प्रधान सीमा शुल्क आयुक्त (सामान्य) कार्यालय

OFFICE OF THE PRINCIPAL COMMISSIONER OF CUSTOMS (GENERAL)

नवीन सीमा शुल्क भवन, बलार्ड इस्टेट,

NEW CUSTOM HOUSE, BALLARD ESTATE,

मुंबई/MUMBAI- 400 001

[टेली फोन न. /Tel. No. (022) 22634330 फैक्स न/Fax No (022)22757416]

फा सं : RTI /APPEAL/GEN/ BSM/33/2018-19

आदेश तिथि : 23.08.2018

जारी करने की तिथि : 23.08.2018

आदेश संख्या: 33/2018-19

द्वारापारित :डॉ. बी. एस. मोना
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 दिनोंके 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 Mahesh Kumar Chaudhary, under Section 19(1) of the Right to Information Act, 2005 against CPIO's Order No. RTICG/GEN 96/2018-19 dated 13.07.2018.

This is an order passed in the case of an appeal dated 18.07.2018, filed by Shri Mahesh Kumar Chaudhary (hereinafter referred to as the Appellant) against the order of the CPIO bearing F.No.RTICG/GEN-96/2018-19 dated 13.07.2018.

Briefly the facts of the case are that the Appellant residing at C/O Manoj Kumar Chaudhary (GDS), Khad Badh, Village- Chomu, Distt Jaipur, Rajasthan-303702, had sought following information under the Right to Information Act, 2005 vide his RTI application dated 13.06.2018, received in RTI General, NCH, Mumbai on 15.06.2018; the same are reproduced as under:-

"Please provide certified copies of minutes of meeting of DPC held for promotion from TA to STA (now EA) under your office order No. 182/2017 dated 01.06.2017.

If possible information may please be provided on email id maheshkurlya1991@gmail.com."

The CPIO/RTI (General), NCH, Mumbai vide his Order F. No. RTICG/GEN-96/2018-19 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:-

"In this regard, it is informed that the Minutes of DPC is confidential in nature and also consist of the information of other officials, the disclosure of which has no relationship to any public activity or interest. Therefore, it is exempted from disclosure under Sec 8(1)(j) of RTI Act, 2005."

GROUNDS OF APPEAL

Aggrieved by the CPIO's above said reply, the applicant Shri Mahesh Kumar Chaudhary has filed the present appeal on the following grounds:

1. *Refused access to information denied.*
2. *Section 8(1)(j) of the RTI Act,2005 wrongly placed.*

PERSONAL HEARING

The personal hearing was granted to the appellant on 08.08.2018, 09.08.2018 & 10.08.2018 at 11.45 am but he did not turn up for the same.

FINDINGS

I have gone through the RTI application dated 13.06.2018 and CPIO reply dated 13.07.2018 and appeal application filed by the appellant dated 18.07.2018.

I has been obse ved that information sought by the appellant regarding minutes of DPC eld for promoti on from TA to STA (now EA) under office order No. 182/2017 dated 0 .06.2017 does not involve the name of the appellant in the present case. Howeve , after going th ough various decisions of the Honourable CIC, one of which has bee quoted below (A), I am of the view that the information related to DPC can be made av ailable to the ap ellant severing the details of employees whose names appear in the a ove mentioned DPC minutes. The names of employees whose names find mention n the above me tioned DPC minutes are not to be disclosed in public interest.

A. F. lo. CIC/AT/A/2(06/00069 of 13.07.2006, case of Mr. Gopal Kumar vs Army He adquarters, part of decision reads as:

"The Depa 'mental Promotion Committees prepare their minutes and ma ke recommenc ations after examining ACRs of the employees due for pro motion..... H wever, in all such cases the CPIO and the appellate au horities should pply the doctrine of severability, and should provide him the inf rmation which c an be provided under subsection (2) of section 10 of the Right to nformation Act, 005."

Wh le providing inf rmation to the appellant, the CPIO must make sure that it does not ead to unwarr nted invasion of privacy of the employees whose names appear in he above said D PC and their confidentiality remains intact.

ORDER

In v ew of the above the appeal filed by the appellant is allowed and the CPIO is directed t provide the ir formation adhering to the above mentioned order of the Honourabl CIC.

23/8/2018

(Dr. B. S. Meena)
APPELLATE AUTHORITY
ADDITIONAL COMMISSIONER OF CUSTOMS (G),
NEW CUSTOM HOUSE, MUMBAI.

Copy to :

1. Shri M lahesh Kumar Ch audhary, C/O Manoj Kumar Chaudhary (GDS), Khad Badh, Villag - Chomu, Distt J ipur, Rajasthan-303702.
2. The C PIO RTI (G) NCH Mumbai.
3. Office Copy