

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.12365 of 2018

A.Parasuraman

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Petitioner

-vs-

1. The State Chief Information Commissioner
Tamilnadu Information Commission
No.2, Thiyagaraya Road
Teynampet
Chennai 600 018
2. The Appellate Authority/SC Joint Secretary
to Government
Public (SC) Department
Secretariat, Chennai 600 009
3. The Public Information Officer/
SC Under Secretary to Government
Public (SC) Department
Secretariat, Chennai 600 009 ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the respondents resulting in the first respondent impugned order passed in Order No.SA-7626/SCIC/2017 dated 20.12.2017 and quash the same and directing the third respondent to permit the petitioner to inspect the following files relating to appointment of Strictly Confidential C Assistant Section Officers in Public Department:

(i) Stock files relating to calling for the willingness of the Special Branch Assistants from the Special Branch CID and Intelligence Section of Chennai City Police and that of the Special Assistants from the DVAC and their appointment as Strictly Confidential Assistant Section Officers in Public (S.C.) Department during the years 2005, 2006 and 2007

(ii) Acting arrangement for the Public (S.C.) Department pertaining to the years 2005, 2006 and 2007.

For Petitioner :: Mr.M.Praveen Kumar

For Respondents :: Mr.T.M.Pappiah
 Special Government Pleader
 for R2 & 3

ORDER

This writ petition is directed against the impugned order dated 20.12.2017 passed by the State Chief Information Commissioner, Tamil Nadu Information Commission, the first respondent herein affirming the order dated 9.8.2017 passed by the Public Information Officer/SC Under Secretary to Government, Public (SC) Department, as replied by the Appellate Authority/SC Joint Secretary to Government, Public (SC) Department under Section 19(1) of the Right to Information Act, 2005 on 23.9.2017 that an order has already been passed by the Public Information Officer, categorically holding that the request of the petitioner to inspect a particular file in Public (SC) Department is exempted from the purview of the Right to Information Act.

2. Learned counsel for the petitioner submitted that after the petitioner was selected by the Tamil Nadu Public Service Commission and appointed as Junior Assistant in the Directorate of Vigilance and Anti-Corruption Department on 22.3.93, he was promoted as Assistant and subsequently as Special Assistant in the confidential branch. Later on the petitioner was transferred and appointed as Strictly Confidential Assistant Section Officer in Public (SC) Department, Secretariat, Chennai on 31.12.2007. After about 3½ years, he was further promoted as Strictly Confidential Deputy Section Officer, Public (SC) Department on 14.7.2011. Thereafter, he was deputed to the Government of India, Ministry of Finance to serve as Recovery Officer, Debt Recovery Tribunal-II, Chennai from 7.10.2015 to 6.10.2018. While so, on 14.7.2017, the petitioner sent a request under the Right to Information Act to the Public Information Officer/SC Under Secretary to Government, Public (SC) Department, the third respondent herein seeking permission to inspect the following files:-

(i) Stock files relating to calling for the willingness of the Special Branch Assistants from the Special Branch CID and Intelligence Section of Chennai City Police and that of the Special Assistants from the DVAC and their appointment as Strictly Confidential Assistant Section Officers in Public (S.C.) Department during the years 2005, 2006 and 2007

(ii) Acting arrangement for the Public (S.C.) Department pertaining to the years 2005, 2006 and 2007.

The Public Information Officer rejected the request of the petitioner informing him that the Public (SC) Department is exempted from the purview of the Right to Information Act, 2005, as per G.O.Ms.No.1045, Public (Estt.I & Leg.) Department dated 14.10.2005. Aggrieved thereby, the petitioner preferred an appeal on 23.8.2017 under Section 19(1) of the Right to Information Act to the second respondent, who also replied that an order has already been passed by the third respondent. As against the said order, the petitioner preferred a second appeal before the first respondent under Section 19(3) of the Right to Information Act on 3.10.2017. Considering the request made by the petitioner, the first respondent also, repeating the error committed by the respondents 2 & 3, citing a reason that the Public (SC) Department is exempted from the purview of the Right to Information Act, upheld the order. The learned counsel for the petitioner, assailing the reason given by the respondents, submitted that all the respondents have completely lost sight of the vital fact that the petitioner has not asked for any information the disclosure of which would affect the sovereignty and integrity of India, security, strategic, scientific or economic interests of the State, relation with foreign State, but only made a request to inspect certain files to find out whether the appointments in a particular department have been made as per the procedure. Hence the respondents cannot deny such permission.

3. But I do not find any merit in the challenge made by the petitioner. Before answering the contention raised by the petitioner, it is relevant to refer to Section 8(1)(j) of the Right to Information Act, which reads thus:-

"8.(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,--

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information."

A perusal of the above provision also shows that the information which relates to personal information, the disclosure of which has no relationship to any public activity or interest, can be refused under the Act. When the Public (SC) Department is completely exempted from the purview of the Right to Information Act, in my view, the respondents 3, 2 & 1 have rightly rejected

the request of the petitioner. Therefore, this Court finds no infirmity with the impugned order. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The State Chief Information Commissioner
Tamilnadu Information Commission
No.2, Thiyagaraya Road
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Chennai 600 018
2. The Appellate Authority/SC Joint Secretary
to Government
Public (SC) Department
Secretariat, Chennai 600 009
3. The Public Information Officer/
SC Under Secretary to Government
Public (SC) Department
Secretariat, Chennai 600 009

+1cc to Mr.M.Praveen Kumar, Advocate sr.no.34684
+1cc to The Government Pleader in sr.no.35070

सत्यमेव जयते

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gp(co)
nr 20/06/2018

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