directed to send a copy of this order also to Tehsildar, Chenani for appropriate action.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

No:-
Copy to the :-

Date:-

1. First Appellate Authority (FAA)/ Joint Director, SSA, Jammu.
2. Public Information Officer/ Chief Education Officer, Jammu.
3. PS to SIC for information of HSICd.
4. Sh. Beer Singh R/o Ghantwal, Tehsil Chenani, Udhampur.
5. Office File.

Joint Registrar,
State Information Commission.