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

% ***Date of Decision : 07.07.2025***

\+ **W.P.(C) 9233/2025, CM APPL. 39184/2025**

STATE BANK OF INDIA .....Petitioner
Through: Mr. Hitendra Kr. N., Advocate.

versus

CPIO & ANR. .....Respondents
Through: Mr. Shubham Kumar, Advocate for R-2 along with Respondent No.2.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (*Oral*)

CM APPL. 39185/2025 (Exemption)

1. Allowed, subject to all just exceptions.

2. The application stands disposed of.

W.P.(C) 9233/2025

3. The petitioner in the present petition assails an order dated 11.06.2025 passed by the Central Information Commission (CIC) in second appeal bearing no. CIC/SBIIND/A/2024/139990 filed by the respondent no.2.

4. The present petition has been filed in the backdrop of an RTI application dated 18.10.2024 filed by the respondent no.2. The said application reads as under: -

Sir,

Reg. Information sought under RTI Act 2005

कृपया बताये मेरे CC A/c. No. 10704997920 Amit Packers से सम्बंधित कोई विभागीय जांच चल रही है। यदि हाँ तो कृपया विभागीय जांच की कापी दी जाए।

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5. *Vide* order dated 11.11.2024, the information sought by respondent no.2 was refused by the Central Public Information Officer, State Bank of India, Stressed Assets Recovery Branch, Najafgarh Road, Delhi (hereinafter referred as "*the CPIO*") on account of the said information being exempted under section 8(1)(j) of the Right to Information Act, 2005 (hereinafter referred as "*the RTI Act*"). The relevant portion of the said order reads as under:

> *"With reference to your request dated 28.10.2024 under the provisions of the RTI Act2005, we advised as under: -*
>
> > *The details of Disciplinary Proceedings cannot be disclosed to a third party as the same constitutes personal information exempted under section 8(1) (j) of the RTI Act 2005."*

6. Against the decision of the CPIO, respondent no.2 under Section 19(1) of the RTI Act filed a first appeal before the First Appellate Authority, State Bank of India, Stressed Assets Management Regional Office, Lodhi Road, New Delhi (hereinafter referred as "*the FAA*") on 19.11.2024. The FAA *vide* order dated 03.12.2024 upheld the decision of the CPIO and observed as under:

> ***"DECISION:***
>
> *I have carefully gone through the appeal dated 19.11.2024 (received at FAA on 21.11.2024) preferred by the Appellant against reply SARB-1/DEL/2024-25/732 dated 11.11.2024 of CPIO & AGM, SARB New Delhi.*
>
> *It is observed from the Appeal that the appellant has sought information about disciplinary proceedings against the employees of the Bank in relation to the loan account of his partnership firm Amit Packers. He has also submitted following extract of the judgment in the matter of* ***D. P. Maheshwari vs CBI, 2009****, to substantiate his appeal:-*
>
> *"The plea of exemption under Section 8(1)(j) of the RTI Act cannot be applied as the appellant is asking for the information about his own case.*

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Even if the report contains personal information about others, the principle of severability under Section 10(1) can be applied."

In this regard, it is further observed from the extract cited that the above judgement pertains to non-disclosure of investigation report, to the person being investigated upon, by the statutory investigation agency viz. CBI. Therefore, said judgment does not apply to the RTI application and appeal of the appellant, wherein the details of inquiry/disciplinary proceedings by the Bank against its own employees are being sought.

Hon'ble Supreme Court in the matter of ***Girish Ramchandra Deshpande vs. Central Information Comr. & Others. [SLP(C) no.27734 of 2012)]*** *has held that records and documents relating to disciplinary proceedings against a government employee cannot be ordinarily disclosed to any third party as they are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act. The performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest.*

Therefore, I am of the view that the information sought by the appellant constitutes personal information exempted under Section 8(1)(j) of the RTI Act,2005 and no further action is required to be taken on the reply given by CPIO. The appeal is disposed of accordingly."

