



J&K 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. 0191-2520970, 2520937

www.jksic.nic.in

File No: SIC/J/A/188/2013

Decision No: SIC/J/A/188/2013/296

Smt. Anita Devi	Appellant	Present
Dr. Dileep Kachroo, Prof. & Head, Div. of Agronomy & Chief Scientist, FSR, SKUAST-J, Chatha, Jammu.	PIO	present

Jammu
27-09-2013

Briefly the facts in this appeal are that Smt. Anita Devi D/o Lt. Sh. Piara Lal C/o Sh. Harbans All Choudhary R/o H.No. 25/4 Nanak Nagar, Jammu moved an application dated 24-05-2013 under J&K RTI Act, 2009 before the PIO, SKUAST, Jammu wherein she requested for information relating to Service Book of Sh. Sanjay Sharma presently working as a Deputy Registrar (Secrecy), SKUAST, Jammu. The PIO vide office letter no. AUJ/UC/GRTIC/RTI-21/115-16 dated 28-06-2013 informed the information seeker that information sought by her relates to personal information of another person, the disclosure of which is barred U/s 8(1)(i) of J&K RTI ACT, 2009, and there is no overriding public interest involved in disclosure of personal information.

The information seeker feeling aggrieved of the aforesaid order, preferred an appeal dated 02-07-2013 before the FAA/Registrar, SKUAST,

Jammu and alleged that she has come to know through reliable sources that Mr. Sanjay Sharma has been given undue benefits which is against the rules framed by the SKUAST, Jammu and the information sought by her in his RTI application pertains to larger public interest and requested that Xerox copy of the Service Book of Sh. Sanjay Sharma, Deputy Registrar (Secrecy), SKUAST, Jammu may be provided to her under the RTI Act. 1st Appellate Authority/Registrar SKUAST, Jammu informed her vide office letter no. AUJ/Est/F-03(RTI)/13-14/2539 dated 08-07-2013 that information sought is personal information of another person which is barred U/S 8(1)(i) of the J&K RTI Act, 2009. Moreover, the disclosure relating to Service Book and other personal details of a third party are personal matters and as such is not in public interest. Thus, feeling aggrieved of the order of the PIO/FAA, the information seeker filed an appeal dated 30-07-2013 before the Commission wherein she has taken a ground that information relating to Service Book of an individual is not a personal matter and she has sought such information in the larger public interest. She also submitted a photocopy of the decision of the Central Information Commission (CIC) having file no. CIC/AD/A/2011/000014 dated 03-02-2011 titled Sh. Anant Kumar V/s Chittaranjan Locomotive Works, Chittaranjan, Distt. Burdwan in which the information seeker have sought the photocopy of the entire Service Book of Chief Law Assistant (CLA). In the said case the CIC held that service details of public servants available in the Service Book cannot be treated as personal information and directed that Service Book may be provided to the appellant after severing, if required U/S 10(1) of the RTI Act *"any information that may be considered as personal and is exempt from disclosure U/s 8(1)(J) of the RTI Act."*(Section 8(1)(i) of J&K RTI Act, 2009)

The respondent/PIO in support of his contention produced a news item published in Indian Express dated 08-09-2013 wherein Bombay High Court has purportedly held that personal details cannot be disclosed under

the RTI Act. Moreover, the information sought by the information seeker in the said case was relating to personal assets of the petitioner whereas in the matter in hand the appellant had asked about the disclosure of details in the Service Book of an employee. The entries in Service Book cannot be treated as personal information as the public authority is obligated U/s 4(1)(b) of the RTI Act to disclose information related to the Service of his employees. Thus an information seeker can examine the track record of an employee relating to discharge of his or her duties in the public service.

In view of the factual status of the matter, the PIO is hereby directed to provide the appellant a Xerox copy of Service Book of the employee in question after severing, if required U/s 10(1) of the RTI Act "*any information that is considered as personal and is exempt from disclosure U/s 8(1)(i) of the RTI Act*" within 10 days 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/-

Dr. S.K. Sharma

State Information Commissioner

Copy to the:-

1. Public Information Officer / Dr. Dileep Kachroo, present Prof. & Head, Div. of Agronomy & Chief Scientist, FSR, SKUAST-J, Chatha, Jammu.
2. Smt. Anita Devi D/o Lt. Sh. Piara Lal C/o Sh. Harbans All Choudhary R/o H.No. 25/4 Nanak Nagar, Jammu.

(Khalid. A. Shah)

Dy. Registrar

State Information Commission