

OFFICE OF THE FIRST APPELLATE AUTHORITY
(Appointed under the Right to Information Act, 2005)
The Institute of Company Secretaries of India
ICSI House, C-36, Sector-62, Institutional Area,
Noida - 201 309 (U.P.)

Appeal No. 25/2021

IN THE MATTER OF:

Sharad Kumar Jhunjhunwala
A-11 Ashok Vihar
Ranchi- 834002
Jharkhand

Appellant

Vs.

Central Public Information Officer
The Institute of Company Secretaries
of India ICSI House
22, Institutional Area, Lodi
Road New Delhi - 110 003

Respondent

Date of Order: 2nd May, 2021

ORDER

1. The Appellant has filed first appeal on 04.04.2021 under Section 19(1) of the Right to Information Act, 2005 in connection with query Ref. No. RTI 2005/5032(21) dated 04.04.2021 against the Central Public Information Officer (CPIO) (hereinafter referred to as Respondent) of the Institute of Company Secretaries of India.
2. The Appellant vide his application dated 06.03.2021 has requested to provide information through RTI.
3. The Appellant has informed in the instant appeals that "Refused to access to Information Requested".
4. The reply of the Respondent against the instant appeal is as under:-

"The contents made in the RTI reply stands as it is as termination/dismissal/suspension/reinstatement/notice/order and departmental enquiry is personal information and is a matter between the employee and the employer.

Therefore, the information requested by the appellant relates to personal information of the employee concerned and its disclosure has no relationship to any public activity or interest and the disclosure of the information would cause unwarranted invasion of the privacy of the individual. And therefore, the

information sought is exempted under section 8(1)(j) of the RTI Act, 2005.

Please refer the CIC decisions vide 2nd appeal matters:

1. CIC/YA/A/2016/001354 dated 23.02.2017 in the matter Shaikh Mohammed Khalid vs BARC
2. CIC/BS/A/2016/001713 and CIC/BS/A/2016/000503 dated 30.03.2017 in the matter P Raghvendra Rao vs BSNL

Further, it is necessary to mention that the case i.e. A.M. Kalra v. PEC University of Technology (CIC/RM/A/2014/004365-SA) referred by the appellant is not related to the termination/dismissal/suspension/reinstatement/notice/order and departmental enquiry. The same is related to the fake TA claims, therefore, the same could not be considered in the 1st appeal submitted by the appellant.

The same case has also been referred by one RTI appellant before Hon'ble CIC in the 2nd appeal of Rita Hore Vs. DCIT (CIC/CCITK/A/2018/629106-BJ dated 27.06.2019) which was relating to the income tax matter and Ms. Bimla Julka, Hon'ble Information Commissioner has issued an order in the favour of Public Authority and quoted after hearing that:

“After the hearing, the Commission was in receipt of a written submission from the Respondent wherein it was submitted that on perusal of the Appeal petition before CIC, it was observed that the Appellant had countered the decision of the FAA on the basis of judgment of the CIC in the case of A M Kalra Vs. PEC University of Technology (MHRD) in case no. CIC/RM/A/2014/004365-SA decided on 14.02.2017, observing that the dismissal of SLP of Girish case could not be considered as a binding precedent. It was further stated that (a) the information sought for in A M Kalra case was not related to Income Tax matter of a third party (b) In a series of judgment, as stated below the CIC had upheld the decision of the Public Authority to deny information relating to Income Tax matter of a third party, applying the ratio of the judgment of the Apex Court in Girish Ramchandra Despande case.

Therefore, the appeal deserves to be dismissed in-limine.”

5. This Office has carefully considered the application, the response, the appeal and the records made available and finds that the matter can be decided based on the material available on record.
6. This Office concurs with the submissions of the Respondent.

The appeal is accordingly dismissed.

Sd/-

(Ankur Yadav)
First Appellate Authority

Copy to :

1. Mr. Sharad Kumar Jhunjhunwala
A-11 Ashok Vihar
Ranchi- 834002
Jharkhand
2. Mrs. Sarah Arokiaswamy
Central Public Information Officer
The Institute of Company Secretaries of
IndiaICSI House, 22, Institutional Area
Lodi Road
New Delhi - 110 003
3. Directorate of IT - For publishing on the website

