

OFFICE OF THE REGISTRAR GENERAL, GAUHATI HIGH COURT,
MAHATMA GANDHI ROAD, PANBAZAR, GUWAHATI
(Appellate Authority)

RTI APPEAL NO.03/2022

APPELLANT :- Smti. S. Dey,
Jyotinagar, Dibrugarh.

RESPONDENT :- Registrar (Judicial) & PIO,
GAUHATI HIGH COURT

DATE OF APPEAL :- 27.09.2022

DATE OF REGISTRATION :- 12.10.2022

DATE OF HEARING :- 04.11.2022

DATE OF ORDER :- 11.11.2022

O R D E R

1. The instant appeal has been preferred by the appellant under section 19(1) of the RTI Act, 2005 against the reply received from the Public Information Officer (PIO) in connection with an RTI application submitted by the appellant as per provision of section 6 of the RTI Act.
2. The brief fact leading to the filing of this appeal is that the appellant submitted one application under section 6 of the RTI Act before the PIO requesting to provide her the information regarding Assam Judicial Service Officers availing maximum and minimum numbers of leave (Casual Leave, Earned Leave, Child Care Leave, Commuted Leave, Maternity Leave) during the period from 2017 to 2021. The appellant has also requested to furnish the name of the Officers, present posting/ designation as well as number of leaves availed by the Officers.
3. The Public Information Officer of the Hon'ble Gauhati High Court on 25.07.2022 received the application on being forwarded by the SPIO and LA to LR and Under Secretary to the Govt. Of Assam, Judicial Department on 18.07.2022.


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4. On receipt of that application seeking information under the RTI Act, the PIO on 02.08.2022 submitted his reply stating that the information sought for cannot be furnished as it relates to third party personal information and that no ground was shown regarding any larger public interest in the application of the appellant.
5. Being aggrieved with the reply from the PIO, the appellant has preferred this appeal mainly on the grounds that the Gauhati High Court in its website itself published the leave details of Assam Judicial Service Officers which are in public domain, as such the information seeking name of the Officers availing maximum/ minimum numbers of leave do not fall under the category "Personal Information". The appellant further submitted that the leave of any Officer has been granted or denied by the authority by passing of an official order and such official order cannot be considered as personal information, but is public information. It is also submitted that whenever any Officer is on leave, then public service of that respective office is delayed or hampered in many ways, thereby information of such Officer is of public importance. The appellant accordingly prayed for releasing of the information by allowing her appeal.
6. During the course of hearing, the appellant was not present personally. However, the appellant has submitted written argument through mail which has been taken into consideration.
7. The PIO was personally present and heard.
8. I have carefully perused the entire record concerning the present appeal and I have also carefully gone through the relevant provisions of the Act.
9. The appellant in her written argument has re-reiterated the grounds of appeal as stated above in the foregoing paras. On the other hand, the PIO has submitted that the information sought for by the appellant is third party personal information which has no relationship with any public interest and as per section 8(1)(j) of the RTI Act, the same cannot be disclosed. The PIO further submitted that the Central Information Commission in the case between Love Gogia -VS- Central Public Information Officer, BSNL reported in 2018 SCC online CIC 5976 has held that :

Information in relation to personal details of individual employee such as date of his/ her joining, designation, details of promotion, date of joining, date of transfer etc. are personal information and are exempted from disclosure under section 8(1)(j) of the RTI Act.


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