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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5616/2018

CPIO

..... Petitioner

Through: Mr Anchit Sharma, Advocate.

versus

RAM SHARAN

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.08.2018

CM No.21919/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 5616/2018 & CM No.21918/2018

2. The petitioner has filed the present petition, *inter alia*, impugning an order dated 29.01.2018 (hereafter 'the impugned order') passed by the Central Information Commission (hereafter 'the CIC'), whereby the petitioner has been directed to supply the copy of the respondent's service book and personal file scanned in the year 2013 in CD form.

3. The respondent is an employee with the Delhi Cantonment Board (DCB) and is working as a Junior Engineer. The respondent filed an application under the Right to Information Act, 2005 (hereafter 'the Act'), *inter alia*, seeking copy of the service book scanned in the year 2013 in CD form. This was in the backdrop of his allegation that his service book had been tampered with.

4. The petitioner responded to the said application by a letter dated 02.11.2016 stating that the required information was not maintained by the office in discharge of its public function and therefore, was beyond the scope of the Act. It was also stated that the respondent could access the said record as per applicable Rules and Regulations.

5. Aggrieved by the denial of information, the respondent preferred an appeal under Section 19 of the Act before the First Appellate Authority (FAA). The said appeal was also rejected by an order dated 13.02.2017.

6. The petitioner preferred a second appeal under Section 19(3) of the Act before the CIC, which culminated in the impugned order.

7. The learned counsel appearing for the respondent has sought to assail the impugned order on two fronts. First, he states that the information relating to the service book of an employee is not an information, which has any relation with any public activity or interest and, therefore, is exempt from disclosure by virtue of Section 18(1)(j) of the Act. Second, he submits that there is a well established procedure for obtaining a copy of the service book and, therefore, recourse to the provisions of the Act would not be available. He submits that the service book has been converted into an e-book module and therefore, the same could be provided to him under the concerned Rules.

8. The contention that the information as sought for by the respondent is exempt under provisions of Section 8(1)(j) of the Act is unpersuasive. A plain reading of the said provision indicates that it exempts disclosure of personal information, which has either no relationship to any public activity or interest, or which would cause any unwarranted invasion of the privacy of the individual.

9. A Coordinate Bench of this Court in ***UPSC v. RK Jain: W.P.(C)1243/2011 decided on 13.07.2012*** had held that expression “personal information” would not include information relating to the information seeker. The relevant extract of the said decision is set out below:-

“20. The term “personal information” under section 8(1)(j) does not mean information relating to the information seeker, or the public authority, but about a third party. The section exempts from disclosure personal information, including that which would cause “unwarranted invasion of the privacy of the individual”. If one were to seek information about himself, the question of invasion of his own privacy would not arise. It would only arise where the information sought relates to a third party. Consequently, the exemption under Section 8(1)(j) is as regards third party personal information only.”

10. In the present case, the respondent is seeking information relating to his service record and not of a third party. In view of the aforesaid decision, the contention that the information as sought for by the respondent is exempt under Section 8(1)(j) of the Act is unmerited.

11. The contention that the petitioner has an alternative recourse to obtain a copy of the service book under the concerned Rules is also unpersuasive. The learned counsel appearing for the petitioner relied upon SR No. 198, which expressly provides that in case the Government servant’s copy of the Service Book is lost by the Government servant, it shall be replaced on payment of ₹500/-. The reliance of the said Rule is misplaced as it is only applicable where there a Government Servant expressly states that his copy of the Service Book has been lost. In the present case, no such assertion has been made by the respondent. On the contrary, the respondent has made an

assertion that his Service Book has been tampered with. It is in this context that he has sought a copy of the record maintained with the DCB in order to establish his allegation. Thus, SR NO. 198 relied upon would have no application. The fact that the service books are not now being converted to the e-book module also does not absolve the respondent supplying the information as sought for under the Act.

12. In view of the above, this Court is of the view that no interference with the impugned order is warranted. The petition is, accordingly, dismissed. The pending application stands disposed of.

VIBHU BAKHRU, J

AUGUST 23, 2018

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