



## TRIPURA INFORMATION COMMISSION

P.N.Complex: Gorkhabasti : Agartala

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Complaint No. TIC – 59 of 2009-10

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Sri Subash Ch. Majumder  
S/O Late Ashwani Kr. Majumder  
TRTC Complex, Krishnanagar  
Agartala.....Complainant

Vs

Sri Jagadish Ch. Debbarma, Deputy Managing Director (Admn), TRTC, Agartala  
(State Public Information Officer).....Opposite Party

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### ORDER

Dated, 12.04.2010

The complainant Sri Subash Ch. Majumder assisted by Sri Harendra Majumder are present.

2. The Opposite Party (OP) Sri Jagadish Ch. Debbarma, Deputy Managing Director (Admn), TRTC and the State Public Information Officer (SPIO) also appeared and submitted a written representation, which is attached to records.

3. Heard oral submissions made by the complainant and the OP. Also perused the written request dated 01.02.2010 of the complainant made to the SPIO in the office of the Managing Director (MD), TRTC, the letter of intimation dated 20.03.2010 of the OP sent to the complainant, the written complaint dated 29.03.2010 of the complainant lodged with this Commission and the written representation dated 12.04.2010 of the OP.

4. This complaint arose out of the allegations that the complainant made a written request on 01.02.2010 to the SPIO in the office of the MD, TRTC, Agartala accompanied by the requisite amount of application fee seeking certain items of information under the RTI Act, 2005 (for short the Act). Sri Jagadish Ch. Debbarma, Deputy Managing Director (Admn) and the SPIO in the office of the MD, TRTC,

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Agartala vide his letter No. F. 9(484)-TRTC/GEN/L/2000/1468 dated 20.03.2010 addressed to the complainant had informed that the information sought for could not be supplied as Sri Ashoke Bhattacharjee, Chief Accounts Officer (CAO), TRTC objected to the disclosure of all such information holding that these were exempted under section 8(j) of the Act. The complainant feels that the SPIO acted arbitrarily and also denied disclosure of the information with malafide intention. Therefore, the complainant has approached this Commission with this complaint seeking direction to have access to the information sought for by him vide his written request dated 01.02.2010. Along with the written complaint, the complainant has furnished photocopies of the relevant documents.

5. The information sought for by the complainant vide his written request dated 01.02.2010 submitted to the SPIO in the office of the MD, TRTC are summarized as below:-

- (i) Certified copies of the information regarding the basis of appointment of Sri A. Bhattacharjee as CAO in TRTC.
- (ii) Age of Sri A. Bhattacharjee on the date of his appointment as CAO in TRTC.
- (iii) Pay scale of Sri A. Bhattacharjee as CAO in TRTC.
- (iv) Whether Sri A. Bhattacharjee is holding a regular post in TRTC.

6. The OP being the SPIO vide his letter dated 20.03.2010 addressed to the complainant had expressed his inability to supply the information sought for on the ground that Sri A. Bhattacharjee, CAO, TRTC objected to the disclosure of all such information holding that these were exempted under section 8(j) of the Act. The section number has been misquoted. There is no section like 8(j) in the Act. This should have been section 8(1)(j) which provides that " **the SPIO shall have no obligation to disclose an information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the SPIO or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.**" Sri Bhattacharjee became a public servant consequent upon his joining as CAO in TRTC. He was appointed to the post of CAO in the TRTC by the competent authority only in public interest. Therefore, the documents submitted by him to the



Management of TRTC to consider his appointment as CAO are 'public records'. The citizens have the right to demand for having access to those documents under the Act since Sri Bhattacharjee is being paid from the public exchequer. Hence, the information sought for by the complainant are no more the personal information of Sri Bhattacharjee within the meaning of section 8(1)(j) of the Act. Rather, the disclosure of the information sought for being the 'public records' has strong relationship to public interest and is not likely to cause unwarranted invasion of the privacy of Sri Bhattacharjee. In fact, the information sought for under items- (iii) & (iv) are required to be published pro-actively to the public by the concerned public authority. The citizens have the right to know whether or not a person appointed as a public servant fulfils the eligibility criteria and possess the required qualifications, experiences etc. prescribed for the post. The OP being a quasi-judicial authority under the Act is required to take an independent decision on a written request for information without being dictated by the others, which he failed to do in the instant case. It was absolutely wrong on his part only to communicate the views expressed by the CAO of TRTC to the complainant without deciding the matter by him as SPIO. Therefore, the decision of the OP being the SPIO not to supply the information sought for by the complainant on the ground that their disclosure was objected by the CAO of TRTC invoking the provisions of section 8(j) of the Act was completely erroneous and liable to be set aside.

7. The information sought for by the complainant under item-(i) are vague and not specific. Therefore, the OP is under no obligation to furnish any information under this item. The information sought for under item-(ii) (based on the age-proof certificate submitted by Sri Bhattacharjee at the time of his appointment as CAO) should be available with the Management of TRTC and the OP being the SPIO is under obligation to furnish the same to the complainant. The information sought for items - (iii) & (iv) are the records being maintained by the Management of TRTC as a part of its normal administrative functions and, therefore, should be disclosed to the complainant.

8. In view of the facts and the circumstances stated above, the complaint stands disposed of with the following orders:-

- (i) The written intimation given to the complainant by the OP being the SPIO vide his letter No.F.9(484)-

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TRTC/GEN/L/2000/2468 dated 20.03.2010 enclosing therewith a photocopy of letter dated 08.03.2010 of Sri A. Bhattacharjee, CAO, TRTC objecting to the disclosure of the information sought for by the complainant invoking the provisions of section 8(j) of the Act stands invalid and superceded.

- (ii) The OP Sri Jagadish Ch. Debbarma, Deputy Managing Director (Admn), TRTC being the SPIO is directed to collect the information under items- (ii),(iii) & (iv) of the written request dated 01.02.2010 of the complainant as summarized at para- 5 above from the Transport Department, Government of Tripura, in case the information are not available with the TRTC Management and supply the same to the complainant within a period of 20 days from the date of passing of this order.
- (iii) The OP is further directed to be more careful and circumspect in future in dealing with the written requests for information strictly in adherence to the relevant provisions of the Act and the Tripura Right to Information Rules, 2008.
- (iv) The OP shall submit a report of compliance to this Commission forthwith.

9. Let copy of this order be sent to the complainant and the OP. Also send a copy of this order to the Managing Director, TRTC being the head of the Public Authority.

Sd/-

(B.K.Chakraborty)

State Chief Information Commissioner

No. 205-07

Dated, 12.04.2010

Copy to:-

1. Sri Subash Ch. Majumder, S/O Late Ashwani Kr. Majumder, TRTC Complex, Krishnanagar, Agartala (Complainant).
2. Sri Jagadish Ch. Debbarma, Deputy Managing Director (Admn), TRTC, Agartala (State Public Information Officer) – OP.
3. The Managing Director, TRTC, Agartala (Head of the Public Authority).

(S.C.Saha)  
Secretary

Tripura Information Commission