

Central Information Commission

Shri S.B. Gaikwad vs Ministry Of Defence on 15 April, 2009

Central Information Commission

Appeal No.CIC/WB/A/2008/01502 dated 12.12.2007

Right to Information Act-2005-Under Section (19)

Dated 15.04.2009

Appellant : Shri S.B. Gaikwad

Respondent: Ministry of Defence

The Appellant was present alongwith Shri N.B. Parkhe.

On behalf of the Respondents, Shri Sanjeev Kumar, Shri Puneet Aggarwal and Shri Rajesh Chadha, were present.

The brief facts of the case are as under.

2. The Appellant had requested the CPIO in his application dated 12 December 2007 four copies of the documents submitted by the All India Defence Accounts Association in support of further recognition with effect from the year 2002 as per the CGDA letter of 24 April 2007. The CPIO wrote to the Appellant on 23 January 2008 and informed him that the consent of the all India Defence Accounts Association was being sought as required under section 11 of the Right to Information (RTI) Act before making available the copies of the said documents. In another letter dated 7 February 2008, the CPIO finally denied the information by invoking the provisions of Section 8(1)(e) and (j) of the Right to Information (RTI) Act. Against this denial, the Appellant preferred an appeal before the first Appellate Authority on 18 March 2008. The first Appellate Authority disposed off the appeal in his order dated 11 April 2008 and endorsed the decision of the CPIO. Not satisfied with this order, the Appellant has now come before the CIC in second appeal.

3. During the hearing, both the parties were present and made their submissions. We are not in agreement with the CPIO and the first Appellate Authority that the information sought was in the nature of third-party CIC/WB/A/2008/01501-SM information and the consent of the said third-party was required for disclosing the information. Since the third-party had submitted certain documents in fulfillment of the requirement for recognition as an Association of Employees, all such documents had become necessary record of the Public Authority based on which it had decided to recognise the Association. Therefore, the Public Authority cannot now claim that the records furnished by the third-party continue to be the property of the said third-party and is, therefore, exempt from disclosure.

4. In view of the above, we direct the CPIO to provide to the Appellant within 10 working days from the receipt of this order copies of all the documents furnished by the All India Defence Accounts Association (CB), Pune for further recognition with effect from the year 2002 required to be submitted as per the CGDA letter No.AN/VI/17003/RECOG/AIDAA/2006 dated 24 April 2007.

5. With the above directions, this appeal is disposed off.

6. Copies of this order be given free of cost to the parties.

(Satyananda Mishra) Information Commissioner Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Vijay Bhalla) Assistant Registrar CIC/WB/A/2008/01501-SM