

सूचना का
अधिकार
RIGHT TO
INFORMATION
MOST-URGENT

**GOVERNMENT OF NCT OF DELHI
DEPARTMENT OF HEALTH & FAMILY WELFARE
9TH LEVEL, A-WING, DELHI SECRETARIAT, NEW DELHI.**

No. F.1/RTI/Suo-motu/H&FW/2011/1998-2040

Dated: 5/7/13

To

1. All the MSs/HODs/Institutions under H&FW Department, Govt. of NCT of Delhi.
2. The Dy. Secretary(Admn)SS, H&FW Department.

Sub: - Delhi High Court's decision in LPA No.618/2012 dated 06-11-2012 in the matter of disclosure of information under provisions of RTI Act, relating to disciplinary matters.

Sir/Madam,

Reference above cited subject, CVC vide its letter No.CVC/RTI/Misc/10/002 dated 04.04.2013(Copy enclosed) and DOV vide letter No.F.11/1/Misc./RTI/2012/DOV/5694 dated 19.06.2013 (copy enclosed), has drawn the attention to the Judgement/Order passed by the Hon'ble High Court of Delhi dated 06.11.2012 in LPA No.618/2012 in the case of UPSC Vs R.K. Jain, in which the issue of disclosure of information/documents under the provisions of RTI Act, pertaining to vigilance/disciplinary proceedings has been considered by the Hon'ble Court.

In this regard, the CVC has observed as under:-

"The CVOs may bring the above quoted Judgement/Order of the Hon'ble High Court of the Delhi to the notice of the all CPIOs/Appellate Authorities for their respective organization, who may take due cognizance of the same, while deciding the RTI Applications and Appeals relating to disclosure of documents/information pertaining to vigilance/disciplinary proceedings (including Orders of the Disciplinary Authority). The complete decision of Hon'ble High Court of Delhi in the aforesaid case is available on its website www.delhihighcourt.nic.in in downloadable form under the head, **"JUDGEMENT"**.

Accordingly, all MSs/HODs/Head of the Institutes are requested that above observation of the CVC may kindly be brought in the notice of all CPIOs/Appellate Authorities for their respective organization, who may take due cognizance of the same, while deciding the RTI Applications and Appeals relating to disclosure of the documents/information pertaining to Vigilance/disciplinary proceeding (including Orders of the Disciplinary Authority).

Yours faithfully,

Encl: As above.

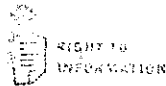
PUBLIC INFORMATION OFFICER (H&FW)

No. F.1/RTI/Suo-motu/H&FW/2011/1998-2040 Dated: 5/7/13
Copy for information to The Assistant Director(Vigilance), Dte. of Vigilance, 4th Level, C-Wing, Delhi Secretariat, New Delhi-110002 w.r.t their letter No.F.11/1/Misc./RTI/2012/DOV/5694 dated 19.06.2013.

PUBLIC INFORMATION OFFICER (H&FW)

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putting on our website
14/7/13

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GOVT. OF NCT OF DELHI
DIRECTORATE OF VIGILANCE
4th LEVEL, C- WING
DELHI SECRETARIAT, NEW DELHI-110002.
Phone No. 23392210, Fax: 23392353.

470
24/08

No.F.11/1/Misc./RTI/2012/DOV/ 5694

Date:- 19/6/201

To

The All HOD/Head of the Institutes,
Govt. of NCT of Delhi.

997
25.6.13

Sub:- Delhi High Court's decision in LPA No. 618/2012 dated 06-11-2012 in the matter of disclosure of information under the provisions of RTI Act, relating to disciplinary matters.

Madam/Sir,

Reference above cited subject, CVC vide its letter No.CVC/RTI/Misc./10/002 dated 04-04-2013, copy enclosed, has drawn the attention to the Judgment/Order passed by the Hon'ble High Court of Delhi dated 06-11-2012 in LPA No. 618/2012 in case of UPSC Vs R.K. Jain, in which the issue of disclosure of information/documents under the provisions of RTI Act, pertaining to vigilance/disciplinary proceedings has been considered by the Hon'ble Court.

