



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

Date of decision: 03rd MAY, 2024

IN THE MATTER OF:

+ **W.P.(C) 2210/2020**

KAMAL BHASIN

..... Petitioner

Through: Petitioner in-person.

versus

CENTRAL PUBLIC INFORMATION OFFICER AND ANR.

..... Respondents

Through: Mr. Jagdeep Kishore, Advocate for
R-2.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. The Petitioner has approached this Court with the following prayers:-

“i) Direct the respondent-1 to provide the following information to the petitioner as under :

a) Qualifications and passing Institute /university of individual executives being recruited at induction level in PFCL during the period from the year 2010 to 2015.

b) Certified copy of the approved Man-power Requirements Budget for executives.

c) Certified copy of the Agreement/ Memorandum of understanding between PFCL and its Subsidiaries for outsourcing the recruitment for executives at the induction level and deployment.



ii) Set aside order dated 1st November, 2019 passed by the Ld Chief Information Commissioner.

iii) Pass such order (s) as the Hon'ble Court may deem fit and proper on the facts and in the circumstances of the case."

2. The instant writ petition arises out of an application dated 24.06.2014 filed by the Petitioner under the Right to Information Act with the Public Information Officer of the Power Finance Corporation Limited stating that the Corporation has witnessed manifold increase in the strength of its manpower over the last five years which attributed to its massive recruitment of executives at the induction levels and the following information was sought:-

"The Corporation has witnessed a manifold increase in the strength of its men-power over the last 5 years which attributed to its massive recruitment, of the executives done at the induction level (El) and therefore, the information related to the Corporation in this regard may kindly be provided as under:

(i) Certified Copy of the Recruitment Policy on the Executives

(ii) Certified Copy of the Manpower Requirement Budget for Executives

(iii) A total number of executives at the induction level have been recruited during the last 5 years (i.e. from the year 2010 to 2015) with detailing their Name, Qualifications, Name of the Passing Institute/university and their present posting in the corporation."

3. A reply was given by the CPIO, Power Finance Corporation Limited on 10.07.2015, which reads as under:-



S. No.	Information sought	Reply
(a)	<i>Certified copy of the Recruitment Policy of the Executives.</i>	<i>Certified copy of the Recruitment Policy of the Executive is annexed at <u>Annexure-A</u>.</i>
(b)	<i>Certified copy of the Manpower requirement budget for Executives.</i>	<i>Latest approved Manpower Budget for Executives in PFC is 386.</i>
(c)	<i>A total number of the executives at The induction level, which have been Recruited during the last 5 years (i.e. From the year 2010 to 2015) with detailing their name, Qualifications, . Name of the passing Institute/ University and their present posting ' in the Corporation.</i>	<i>Information with respect to name and present posting (along with present designation) of the executives is annexed at Annexure-B.</i> <i>Compiling individual qualifications and the names of passing Institute/University from the different individual files of candidates would disproportionately divert the resources of PFC, therefore information is exempted from being provided under Section 7(9) of the RTI Act, 2005.</i>

4. The Petitioner was not satisfied with the said reply and, therefore, filed an appeal under the RTI Act. The Appellate Authority *vide* Order dated 28.08.2015 dismissed the appeal filed by the Petitioner. Thereafter, the



Petitioner filed a second appeal. The CIC *vide* Order dated 28.10.2016 directed the Respondent herein to file a supplementary reply to satisfy the query raised by the Petitioner. The supplementary reply was filed before the CIC and ultimately *vide* Order dated 22.06.2017, the CIC disposed of the appeal by holding as under:-

“7. The Commission after hearing the submissions of both the parties and perusing the records observes that the number of Executives required by PFC for the last five years have been provided to the appellant. However, a certified copy of the Agenda Note approved by the Competent Authority for Manpower Requirement Budget has not been furnished to the appellant. The Commission, therefore, directs the respondent to provide a certified copy of the Manpower Requirement Budget for the Executives, approved by the Competent Authority, to the appellant. In case, no such agenda note was prepared, the Commission directs the respondent to file an affidavit with the Commission deposing that no agenda note/proposal regarding the Manpower Requirement Budget for the Executives was prepared. A copy of the affidavit shall also be provided to the appellant.

