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| **For Office Use only** |
| Date of Receipt |  |
| Appeal Number |  |

**First Appeal before**

**First Appellate Authority**

**Pondicherry Engineering College, Puducherry – 605 014**

*As prescribed under section 19(1) of Right To Information Act 2005*

**February 23, 2012**

**To:**

**First Appellate Authority under RTI Act 2005**

**C/o Principal**

**Pondicherry Engineering College**

**Puducherry – 605 014**

**Sir,**

As **I am aggrieved by response of PIO**, I hereby file this appeal for your kind decision. Particulars of the appeal are as follows:

1. **Details of Appellant**
	1. Name **:**
	2. Communication address **:**
	3. Phone No. **:**
	4. Email ID **:**
2. **Chronological order of events**
	1. RTI Application filed on **: 21-Jan-2012**
	2. Application transferred on **: 31-Jan-2012**
	3. PIO of PEC replied on  **: 16-Feb-2012**
	4. First Appeal filed on  **: 23-Feb-2012**
3. **Particulars of PIO**
	1. Name  **: Dr. V. Prithiviraj**
	2. Designation **: Principal**
	3. Office address **: Pondicherry Engineering College,**

**Pillaichavady, Puducherry – 605 014.**

1. **Particulars of RTI Application**
	1. Application sent on  **: 21-Jan-2011**
	2. Mail details (Speed Post No) **: ET145477521IN**
	3. Fee details  **: Rs 10.00 by IPO No. 03F 504837**
	4. **Enclosed in Annexure – A : Copy of RTI Application ( Pages 10 – 14 )**
2. **Particulars of PIO Response**
	1. PIO of Chief Sec. Education transferred the RTI Application to PIO of PEC on **31-Jan-2012** vide **ID Note No. 3406/CS(Edn.-I)/RT/2011-12**
	2. **Annexure – B : Copy of Transfer letter ( Page 15 )**
	3. PIO of PEC Responded on : **16-Feb-2012**
	4. PIO response letter No. : **PEC/Aca./A1/Right Information Act/2012/471**
	5. PIO Response in Brief :

**Cited section 8(j) of the RTI Act, and refused to disclose the information requested**

* 1. **Enclosed in Annexure – C : Copy of PIO Response (Page 16 )**
1. **Particulars of Information Sought**

In brief, information sought in RTI Application are; **Sum of Salaries & Expenses disbursments of Principals, Registrars, Accounts Officers and Heads Of Departments.**

**Refer Annexure – A : Copy of RTI Application ( Pages 10 - 14 )**

1. **Brief Facts Leading to Appeal**

**An RTI application was sent to PIO of Chief Secretariat ( Education ) on 21-Jan-2012, requesting information related to Salaries & Expenses of Principals, Registrars, Account Officers and HODs of PEC.** The PIO of Chief Secretariat ( Education ) **transferred the RTI Application to PIO of PEC on 31-Jan-2012 vide ID Note No. 3406/CS(Edn.-I)/RT/2011-12 dated 31-Jan-2012**. **The** **PIO of PEC denied the information through letter No. PEC/Aca./A1/Right Information Act/2012/471 dated 24-Nov-2011**. The PIO **has citied section 8(j) of the RTI Act in support of denial of information.**

1. **Prayer / Relief Sought**

**Direct the PIO to provide the requested information**

1. **Reasons/grounds for this appeal**
	1. **Salaries, Expenses and Allowance of employees of Public Authority cannot be considered as Personal Information**. **All the employees of Public Authority are being paid from public money such as taxpayer’s money etc…, and therefore in relation to public interest. Section 8(j) of the RTI Act cannot be applied to the information requested.**
	2. **Information requested in Para 2(k) & 2(l) are related particulars of Appellate Authority. Denying that as personal information is unacceptable. (contd…)**
	3. **As per section 7(8) of the RTI Act 2005, “Where a request has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall communicate to the person making the request, — (i) the reasons for such rejection; (ii) the period within which an appeal against such rejection may be preferred; and (iii) the particulars of the appellate authority”**
	4. **Please refer to decisions of CIC listed below; where it has clearly stated that Salaries/Expenses/Allowances of employees of Public Authority ( PEC ) cannot be considered as Personal Information.**

**F.No.CIC/AT/A/2006/00317**

**F.No.CIC/AT/A/2009/000327**

**Case No. CIC/SS/A/2010/001145**

**CIC/WB/A/2007/001636-SM**

**Decision No. CIC/SM/A/2011/001032/SG/14974**

1. **Any other information in support of appeal:**

Following are excerpts from decision of CIC:

