

**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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10. The PIO submitted that in the present case also the information sought for by the appellant is information relating to personal details of Officers which could not be disclosed as it is covered under section 8(1)(j) of the RTI Act.
11. I have given my due consideration to the points raised by the appellant in her appeal. The appellant has raised the ground that the Gauhati High Court in its website itself uploads the order of allowing of leave of AJS Officers and the same are in public domain and as such they do not remain under the category "Personal Information".

The above point is duly considered. However, it is necessary to be brought into record that leave orders of only such Officer of AJS are uploaded in the Gauhati High Court website who are holding "Charge Posting" in their respective districts. Leaves of other Officers who are not holding any "Charge Posting" are not uploaded in the website. "Leave Order" of majority of Officers who are working in different districts in different capacities are not uploaded in the website. As such, the contention of the appellant that "Leave Order" of all AJS Officers are uploaded in the Gauhati High Court's website is not correct.

12. Another contention of the appellant is that whenever any Officer is on leave, it affects the functioning of the public office and as such it is of public interest. Generally, leave is granted to an Officer if the said Officer is entitled for availing the said leave as per rule. If the Officer avails any leave to which he/ she is lawfully entitled, then availing of such leave cannot be considered of public importance even though the Officer is holding a public office. In the case of Canara Bank represented by its Deputy General Manager -VS- C. S. Shyam reported in 2018 11 SCC 426, Hon'ble Court held that -

*Exemption under the provision of section 8(1)(j) of the RTI Act gets attracted under 2 (Two) circumstances, namely, "(a) if the information is personal in nature and has no relationship with any public activity or interest, and (b) furnishing of the same would cause unwarranted invasion of the privacy of an individual.*

13. The facts of the said case is that the appellant and the third party were husband and wife and the appellant had sought the certified list of approved leaves from January 2014 to till date. In the said case, it is observed that leave records of an employee could not be declared unless the appellant shows involvement of larger public interest and consequently the court rejected the prayer of the appellant of disclosing the approved list of leaves.
14. Similarly in the case of Love Gogia -vs- Central Public Information Officer, BSNL reported in 2018 SCC Online CIC 5976, the Central Commission observed that

  
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unless involvement of larger public interest is established and shown by the appellant, the leave records of employees cannot be disclosed.

15. In the case in our hand, the appellant has sought information regarding names and present designation of Officers of AJS who have availed maximum numbers of leave as well as minimum numbers of leave during the period from 2017 to 2021. The leaves which are obtained by one Officer is personal in nature as leaves are availed on various personal grounds. The appellant apart from stating that while the Officer is on leave, it hampers public work, has not brought any other fact regarding involvement of larger public interest. The appellant could not establish the fact that disclosure of names and designation of Judicial Officers availing maximum/ minimum numbers of leave will serve larger public interest. The information sought by the appellant even if disclosed will remain merely as information and is of no public interest, much less likely to serve any larger public interest.

16. In view of the above discussion, I am of the considered opinion that the appellant could not make out a case that the disclosure of names and designation of Judicial Officers of Assam Judicial Service availing maximum/ minimum numbers of leave during the relevant period will serve any public interest.

17. Accordingly, having found no merit, the instant appeal stands dismissed and disposed of.

18. Send a copy of this order to the appellant and the Registrar (Judicial) & PIO, Hon'ble Gauhati High Court, Guwahati. Original copy be kept with the record.

Signed on this 11<sup>th</sup> day of November, 2022 under my hand and seal at Guwahati, Kamrup (M), Assam.



**Registrar General & Appellate Authority**