

MEGHALAYA STATE INFORMATION COMMISSION, SHILLONG

...

No.MIC/Appeal/49/2009/49,

Shri Brojen Kumar Bora, 257 Nizarapa Road, Chandmari, - Appellant
Guwahati – 781083

-Vrs-

(1) Member Technical, Me.S.E.B., Meghalaya, Shillong (DAA) }
(2) P.I.O., Meghalaya State Electricity Board, Shillong (PIO) } -Respondents

16-7-2009

ORDER

The appellant in this case is Shri Brojen Kumar Bora of Guwahati. Vide his application dated 26-5-2008, the appellant has approached the Respondent-PIO with a request for information regarding restoration of 1/3rd commutation of pension to Shri Deba Kamal Saikia, (Retd.), Chief Engineer, NEEPCO, Guwahati (earlier seconded by MeSEB). The P.I.O., MeSEB, Shillong vide letter No. PER.85/2008/4 dated 27-6-2008 informed the appellant of his decision that information cannot be furnished as it is personal information of Shri Deba Kamal Saikia, (Retd.), Chief Engineer, NEEPCO and therefore exempted from disclosure under Section 8(1)(j) of the R.T.I. Act.

Not satisfied with the decision of the P.I.O., the appellant has approached the first appellate authority of MeSEB with first appeal vide his letter dated 27-2-2009. The first appellate authority viz., the Member-Technical, MeSEB, Shillong vide letter No.PER.85/2008/14 dated 14-4-2009 communicated the decision confirming the stand taken by the P.I.O. Not satisfied with the decision of the public authority, the appellant has approached this Commission by way of second appeal vide his petition dated 20-5-2009 received in the Commission on 25-5-2009.

Vide his original application the appellant have requested the following information from the public authority of the MeSEB, viz.,

- (1) Whether a request from Shri Deba Kamal Saikia, (Retd.), Chief Engineer, NEEPCO, Guwahati (earlier seconded by MeSEB) for restoration of 1/3rd commutation of pension vide his letter dated 17-8-2005 is pending for consideration?
- (2) If so, when can the response be expected?

Apparently, the information sought relates to personal service matter of Shri Deba Kamal Saikia, (Retd.), Chief Engineer, NEEPCO (earlier seconded by MeSEB). And as stated by the respondents during the hearing, the information relates to a third party. The public authority did not consult the third party as it was not intended to disclose the information.

The issues before the Commission for decision are therefore as follows:

- (1) Whether the information is a personal information the disclosure of which has no relationship to any public activity or interest?
- (2) Whether it involved a third party and whether a third party should be given a reasonable opportunity of being heard.

The two items of information requested relates to matter pertaining to commutation of pension of Shri Deba Kamal Saikia, (Retd.), Chief Engineer, NEEPCO, (earlier seconded by MeSEB). The letter dated 17-8-2005 which was written to the MeSEB by Shri Deba Kamal Saikia, (Retd.), Chief Engineer, NEEPCO for restoration of 1/3rd commutation of pension, should be very much in the official records of the public authority and is therefore in the public domain. The question of action taken by the public authority on it, is not only in the interest of the appellant but also in the interest of the pensioner himself. Matters concerning pension including commutation of pension are administered by the public authority concerned in accordance with laid down rules and principles governing such activities. Hence they are very much in the public domain. Any violation or deviation from such rules/principles attracts public interest. It is, therefore, very clear that though the information sought is in the nature of personal information its disclosure has definite relationship to public activity and interest and therefore larger public interest justifies disclosure of such information. The public authority cannot take shelter under the shadow of personal information.

The Commission also considered the issue of involvement of the third party in the information sought. And, therefore vide its Order dated 9-7-2009 asked the third party viz, Shri Deba Kamal Saikia, (Retd.), Chief Engineer, NEEPCO, Guwahati through the appellant to present his views on RTI information sought either verbally or in writing. Vide letter dated 16-7-2009, the appellant informed the Commission that the third party viz., Shri Deba Kamal Saikia, (Retd.), Chief Engineer, NEEPCO, Guwahati has not been forthcoming in furnishing his views as ordered by the Commission.

Considering the fact that the information sought to be disclosed contains no confidentiality in it and the third party did not consider necessary to express anything against its disclosure, the Commission therefore decided that the information requested should be furnished immediately. The Commission, therefore, ordered that the P.I.O., MeSEB shall furnish the information in full within a period of two days from the date of receipt of this Order, with intimation to the Commission.

Case disposed off.

(G.P.Wahlang)
Chief Information Commissioner,
Meghalaya.

Memo. No. MIC/Appeal/49/2009/49-A

Dated Shillong, the 16th July, 2009

Copy to:-

1. The Member-Technical, Meghalaya State Electricity Board, Meghalaya, Shillong.
2. The P.I.O., Meghalaya State Electricity Board, Meghalaya, Shillong.
3. Shri Brojen Kumar Bora, 257 Nizarapa Road, Chandmari, Guwahati – 781083
(Phone) 97076-23822.
4. Shri Deba Kamal Saikia, (Retd.), Chief Engineer, NEEPCO, Guwahati.

(P.T.Rani)

Under Secretary,
Meghalaya State Information Commission,
Shillong.