



**Jammu and Kashmir State Information Commission**  
(Constituted under Right to Information Act 2009)  
Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262  
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937  
www.jksic.nic.in

File No: SIC/J/A/192/2014  
Decision SIC/J/A/192/2014/100

Sh. Dalbir Singh Jamwal	Appellant	Present
Sh. Saif Ali Chouhan Joint Director, Directorate of School Education, Jammu.	1 <sup>st</sup> Appellate Authority	Present
Sh. J.K. Sudan Chief Education Officer, Jammu.	Public Information Officer	Present
Sh. Govind Ram Sharma Principal, Govt. Hr. Sec. School, Narrari Bala, Akhnoor.		Present

**Jammu**

21-04-2015

Briefly the facts in this appeal are that Sh. Dalbir Singh Jamwal R/o V.P.O Bhalwal, Tehsil & District Jammu moved an application dated 03-06-2014 before the Public Information Officer/Chief Education Officer, Jammu under Jammu & Kashmir Right to Information Act, 2009 whereunder he sought the following information about Sh. Govind Ram Sharma, Principal, Govt, Hr. Sec. School, Narrari Bala:-

- i. Complete Xerox duly attested copy of Service-Book.
- ii. No. & date of promotion as Lecturer.
- iii. Xerox copy of promotion order for Lecturer.
- iv. No. & date of promotion as Principal.
- v. Xerox copy of the order for Principal.
- vi. Name of the University from where Post Graduation is done.

- vii. Whether done through regular or distance mode.
- viii. No. & date of permission order.
- ix. Xerox copy of the permission order.
- x. Xerox copy (duly attested) of the PG degree and marks statement of previous and final semesters.
- xi. Leave taken to pursue the PG course.

The PIO/CEO, Jammu vide office letter no. CEOJ/RTI/8925-27 dated 05-06-2014 forwarded the application of the information seeker Under Section 5(4) of the J&K RTI Act, 2009 to Principal, GHSS, Narrari Bala, Akhnoor with a direction to provide the information to the applicant within a stipulated time under an intimation to his office as well as to higher authority. The Principal, GHSS, Narrari Bala, Akhnoor furnished the requisite information to the information seeker vide reference no. HSS NB/290 dated 28-06-2014. However, the information seeker was not satisfied with the information provided to him and as such feeling aggrieved he filed 1<sup>st</sup> appeal dated 03-07-2014 before the 1<sup>st</sup> Appellate Authority/Joint Director, Directorate of School Education, Jammu in which he particularly requested for the xerox copy duly attested of service book of Sh. Govind Ram Sharma, Principal, Govt, Hr. Sec. School, Narrari Bala. The FAA disposed of the appeal vide order no. DSEJ/legal/10360-62 dated 07-08-2014 with a direction to CEO, Jammu being PIO of the District and Principal, GHSS, Narrari Bala, Akhnoor to provide the complete information to the appellant if the said information comes under the ambit of RTI Act and disclosure of the information is in the larger public interest, free of cost within a week's time from the date of pronouncement of this order under an intimation to the Directorate. The appellant did not receive the requisite information as sought in the RTI application and filed 2<sup>nd</sup> appeal dated 10-09-2014 before the Commission in which he has alleged inter-alia that inspite of direction from the FAA, the PIO did not provide the complete information and whatever information has been provided that has also not been authenticated by the PIO and prayed before the Commission that the PIO be directed to furnish the requisite information as sought in the RTI application.

The Commission after receiving the 2<sup>nd</sup> appeal listed the matter on different dates of hearing. The respondent Sh. Govind Ram Sharma, Principal, GHSS, Narrari Bala, Akhnoor vide his reference no. HSS/NB/338 dated 29-09-2014 addressed to the Commission objected the disclosure of his service record on the

ground that it is personal information related to his service career and is exempted from disclosure Under Section 8(1)(i) of J&K RTI Act, 2009. The respondent has also submitted a copy of Hon'ble Supreme Court Judgment titled "**Girish Ramchandra Deshpande V/s Central Information Commissioner & Ors.**" **(2012 AIR SCW 5865)** in support of his contention that the information regarding service career of an employee is a personal information and is exempted from disclosure Under Section 8(1)(i) of the J&K RTI, 2009. The issue raised by the respondent was having a legal texture which required an interpretation by the larger bench of the Commission in order to maintain uniformity and consistency in the similar cases which may come up in future before the Commission and as such it was proposed that a larger bench may be constituted for the disposal of cases relating to service book record of an employee and similar appeals pending before the Commission be clubbed together. Accordingly, the Hon'ble Chief Information Commissioner constituted a division bench for the disposal of such appeals pending before the Commission.

The matter was listed before the division bench on 22-01-2015 and 21-04-2015 and the parties were present before the Commission. During the course of proceedings, the appellant was directed by the Commission to justify how far the disclosure of personal information which is contained in the service book of an employee has any relationship to any public activity or interest because the issue involved in this case was that disclosure of personal information would cause unwarranted invasion of the privacy of the individual until and unless the larger public interest justifies the disclosure of such information.

During the course of proceedings, the appellant could not justify how far larger public interest will be satisfied by providing him information relating to an employee's service record and he restricted his query and submitted before the Commission that he only wants to know the nature of appointment of Sh. Govind Ram Sharma and his status as an employee before being appointed as a teacher in School Education Department, Jammu. Sh. Govind Ram Sharma, Principal, GHSS, Narrari Bala, Akhnoor consented to provide the limited information with regard to his prior status before appointment as a teacher in the Education Department and he also submitted a copy of Govt. Order no. 1141-Edu. of 1987 dated 13-08-1987

whereunder sanction was accorded to his appointment by transfer from Lab.Assistant in Dogra Art Gallery, Jammu as a Teacher in the pay scale of 475-850 in the School Education Department, Jammu. The copy of the said letter has been brought on record for reference.

In view of the aforesaid facts and observations, the PIO/CEO, Jammu is hereby directed to furnish the restricted information as consented by Sh. Govind Ram Sharma, Principal, GHSS, Narrari Bala, Akhnoor from his service book to the appellant within one week from the date of receipt of this order under an intimation to the Commission

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

**Sd/-**  
**G.R. Sufi**  
Chief Information Commissioner

**Sd/-**  
**Dr. S.K. Sharma**  
State Information Commissioner

Copy to the:

1. Appellant/Sh. Dalbir Singh Jamwal, R/o. V.P.O. Bhalwal, Tehsil & District Jammu.
2. 1<sup>st</sup> Appellate Authority/Sh. Saif Ali Chouhan, Joint Director, Directorate of School Education, Jammu.
3. Public Information Officer/Sh. J.K. Sudan, Chief Education Officer, Jammu.
4. Sh. Govind Ram Sharma, Principal, Govt. Hr. Sec. School, Narrari Bala, Akhnoor.

(Khalid. A. Shah)  
Dy. Registrar  
State Information Commissioner