



प्रधानसीमाशुल्कआयुक्त(सामान्य)कार्यालय
OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS (GENERAL)

नवीनसीमाशुल्कभवन, बलार्डइस्टेट,
NEW CUSTOM HOUSE, BALLARD ESTATE,

मुंबई/MUMBAI- 400 001

[टेलीफोननं./Tel. No. (022) 22634330 फैक्सन/Fax No (022)22757416]

फासं : RTI/Gen/Appeal/BSM/32/2018-19

आदेशतिथि : 21.08.2018

जारीकरनेकीतिथि : 21.08.2018

आदेशसंख्या: 32/2018-19

द्वारापारित : श्री बी. एम. मीना

अपर सीमाशुल्क आयुक्त
सूचना का अधिकार अधिनियम के प्रथम अपीलीय प्राधिकारी
प्रधान सीमा शुल्क आयुक्त (सामान्य) का कार्यालय
नवीन सीमा शुल्क भवन,
बेलार्ड इस्टेट, मुंबई- 400 001

प्रस्तावना

- 1) यह प्रति उस व्यक्ति के प्रयोग के लिए निःशुल्क है जिसके लिए यह पारित किया गया है।
- 2) सूचना का अधिकार अधिनियम 2005 धारा की 19 (3) के तहत इस आदेश के विरुद्ध अपील, आदेश पारित करने की अंतिम तिथि या आदेश प्राप्ति की तिथि से 90 दिनों के भीतर, केन्द्रीय सूचना आयोग, नई दिल्ली में की जा सकती है।
- 3) इस आदेश में प्रस्तावना सहित कुल 03 पृष्ठ सम्मिलित हैं।

BRIEF FACTS OF THE CASE

Subject: - Appeal filed by Shri Leela Mohan Singh under Section 19(1) of the Right to Information Act, 2005 against CPIO's Order No. RTICG/GEN-91/2018-19 dated 13.07.2018.

This is an order passed in the case of an appeal dated 17.07.2018, filed by Shri Leela Mohan Singh (hereinafter referred to as the Appellant) received in this Office on 25.7.18 against the order of the CPIO bearing F.No. RTICG/GEN-91/2018-19 dated 13.07.2018.

Briefly the facts of the case are that the Appellant residing at D/705, Army Colony, Sector 9, Nerul (E), NaviMumbai – 400706, had sought following information under the Right to Information Act, 2005 vide his RTI application dated 06.06.2018, received in RTI General, NCH, Mumbai on 13.06.2018, the same are reproduced as under:-

"1) Since last 10 years how many cases booked in Disproportionate Asset Cases by CBI against Class I, Class II and Class III officers in Mumbai Customs Zone I, Zone II & zone III.

2) Details of action taken by CBI and subsequently action taken by department in those cases, along with the list of officers involved (for example what action taken against AO S.K.R. Reddy in CBI Case, who is builder doing construction business in Nagpur in Coalition with in laws)

The CPIO/RTI (General), NCH, Mumbai vide his Order F. No. RTICG/GEN-91/2018-19 dated 13.07.2018 has disposed of the same, with respect to information sought by the appellant in the RTI application which is reproduced as under-

Point No 1

1. Details of cases of Disproportionate Assets booked by CBI in respect of Class I officer is not maintained in this section. Furthermore, details of cases of Disproportionate Assets booked by CBI in respect of officers posted in Zone II and Zone III is not available with this section.

In respect of no. of Disproportionate Assets cases booked by CBI against Class II and III officers of Zone I, information is not recorded in any material form in this section. In this regard 2 (f) of the RTI Act, 2005 defines.

" information " to include " any material in any form, including records, documents, memos, e-mail, 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 access by a public authority under any other law for the time being in force".

In view of the above, the information sought by the applicant, does not qualify to be categorized as " information under Section 2(f) of the RTI Act, 2005 and hence does not merit any report.

Point No 2

As regards details of the action taken against the officers by the department in the CBI cases, it is stated here that as DOPT's Omdt. 14.08.2013 vide F. No.11/2/2013IR(pt) any information related to complaint made against the officer of the Government and any possible action the authorities might have taken on those complaints, qualifies as personal information within the meaning of provision of section 8 (1) (j) of the RTI, 2005.

The Central Information Commission while deciding the said case has cited the decision of Supreme Court of India in the matter of Girish R. Deshpande Vs. CIC and others (SLP (C) no. 27734/2012) in which it was held as under:-

"The performance of an employee/ Officer in an organisation is primarily a matter between the employee and the employer and normally those 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. On the other hand, the disclosure of which could unwarranted invasion of the privacy of that individual."

The Supreme Court further held that such information could be disclosed only if it would serve a larger public interest.

In view of the above and as no larger public interest has been cited by the applicant the information sought merits exemption under section 8(1) (j) of the RTI Act, 2005.

Aggrieved by the CPIO's above said reply, the applicant Shri Leela Mohan Singh has filed appeal dated 17.07.2018 and the same was received in this office on 25.07.2018.

GROUND OF APPEAL

Aggrieved by the CPIO's above said reply, the applicant Shri Leela Mohan Singh has filed the present appeal on the following grounds –

1. *"Provided Incomplete, Misleading or False Information"*.

PERSONAL HEARING

The personal hearing was granted to the appellant on 08.08.2018, 09.08.2018 & 10.08.2018 at 12.45 pm but he did not turn up for the same.

FINDINGS

I have gone through the RTI application dated 06.06.2018 received in this office on 15.06.2018 and reply dated 13.07.2018 and appeal application filed by the Appellant dated 17.07.18 received in this office on 25.07.18.

The Appellant in his Appeal has stated that he was not satisfied with the reply to with respect to point No.2 of his RTI application.

In this regard, it is stated that as per DOPT's OM dated 14.8.13 vide F.No. 11/2/2013 IR (Pt) any information related to complaints made against the officer of the Government and any possible action the authorities might have taken on those complaints, qualifies as personal information within the meaning of provisions of section 8(1)(j) of the RTI Act, 2005.

Further, the Central Information Commission while deciding an appeal in Shri Manoj Arya Vs Central Public Information Officer, Cabinet Secretariat (Vigilance & Complaint Cell), New Delhi – 110001 has cited the decision of Supreme Court of India in the matter of Girish. R. Deshpande Vs CIC and others (SLP (C) No. 27734/2012 in which it was held as under –


"The performance of an employee/Officer in an organisation is primarily a matter between the employee and the employer and normally those 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. On the other hand, the disclosure of which could cause unwarranted invasion of privacy of that individual"

In view of above, I am of the view that the CPIO has correctly denied the information under section 8 (i)(j) of RTI Act, 2005.

ORDER

In view of the above, the Appeal filed by the Appellant is rejected as per the provision of RTI Act, 2005.


(DR. B.S. MEENA)
APPELLATE AUTHORITY
ADDL. COMMISSIONER OF CUSTOMS (G),
NEW CUSTOM HOUSE, MUMBAI.

Copy to :

1. Shri Leela Mohan Singh,
D/705, Army Colony, Sector 9,
Nerul (E), NaviMumbai – 400706.
2. The CPIO RTI (G), NCH, Mumbai.
3. Office Copy