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DELHI JAL BOARD: GOVT. OF N.C.T OF DELHI
ROOM NO. 315-B, OFFICE OF THE SECRETARY RTI CELL
VARUNALAYA PH- II: KAROL BAGH: NEW DELHI - 05

No. DJB/RTI/Circular/2013/

69283

Dated: 2. JUN 2013

CIRCULAR

Subject:- Delhi High Court's decision in LPA No. 618/2012 dated 06.11.2012
In the matter of disclosure of information under the provisions of
RTI Act, relating to disciplinary matters.


Kindly find enclosed herewith a copy of circular/letter No. CVC/RTI/Misc/10/002 dated 04.04.2013 of Central Vigilance Commission on the subject cited above.

The same is herewith circulated to all the Public Information Officers and First Appellate Authorities to take due cognizance while deciding the RTI Applications and Appeals relating to disclosure of disciplinary matters.

The complete decision of Hon'ble High Court of Delhi is available on its website www.delhihighcourt.nic.in in downloadable form under the head "JUDGEMENTS". And a copy of the same is also uploaded on the website of Delhi Jal Board.

Encl.: As above

EXECUTIVE ENGINEER (RDP)
DIARY NO. 1717
DATE 17/6/13
EXECUTIVE ENGINEER (RDP)


(DR. BIPIN BEHARI)
Secretary, DJB/Nodal Officer (RTI)

All First Appellate Authority, DJB

All Public Information Officers, DJB

Sanyay

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सत्यमेव जयते



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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023
CVC/RTI/Misc/10/002

मं./ No.
04.04.2013

दिनांक / Dated.....

Sub: Delhi High Court's decision in LPA No. 618/2012 dated 06.11.2012 in the matter of disclosure of information under the provisions of RTI Act, relating to disciplinary matters.

The attention of the CVOs concerned is drawn to the Judgement/Order passed by the Hon'ble High Court of Delhi dated 06.11.2012 in LPA No. 618/2012 in case of Union Public Service Commission Vs R. K. Jain, in which the issue of disclosure of information/documents under the provisions of RTI Act, pertaining to vigilance/disciplinary proceedings has been considered by the Hon'ble Court.

The Hon'ble Court in its Judgement, had observed that:

"The counsel for the respondent has argued that in the case before the Supreme Court the CIC itself had denied the information while in the present case CIC itself has allowed the information. To our mind the same is irrelevant. The counsel for the respondent has next sought to take us through the reasoning given by the learned Single Judge. However, in the light of the dicta aforesaid of the Supreme Court and which if applicable to the facts of the present case is binding on this Bench, we are not required to go into the correctness or otherwise of the reasoning given by the learned Single Judge. Faced therewith the counsel for the respondent has lastly contended that the appellant UPSC in the present case is not the employer of the officer Shri G.S. Narang, information pertaining to whom was sought and the principle laid down by the Supreme Court is applicable to the employer only. We however fail to see the difference. The ratio of the dicta aforesaid of the Supreme Court is that the disciplinary orders and the documents in the course of disciplinary proceedings are personal information within the meaning of Section 8(1)(j) and the disclosure of which normally has no relationship to any public activities or public interest and disclosure of which would cause unwarranted invasion of the privacy of an individual. Though the appellant UPSC is not the employer of Shri G.S. Narang, information pertaining to whom is sought by the respondent, but his employer had sought the advice/opinion/recommendation of the appellant UPSC in the matter of disciplinary proceedings against the said Shri G.S. Narang and we fail to see as to how it makes a difference whether the information relating to disciplinary proceedings is sought from the employer or from the consultant of the employer. What is exempt in the hands of the employer would certainly be exempt in the hands of consultant of the employer also. The advice given by the appellant UPSC would necessarily pertain to the disciplinary action against Shri G.S. Narang. Section 8(1)(j) exempts from disclosure personal information, irrespective of with whom it is possessed and from whom disclosure thereof is sought".

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G. D. B.
Date 03/5/13
Date 6-5-13

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03/5/13

CVO
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6/5/13
PRO(Vig)

P. J. Suresh
7 put up
urgently

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07.05.2013

S. H. H. H.