**By Regd. Post AD**

Ref.No.13/FAA/2014-15/A-40 April 01, 2014

***APPELLATE AUTHORITY UNDER***

***RIGHT TO INFORMATION ACT (RTI ACT), 2005***

***SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA (SIDBI)***

***Appeal No.40/2014-15***

**APPEAL UNDER SECTION 19(1) OF THE RTI ACT BY SHRI RANDOLPH ROWE AGAINST THE ORDER NO. 1158 DATED 05/03/2014 OF CENTRAL PUBLIC INFORMATION OFFICER (CPIO) OF SIDBI REGARDING HIS RTI APPLICATION DATED 31/01/2014**

**Background :**

The Information Seeker Shri Randolph Rowe, resident of 504, Durvankur Cooperative Housing Society Limited, Citi Corner II, Plot No. 53, Sector 29, Vashi, Navi Mumbai - 400 703, filed an application dated January 31, 2014 under the provisions of the Right to Information Act, 2005 (RTI Act) before the CPIO of Small Industries Development Bank of India, seeking information under 3 heads, about names of employees against whom disciplinary proceedings were initiated by SIDBI in respect of alleged lapses in the accounts of SMEVS Engineering Works and Shriram Industries, together with penalties imposed against those employees etc. / names of the employees who have been issued caution or warning and certified copy of the office note with regard to approval of the Competent Authority of SIDBI for apportioning the entire financial loss suffered by SIDBI in the above mentioned two accounts.

CPIO disposed off the said application vide order no. 1158 dated March 05, 2014 providing information to the applicant in respect of item no.(iii) of the application while claiming exemption under Section 8(1)(d) of the RTI Act with regard to the information sought by the applicant under item no.(i) and (ii) of the application.

 ***Contd/-…***

**: 2 :**

In his above mentioned appeal Shri Rowe has challenged the order of CPIO, inter alia, on the ground that the provisions of Section 8(1)(d) of the RTI Act are not applicable and that the order of CPIO is misguided. The applicant has also quoted two orders of CIC in support of his contentions.

**Decision :**

I have gone though the contents of the Appeal dated March 18, 2014 (received on March 21, 2014) of the information seeker as also the order no.1158 dated March 05, 2014 passed by CPIO of the Bank in disposing off the said application. It is seen that the CPIO has already provided the available information to the applicant in respect of item no.(iii) of his application and exemption is claimed with regard to details about names / allegations / punishments / caution etc. imposed by SIDBI on its employees in the borrower accounts mentioned in the application.

While I agree with the view taken by the CPIO that information sought under item no.(i) and (ii) by the applicant pertain to individuals disclosure of which could invade into their privacy and that larger public interest does not warrant disclosure of such information, however, in view of the orders of CIC cited by the appellant and with a view to harmonize the requirement of privacy of individual and requirement of larger public interest of RTI Act, the purpose would be served if the appellant is informed about the names of employees against whom disciplinary proceedings were initiated and punishment imposed on such employees including those who had been cautioned / issued warning. The said information be provided within 20 working days from the date of the order.

Order accordingly.

Copy of this decision be sent to the Information Seeker and the CPIO.

**Sd/-**

 **(शैलेन्द्र महलवार / Shailendra Mahalwar)**

**मुख्य महाप्रबंधक (विधि) तथा प्रथम अपीलीय प्राधिकारी /**

**Chief General Manager (Legal) and**

**First Appellate Authority**

Endt. No.13A/FAA/2014-15/A-40 of date 01/04/2014

1] Shri Randolph Rowe, 504, Durvankur Cooperative Housing Society Limited, Citi Corner II, Plot No.53, Sector 29, Vashi, Navi Mumbai – 400 703.

2] Shri U.S.Lal, GM [Legal] & CPIO, SIDBI, Head Office, Lucknow.

**[एस.बी. साहू / S. B. Sahu]**

**सहा. महाप्रबंधक (प्रथम अपीलीय प्राधिकारी का कार्यालय) /**

**Assistant General Manager (Office of FAA)**