8. The Commission, with regard to the information pertaining to the names of the universities/colleges from which the Executives have passed out, agrees with the submissions of the respondent that information sought relates to the personal information of third parties, the disclosure of which would not serve any larger public interest. Hence, the disclosure of the information sought is exempted under Section 8(1)(j) of the RTI Act. The Commission, however, directs the respondent to provide information relating to the educational qualification of the executives who have been recruited at the



induction level from the year 2010 to 2015 to the appellant.”

5. Material was supplied to the Petitioner by the CPIO. Dissatisfied with the material given, the Petitioner filed an appeal against non-compliance of the Order dated 22.06.2017 passed by the CIC. The CIC *vide* Order dated 01.11.2019 rejected the application stating that the Order dated 22.06.2016 has been complied with. The Petitioner has, therefore, approached this Court by filing the instant writ petition.

6. Counter affidavit has been filed by the Respondents stating that the writ petition needs to be dismissed because the Petitioner has not approached the Court with clean hands. It is stated that the Petitioner's younger brother, who was employed with the Respondents was dismissed from service sometime in the year 2012 and repeated applications are being filed by the Petitioner herein only with an oblique motive of harassing the organization.

7. It is stated that about 12 RTI applications have been filed by the Petitioner and his brother seeking various information. A perusal of the prayers made for in this writ petition shows that the Petitioner has asked for the qualifications and passing institute/university of individual executives being recruited at induction level, the certified copy of the manpower requirement budgets for the executives and also the certified copy of the memorandum of understanding between the Respondent and its subsidiaries for outsourcing the recruitment for executives at the induction levels.

8. Material on record indicates that *vide* letter dated 25.07.2017, the certified copies of Agenda Notes approved by the Competent Authority for manpower requirement budget for the years 2010-11, 2011-12, 2012-13 and



2013-14 pertaining to Power Finance Corporation (PFC) Executives have been supplied to the Petitioner. The manpower requirement budget discloses the manpower requirement for various units. These documents were annexed as Annexure-1, 2, 3 and 4 to the letter dated 25.07.2017. Supplementary information has also been supplied to the Petitioner regarding the manpower requirements for various other units.

9. The Petitioner vide his RTI application had sought for the certified copy of the recruitment policy of executives, information which was later enlarged by the Petitioner to include any separate policy which was employed by the Respondent for recruitment of executives from institutes through campus placements. Material on record discloses that the recruitment policy was provided to the Petitioner *vide* reply dated 10.07.2015 which clearly spells out the policy for recruitment of executive trainees from different engineering/management institutions of national repute. This Court agrees with the submission made by the learned Counsel for the Respondent that the policy provided to the Petitioner is an all encompassing policy which lays down the procedure for all modes of recruitment for executives to the Respondent.

10. Material on record also indicates that the Respondent has also given the educational qualifications of the recruited executives at induction levels between 2010 and 2015. The question as to whether the qualification of each individual executive is supplied or not, this Court is of the opinion that this amounts to third party/personal information which is exempted under Section 8(1)(j) of the RTI Act. Section 8(1)(j) of the RTI Act reads as under

*“8(1) Notwithstanding anything contained in this Act,
there shall be no obligation to give any citizen –*



xxx

(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:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.”

11. It is the contention of the Petitioner that there was immense public interest in disclosure of information regarding the passing institute/universities as 44 deemed universities have been de-recognised, due to which it was imperative that the passing universities/ institutes of the executives of PFCL be disclosed to ensure that executives which have passed from de-recognised universities/institutes do not hold posts in the Respondent. The information regarding the University from which the executives have passed is personal information which is exempted under the RTI Act. This Court is of the opinion that the manpower requirement budget executives and the educational qualifications of the executives at the induction level have been supplied to the Petitioner which had been sought for by the Petitioner under the RTI Act. Individual details cannot be given under the RTI Act.

12. In the opinion of this Court, the Petitioner has not been able to demonstrate a larger public interest in the disclosure of information pertaining to the passing universities/institutes of the executives of the



Respondent and the disclosure of the same will not outweigh the harm caused by the disclosure to the concerned persons.

13. Since Respondent has complied with the directions given by the CIC *vide* Order dated 22.06.2016 and has provided the Petitioner with all the information pursuant to the Order of the CIC, this Court finds no infirmity with the impugned order dismissing the appeal of the Petitioner for non-compliance.

14. Resultantly, the writ petition is disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MAY 03, 2024

hsk/T