

	<p>माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क प्रधान मुख्य आयुक्त कार्यालय OFFICE OF THE PRINCIPAL CHIEF COMMISSIONER OF GST & CENTRAL EXCISE केन्द्रीय माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क अंचल : तमिलनाडु एवं पुदुच्चेरी CENTRAL GST & CENTRAL EXCISE ZONE : TAMILNADU & PUDUCHERRY जी एस टी भवन, सं. 26/1, महात्मा गांधी रोड, चेन्नई - 600 034 GST BHAWAN, No. 26/1, MAHATHMA GANDHI ROAD, CHENNAI - 600 034 ई - मेल / E-mail: cca.estt.section@gmail.com / ccaestt-prcco@gov.in दूरभाष / Ph. No.: 044-28331011 फैक्स / Fax No.: 044-28331015</p>	 <p>आज़ादी का अमृत महोत्सव</p>
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ORDER-IN-APPEAL NO.14/2022-CCA-RTI(Appeals)

(Order passed by T.G. Venkatesh I.R.S.,
 Additional Commissioner and First Appellate Authority)

1. This Order-in-Appeal is issued under Sub-Section (1) of Section 19 of the Right to Information Act, 2005.
2. An appeal against this order can be preferred to the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi – 110 067, under Sub-Section(3) of Section 19 of the Right to Information Act, 2005.
3. An appeal against this order must be filed within 90 days from the date of receipt of this order.
4. For further information regarding procedure of appeals, please visit <http://cic.gov.in>

Ms. M. Sudha
 A7, Sangeeth Apartments,
 No. 13, Vandikaran Street,
 Velachery,
 Chennai – 600042.

..... Appellant

Versus

The CPIO, Assistant Commissioner,
 Office of the Principal Chief Commissioner of GST & Central Excise, Chennai Zone,
 26/1, Mahatma Gandhi Road, Nungambakkam,
 Chennai – 600034.

..... Respondent

Sub : Right to Information Act, 2005 – Ms. M. Sudha – Appeal against the information furnished by the CPIO, Assistant Commissioner, vide C.No. GCCO/RTI/APP/421/2022-CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI dated 27.04.2022 – Passing of Order by First Appellate Authority under RTI Act, 2005 – Reg.

Ms. M. Sudha, A7, Sangeeth Apartments, No. 13, Vandikaran Street, Velachery, Chennai – 600042(hereinafter referred to as “the appellant”) filed an appeal bearing Registration No. CEXCH/A/E/22/00015 dated 04.05.2022 online under the Right to Information Act, 2005 (hereinafter referred to as “the RTI Act”) against the reply given by the Central Public Information Officer, Office of the Principal Chief Commissioner of Central Excise, Chennai Zone vide C.No. GCCO/RTI/APP/421/2022-CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI dated 27.04.2022.

2.1 The brief facts of the issue are that the appellant in her RTI application bearing Registration No. CEXCH/R/E/22/00021 dated 12.04.2022 had sought the following information:

The date of promotion of Shri B. Rajagopalan as Assistant Commissioner, date of his assumption of charge as Assistant Commissioner while working as Authorised Officer at MEPZ and his date of relief to his parent department may please be provided.

2.2 The CPIO vide letter C.No. GCCO/RTI/APP/421/2021-CCAESTT-O/o Pr CC-CGST-ZONE-CHENNAI dated 27.04.2022 had informed that the information sought for in respect of Shri B. Rajagopalan, Assistant Commissioner contains third party information and hence cannot be furnished as per Section 8(1)(j) of the RTI Act, 2005.

3.1 Aggrieved by the reply furnished by CPIO, the appellant filed an appeal dated 04.05.2022 before the First Appellate Authority under Section 19(1) of the RTI Act, 2005 stating that she was refused to access to information requested.

DISCUSSIONS & FINDINGS

4. I have carefully gone through the RTI application, reply given by CPIO and appeal filed by the applicant.

5. The appellant vide RTI application had sought information regarding the date of promotion of Shri B. Rajagopalan as Assistant Commissioner, date of his assumption of charge as Assistant Commissioner while working as Authorised Officer at MEPZ and his date of relief to his parent department.

6. The Appellant has contended that the person about whom the information is sought for was a public servant and the details asked for was usually published by the department in the civil list which is accessible by public and hence, not third party information. It is pertinent to mention here that the mere fact that a person who joined public service does not mean that their Right to Privacy were taken away. The public servant has the same Right to Privacy as any citizen of India. Therefore, the CPIO while disclosing personal information of a public servant has to weigh larger public interest in seeking the information by the Appellant. In this instant case, the Appellant has not exhibited any public interest in seeking the personal information of a public servant.

7. In this regard, I would like to rely on the judgement of Hon'ble Supreme Court of India in the case of Canara Bank Rep. by its Deputy Gen. Manager v. C.S. Shyam, Civil Appeal No. 22 of 2009 dated 31.08.2017 wherein it was held as under

*"5) The information was sought on 15 parameters with regard to various aspects of transfers of clerical staff and staff of the Bank with regard to individual employees. **This information was in relation to the personal details of individual employee such as the date of his/her joining, designation, details of promotion earned, date of his/her joining to the Branch where he/she is posted, the authorities who issued the transfer orders etc. etc***

11) Having heard the learned counsel for the appellant and on perusal of the record of the case, we are inclined to allow the appeal, set aside the impugned order and dismiss the application submitted by the 1st respondent under [Section 6](#) of the Act...

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12) In our considered opinion, the issue involved herein remains no more res integra and stands settled by two decisions of this Court in [Girish Ramchandra Deshpande vs. Central Information Commissioner & Ors.](#), (2013) 1 SCC 212 and [R.K. Jain vs. Union of India & Anr.](#), (2013) 14 SCC 794, 5 it may not be necessary to re-examine any legal issue urged in this appeal...

14) In our considered opinion, the aforementioned principle of law applies to the facts of this case on all force. It is for the reasons that, firstly, the information sought by respondent No.1 of individual employees working in the Bank was personal in nature; secondly, it was exempted from being disclosed under [Section 8\(j\)](#) of the Act and lastly, neither respondent No.1 disclosed any public interest much less larger public interest involved in seeking such information of the individual employee and nor any finding was recorded by the Central Information Commission and the High Court as to the involvement of any larger public interest in supplying such information to respondent No.1 ...

8. In view of the above, I proceed to pass the following order.

ORDER

(i) I hold that the reply furnished by the CPIO is sufficient and proper and there is no justification in the grievance of the appellant on the same. Hence, I reject the appeal as not maintainable under Right to Information Act, 2005.

(T.G. VENKATESH)
ADDITIONAL COMMISSIONER
FIRST APPELLATE AUTHORITY

To
Ms. M. Sudha
A7, Sangeeth Apartments,,
No. 13, Vandikaran Street,
Velachery,
Chennai – 600042 [By Speed post with A/D]

Copy to:
The CPIO, Assistant Commissioner,
Office of the Principal Chief Commissioner of Central Excise, Chennai Zone.