**CIC/SM/A/2011/001032/SG/14974 – decision by Shri. Shailesh Gandhi, Information Commissioner**

***“Reimbursement provided by Public Authorities to their employees or any other allowances given, are in the course of a public activity and cannot be deemed to be an invasion of privacy of an individual employee. In view of this the Commission rejects the claim of the PIO.”***

**CIC/WB/A/2007/001636-SM – decision by Shri. Satyananda Mishra, Chief Information Commissioner**

***“… the details of remuneration etc., of an employee were to be disclosed by the Public Authority as a part of sue-moto disclosure under Section 4(1) (b) of the RTI Act. In other words, information in respect of the salary and other remunerations of an employee are not privileged information and will have to be placed in the public domain. If the Public Authority concerned has not done so yet, it must immediately place such details in the public domain… ”***

**CIC/AT/A/2006/00317 - decision by Shri. A.N. TIWARI, Information Commissioner**

***“ … A disbursal of an LTC claim and the processing of such a claim is about public funds and the budgetary resources of the Government, and thus attracts public interest. A transaction in such public funds cannot be said to be wholly personal simply because it involves a single individual. Most transactions in taxpayers’ money, such as salaries and wages, allowances and financial benefits such as LTC, etc. are in the public domain for the reason that they involve a transaction in public funds… “***

***“… I am, therefore, not in a position to agree with the conclusion of the AA that an information regarding LTC disbursals to a Government employee is an information wholly personal to that employee, and should not, therefore, be disclosed. The plea of such information being entirely barred under Section 8(1)(j) should, therefore, fail …”***

**CIC/SS/A/2010/001145 – decision by Shmt. Sushma Singh, Information Commissioner**

***“ … the commission is of the considered view that the details of salary of an employee is not exempted under any of the provisions of the RTI Act. In fact the Appellate Authority is under obligation to disclose such information suo moto under Section 4 of the RTI Act. Section 4(1)(b(x) is reproduced here for clearing any doubt of the Respondent. Section 4(1)(b)(x) reads as follows:“(x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations”***

 **CIC/AT/A/2009/000327 - decision by A.N. TIWARI, Information Commissioner**

“… ***it would be wholly incorrect to withhold from disclosure information regarding an employee’s salary at any given point of time, including the allowances payable. Such information cannot be withheld on the ground that it was personal income of an employee. A charge on the budget of the public authority towards payment of salary to an individual employee is not a personal matter between the employer and employee. It is an information which is disclosable since it is an account of what an employee or a class of employee receive by way of pay from the employer. There is no reason why such information should be withheld from disclosure … “***

Following are excerpts from RTI Act 2005:

**As per section 8 (1) (j) of the RTI Act 2005**

 ***“… the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.”***

**As per section 7(8) of the RTI Act 2005**

 ***“Where a request has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall communicate to the person making the request, —***

1. ***the reasons for such rejection;***
2. ***the period within which an appeal against such rejection may be preferred; and***
3. ***the particulars of the appellate authority”***

**As per section 19(5) of the RTI Act 2005**

***“In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request”***

**As per section 20(1) of the RTI Act 2005**

***“…the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees”***

**As per section 20(2) of the RTI Act 2005,**

***“…the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him”***

1. **I will be available for hearing only through**

**Video Conference / Audio Conference**

1. **DECLARATION / VERIFICATION:**

I hereby state that the information and particulars given above are true to the best of my knowledge and belief. I also declare that this matter is not previously filed with any information commission nor is pending with any Court or tribunal or authority.

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| **Place:** **Date: February 23, 2012** | **Signature of appellant** |

**Enclosures:**

1. Index of the Appeal ( Page 8 )
2. Chronological chart of events ( Page 9 )
3. Annexure – A : Copy of RTI Application ( Pages 10 - 14 )
4. Annexure – B : Copy of Transfer Note ( Page 15 )
5. Annexure – C : Copy of PIO Response ( Page 16 )

**Copy TO:**

1. **Public Information Officer,**

**Principal, Pondicherry Engineering College, Puducherry – 605 014**

1. **Public Information Officer,**

**Chief Secretariat ( Education ), Puducherry – 605 001**

1. **Dy. Registrar**

**Chief Information Commission, New Delhi**

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of Mr.  dated **23-Feb-2012**

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**CHRONOLOGICAL CHART OF EVENTS**

of Mr.  dated 23**-Feb-2012**

|  |  |  |
| --- | --- | --- |
| **S. No.** | **Event** | **Date** |
| **1** | **RTI Application sent on**  | **21-Jan-2012** |
| **2** | **Application Transferred on**  | **31-Jan-2012** |
| **3** | **PIO Responded on**  | **16-Feb-2012** |
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