In this regard, the CVC has observed as under:-

"The CVOs may bring the above quoted Judgment/Order of the Hon'ble High Court of the Delhi to the notice of the all CPIOs/Appellate Authorities for their respective organization, who may take due cognizance of the same, while deciding the RTI Applications and Appeals relating to disclosure of documents/information pertaining to vigilance/disciplinary proceedings (including Orders of the Disciplinary Authority). The complete decision of Hon'ble High Court of Delhi in the aforementioned case is available on its website www.delhihighcourt.nic.in in downloadable form under the head "JUDGEMENTS".

Accordingly, all HODs/Head of the Institutes are requested that above observation of the CVC may kindly be brought in the notice of all CPIOs/Appellate Authorities for their respective organization, who may take due cognizance of the same while deciding the RTI Applications and Appeals relating to disclosure of documents/information pertaining to vigilance/disciplinary proceedings (including Order of the Disciplinary Authority).

Encl:- As above.

Yours Faithfull

(S.C. VASHISHTHA)
Assistant Director (Vigilance)

11- Circulate to all, 14/6/13 (H9)
Bhatnagar



सत्यमेव जयते

953787
21/5

By. No. 6763
Date 15/5/13



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Address :

KTa: New Delhi

ASAC/Valaya

101 Br.

Ext. of NCT of Delhi

Site

W.C.V. No. MAY 2013

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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023
CVC/RTI/Misc/10/002

सं./ No.

04.04.2013

दिनांक / Dated.....

Sub: Delhi High Court's decision in LPA No. 618/2012 dated 06.11.2012 in the matter of disclosure of information under the provisions of RTI Act, relating to disciplinary matters.

The attention of the CVOs concerned is drawn to the Judgement/Order passed by the Hon'ble High Court of Delhi dated 06.11.2012 in LPA No. 618/2012 in case of Union Public Service Commission Vs R. K. Jain, in which the issue of disclosure of information/documents under the provisions of RTI Act, pertaining to vigilance/disciplinary proceedings has been considered by the Hon'ble Court.

2. The Hon'ble Court in its Judgement, had observed that:

"The counsel for the respondent has argued that in the case before the Supreme Court the CIC itself had denied the information while in the present case CIC itself has allowed the information. To our mind the same is irrelevant. The counsel for the respondent has next sought to take us through the reasoning given by the learned Single Judge. However, in the light of the dicta aforesaid of the Supreme Court and which if applicable to the facts of the present case is binding on this Bench, we are not required to go into the correctness or otherwise of the reasoning given by the learned Single Judge. Faced therewith the counsel for the respondent has lastly contended that the appellant UPSC in the present case is not the employer of the officer Shri G.S. Narang, information pertaining to whom was sought and the principle laid down by the Supreme Court is applicable to the employer only. We however fail to see the difference. The ratio of the dicta aforesaid of the Supreme Court is that the disciplinary orders and the documents in the course of disciplinary proceedings are personal information within the meaning of Section 8(1)(j) and the disclosure of which normally has no relationship to any public activities or public interest and disclosure of which would cause unwarranted invasion of the privacy of an individual. Though the appellant UPSC is not the employer of Shri G.S. Narang, information pertaining to whom is sought by the respondent, but his employer had sought the advice/opinion/recommendation of the appellant UPSC in the matter of disciplinary proceedings against the said Shri G.S. Narang and we fail to see as to how it makes a difference whether the information relating to disciplinary proceedings is sought from the employer or from the consultant of the employer. What is exempt in the hands of the employer would certainly be exempt in the hands of consultant of the employer also. The advice given by the appellant UPSC would necessarily pertain to the disciplinary action against Shri G.S. Narang. Section 8(1)(j) exempts from disclosure personal information, irrespective of with whom it is possessed and from whom disclosure thereof is sought".

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21/05/13
Subdt/RTI
D.A.
ms. Alka & 21/07/13