CANARA BANK REP. BY ITS DEPUTY GEN. MANAGER

v.

C.S. SHYAM & ANR.

(Civil Appeal No. 22 of 2009)

AUGUST 31, 2017

[R.K. AGRAWAL AND ABHAY MANOHAR SAPRE, JJ.]

Right to Information Act, 2005 – ss. 8(j) and 6 – Exemption from disclosure of information – Application u/s. 6 by employee to the Public Information Officer of the Bank seeking information regarding transfer and posting of the entire clerical staff – Rejected by Public Information Officer and Chief Public Information Officer whereas allowed by the Central Information Commission and the High Court – On appeal, held: Information sought by employee, of individual employees working in the Bank was personal in nature, it was exempted from being disclosed u/s. 8(j) and neither any larger public interest is involved – Application rightly rejected by Public Information Officer and Chief Public Information Officer whereas wrongly allowed by the Central Information Commission and the High Court – Thus, order passed by the High Court and Central Information Commission set aside.

Allowing the appeal, the Court

HELD: The information sought by respondent No.1-Bank employee, of individual employees working in the Bank regarding their transfer and posting of the entire clerical staff, was personal in nature; it was exempted from being disclosed under Section 8(j) of the Right to Information Act, 2005 and 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. In view thereof the application made by respondent No.1 under Section 6 of the Act was wholly misconceived and was, therefore, rightly rejected by the Public Information Officer and Chief Public Information Officer whereas wrongly allowed by the

A **Central Information Commission and the High Court. Thus, the order of the High Court and Central Information Commission is set aside and the orders passed by Public Information Officer and the Chief Public Information Officer are restored. [Paras 14-16] [745-C-G]**

B *Girish Ramchandra Deshpande v. Central Information Commissioner & Ors.* **(2013) 1 SCC 212: [2012] 8 SCR 1097**; *R.K. Jain v. Union of India & Anr.* **(2013) 14 SCC 794: [2013] 5 SCR 411 – relied on.**

Case Law Reference

C

[2012] 8 SCR1097	**relied on**	**Para 14**
[2013] 5 SCR 411	**relied on**	**Para 14**

CIVIL APPELLATE JURISDICTION : Civil Appeal No.22 of D 2009.

From the final Judgment and Order dated 20.09.2007 passed by the Division Bench of the High Court of Kerala in Writ Appeal No.2100 of 2007.

Naveen R. Nath, Adv. for the Appellant.

E

R.C. Kaushik, Adv. for the Respondent.

The Judgment of the Court was delivered by

ABHAY MANOHAR SAPRE, J. 1. This appeal is filed against the final judgment and order dated 20.09.2007 passed by the High Court F of Kerala at Ernakulam in Writ Appeal No. 2100 of 2007 whereby the High Court disposed of the writ appeal filed by the appellant herein and upheld the judgment passed by the Single Judge dismissing the writ petition filed by the appellant herein challenging the order of the Central Information Commission holding that the appellant must provide the G information sought by respondent No.1 herein under the Right to Information Act, 2005 (hereinafter referred to as "the Act").

2. Few relevant facts need mention to appreciate the controversy involved in appeal.

H

3. The appellant herein is a nationalized Bank. It has a branch in District Malappuram in the State of Kerala. Respondent No. 1, at the relevant time, was working in the said Branch as a clerical staff.

4. On 01.08.2006, respondent No.1 submitted an application to the Public Information Officer of the appellant-Bank under Section 6 of the Act and sought information regarding transfer and posting of the entire clerical staff from 01.01.2002 to 31.07.2006 in all the branches of the appellant-Bank.

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.

6. On 29.08.2006, the Public Information Officer of the Bank expressed his inability to furnish the details sought by respondent No. 1 as, in his view, firstly, the information sought was protected from being disclosed under Section 8(1)(j) of the Act and secondly, it had no nexus with any public interest or activity.

7. Respondent No.1, felt aggrieved, filed appeal before the Chief Public Information Officer. By order dated 30.09.2006, the Chief Public Information Officer agreeing with the view taken by the Public Information Officer dismissed the appeal and affirmed the order of the Public Information Officer.

8. Felt aggrieved, respondent No.1 carried the matter in further appeal before the Central Information Commission. By order dated 26.02.2007, the appeal was allowed and accordingly directions were issued to the Bank to furnish the information sought by respondent No. 1 in his application.

9. Against the said order, the appellant-Bank filed writ petition before the High Court. The Single Judge of the High Court dismissed the writ petition filed by the appellant-Bank. Challenging the said order, the appellant-Bank filed writ appeal before the High Court.

10. By impugned order, the Division Bench of the High Court dismissed the appellant's writ appeal and affirmed the order of the Central Information Commission, which has given rise to filing of this appeal.

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.

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, it may not be necessary to re-examine any legal issue urged in this appeal.

13. In **Girish Ramchandra Deshpande's case** (supra), the petitioner therein (Girish) had sought some personal information of one employee working in Sub Regional Office (provident fund) Akola. All the authorities, exercising their respective powers under the Act, declined the prayer for furnishing the information sought by the petitioner. The High Court in writ petition filed by the petitioner upheld the orders. Aggrieved by all the order, he filed special leave to appeal in this Court. Their Lordships dismissed the appeal and upholding the orders passed by the High Court held as under:-

> **"12. We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show-cause notices and orders of censure/punishment, etc. 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 organisation 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. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer or the appellate authority**

is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the petitioner cannot claim those details as a matter of right.

13. The details disclosed by a person in his income tax returns are "personal information" which stand exempted from disclosure under clause (j) of Section 8(1) of the RTI Act, unless involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information."

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.

15. It is for these reasons, we are of the considered view that the application made by respondent No.1 under Section 6 of the Act was wholly misconceived and was, therefore, rightly rejected by the Public Information Officer and Chief Public Information Officer whereas wrongly allowed by the Central Information Commission and the High Court.

16. In this view of the matter, we allow the appeal, set aside the order of the High Court and Central Information Commission and restore the orders passed by the Public Information Officer and the Chief Public Information Officer. As a result, the application submitted by respondent No.1 to the appellant-Bank dated 01.08.2006 (Annexure-P-1) stands rejected.

Nidhi Jain

Appeal allowed.