



By Registered AD

Ref. No.L000122139/RTI/A-05/2018

August 14, 2018

**APPEAL No.05/2018-19 BEFORE
FIRST APPELLATE AUTHORITY UNDER
RIGHT TO INFORMATION ACT (RTI ACT), 2005**

Background:

The Appellant, Shri Sanjay Gupta, S/o Late N. P. Gupta, Flat no. 506, SIDBI Officers' Apartments, 25, Veera Desai Road, Andheri (West), Mumbai has preferred the present appeal dated July 31, 2018 under section 19(1) of RTI Act (received by office of First Appellate Authority (FAA) on July 31, 2018) against the Order No.2426 dated July 18, 2018 passed by CPIO requesting intervention of FAA in providing information sought by him in the RTI application.

Observations:

I have gone through the contents of his Appeal dated July 31, 2018, as also the order No.2426 dated July 18, 2018 passed by CPIO in the matter. It is observed that vide his RTI application dated June 22, 2018, the appellant had sought various information / documents in respect of his promotion, vigilance, staff accountability exercise etc. i.e. (i) Full Report and Minutes of Internal Advisory Committee on Vigilance (IACV), which had examined in the case of Champion Agro Ltd., an NPA case of Rajkot Branch Office, clearly highlighting the grounds on the basis of which the Committee opined about presence of Vigilance angle in this case, (ii) Office note / any other document recorded in the Vigilance Vertical /HR /Discipline Desk by which the above report of the IACV was examined, (iii) Office note / other documents recorded by Vigilance / Discipline Desk / Chief Vigilance Officer of the Bank and duly approved by the competent authority w.r.t. decision for referring the case of Champion Agro Ltd. to Central Vigilance Commission (CVC), (iv) Date(s) of all the letter(s) addressed by the Bank to CVC in c/w Champion Agro Ltd. (v) All Letter(s) addressed

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by the Bank to CVC in c/w Champion Agro Ltd, (vi) Date(s) of the reply(ies) received by the Bank from CVC in c/w Champion Agro Ltd, (vii) All Reply(ies) received by the Bank from CVC in c/w Champion Agro Ltd, (viii) Policy guidelines issued by the Bank and in force / applicable during the year 2015 clearly defining the circumstances under which acts of an officer can be classified as acts of 'gross negligence and / or recklessness having vigilance connotations', (ix) Policy guidelines issued by the Bank and in force / applicable during the year 2015 clearly defining the deficiencies and lapses not being acts of commission and also being devoid of any mala-fide, which can still be classified as acts of gross negligence and / or recklessness having vigilance connotations, (x) Reasons for delay of 2 years from the date of submission of my first explanation dated January 12, 2016 for issuing Charge Sheet dated January 12, 2018 to the undersigned in the case of Champion Agro Limited (which was received by the undersigned in the afternoon of January 15, 2018), (xi) All correspondence [date wise] including noting/drafting/letters etc. recorded in the HRV/Discipline Vertical during the interregnum period from January 12, 2016 to January 11, 2018 justifying the reasons for the delay as mentioned at (x) above, and (xii) Office note recorded at HRV / Vigilance / Disciplinary Desk justifying the reasons for issue of promotion order No. 109 dated July 23, 2015 [by which time the account of Champion Agro Limited had already turned NPA and examination / investigation into this case were reportedly underway by the Bank] thereby promoting Shri K C Bhanoo, then General Manager to the post of Chief General Manager even though Shri Bhanoo was also associated with the case of Champion Agro Limited in his capacity as in-charge of Ahmedabad Regional Office and then Chairman of RCSC, RO, Ahmedabad.

Not satisfied with the reply given by the CPIO, the Appellant has made this appeal on the grounds that CPIO has provided information in respect of 5 points only to his RTI application dated June 22, 2018 and information in respect of remaining 7 points are crucial and non-availability of these would deprive the Appellant to build upon his defense in front of the Inquiry Officer for the Departmental Inquiry for the next hearing which has been fixed on August 13, 2018.



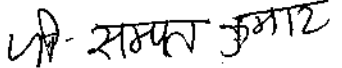
I observe that information with respect to the query at Sl. no. (i) to (vii) of the RTI application dated June 06, 2018, CPIO rightly claimed exemption under section 8(1)(h) of RTI Act, 2005 as the requested information would impede the process of investigation or apprehension or prosecution of offenders since an departmental inquiry has been initiated against the Appellant in the matter of Champion Agro Limited, an NPA case of Rajkot Branch Office, SIDBI, Rajkot and case has already been referred to CVC. The obligation of CPIO to furnish the information arises in case the information is available with the Public Authority and the same is not exempted from the disclosure under the provisions of RTI Act.

Further, I observe that various justifications/ grounds for preferring this appeal by the Appellant against his query no. (i) to (vii) are in the nature of grievances, requirement or use of these information to defend the case before the Inquiry Officer, views, explanation etc., which is beyond the scope of RTI Act. Therefore, the appeal fails being without any merit. The Appellant is, however, free to approach the appropriate authority for redressal of his grievances if any.

Order:

The appeal is accordingly disposed of.

Copy of this order be sent to the appellant and CPIO.


(जी सम्पत कुमार / G. Sampath Kumar)
महा प्रबंधक तथा प्रथम अपीलीय प्राधिकारी
**General Manager and
First Appellate Authority**