7. Aggrieved by the aforementioned decision, respondent no.2 preferred a second appeal before the CIC on 27.06.2025. The CIC *vide* impugned order dated 19.06.2025 directed the petitioner to furnish a copy of departmental investigation report to the respondent no.2 after redacting third party information, as per section 10 of the RTI Act. The relevant portion of the said order reads as under:

"7. The respondent while defending their case inter alia submitted that a court case in the matter was pending before the Hon'ble court for adjudication as the appellant's abovesaid account had become an NPA. When queried by the Commission regarding pendency of the disciplinary proceedings, he stated that disciplinary proceedings had been concluded, but it contains sensitive information and details of other people (third

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party), hence, exemption u/s 8 (1) (j) of the RTI Act had been claimed.
8. The Commission after adverting to the facts and circumstances of the case, hearing both parties and perusal of records, observed that the CPIO vide letter dated 11.11.2024, denied the information u/s 8 (1) (j) as the disciplinary proceedings contained sensitive information and details of third parties. It is pertinent to mention here that the disciplinary proceedings is related to the appellant's NPA account which has also been completed, thus, the information sought should be provided to the appellant. Therefore, the Commission directs the respondent to furnish a copy of the departmental investigation report to the appellant after redacting third party information, as per section 10 of the RTI Act, within 20 days from the date of the receipt of this order, under intimation to the Commission. With this observation and direction, the appeal is disposed of.""

8. In the aforesaid conspectus, the present petition has been filed by the petitioner challenging the decision of CIC.

9. It is the case of the petitioner that the internal investigation/ disciplinary inquiry report sought for, is related to internal bank regulations (as per the circular issued by the RBI) and not to any particular bank account. It is stated that as a matter of practice, the bank constitutes committee/s to undertake detailed assessment of each and every account which is declared Non-Performance Assets (NPA). While undertaking the aforementioned assessment, the committee *inter-alia* assesses whether there exists circumstances which necessitates an assessment as to the accountability of concerned employee/s. It is contended that the report presented is kept for internal assessment and is neither circulated nor published.

10. It is further submitted that the information sought by the petitioner relates to the personal information of its employee/s and since the said information is being held by the petitioner in fiduciary capacity (in the

context of employee-employer relationship), the same cannot be disclosed to any third person. By placing reliance on judgment rendered by the Supreme Court in ***Girish Ramchandra Deshpande vs Central Information Commissioner & Anr.,*** MANU/SC/0816/2012 (paragraph 13) it is contended that under the RTI Act, disclosure of personal information to an individual/citizen who has no nexus with the said information is unwarranted invasion of privacy unless the concerned authority is satisfied that the larger public interest warrants such a disclosure.

11. It has been further averred in the petition that on account of the respondent no.2 defaulting payment of instalment/s for credit facilities availed from the State Bank of India, his account was declared NPA on 28.11.2016. However, instead of paying the outstanding amount, the respondent no.2 filed various RTI applications.

12. It is noticed that the information sought by the respondent no.2 in the RTI application pertains to disciplinary inquiry pending in respect of its own bank account i.e., CC A/c no.10704997920. A coordinate Bench of this Court in ***UPSC vs RK Jain***, 2012 SCC OnLine Del 3642 has construed the expression "personal information", in terms of section (8)(1)(j), as under:

> *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."*

13. Thus, the information sought cannot be construed as a third-party

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information which is exempted under Section 8(1)(j) of the RTI Act.

14. Furthermore, a perusal of the impugned order reveals that the issue agitated by the learned counsel for the petitioner *viz*. that the information related to its employees in the departmental investigation report cannot be shared with a third party, has already been addressed by the CIC. The impugned order categorically directs the petitioner to furnish a copy of departmental investigation report to the respondent no.2 after "redacting third party information, as per section 10 of the RTI Act". Evidently, the said direction requires the petitioner to furnish information contained in the departmental investigation report *qua* the bank account of the respondent no.2. To safeguard against the possibility of any personal/ confidential information being divulged, the CIC has permitted the petitioner to suitably redact the disciplinary report.

15. In the facts and circumstances, no infirmity is found in the impugned order passed by the CIC. The present petition is, accordingly, dismissed. Pending applications also stands disposed of.

SACHIN DATTA, J

JULY 7, 2025/*sl*

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