

**MEGHALAYA STATE INFORMATION COMMISSION,
SHILLONG**

....

No. MIC/Appeal/1/2006

ORDER

18-8-2006:

Vide order dated 28-7-2006 a notice has been issued to 168 Engineers of the Board through the DAA giving them the opportunity of being heard either in person or in writing if they have any objection for supplying the information to the Appellant. The additional step has been taken by the Commission on verbal complaints by some Engineers that they were not parties to the decision of the Association and that they have a right to be heard as third party.

In compliance to the above notice, 54 Engineers informed the Commission in writing that they are opposed to the supply of the above information to the Appellant i.e the General Secretary, MeSEB, Engineers' Association. Meanwhile, the General Secretary, MeSEB also filed an Affidavit stating that the decision seeking the information requested for was taken at an Emergent General Body Meeting held on 13-3-2006 and hence it is binding on all the members of the Association. The General Secretary of the Association also expressed apprehension of the possibility of certain members of the Association being pressurized to submit their objection to the supply of information etc.

The ground for objection to the supply of information expressed by almost all the 54 Engineers in response to the notice, is that if the overall grading is given, it will have the same result and will enable to know the range of marks and will cause unwarranted invasion of privacy of individual officers and has no relationship to public utility and interest.

The matter relating to supplying the overall grading in the annual assessment, collectively arrived at by Controlling/Reviewing/Accepting Officer, the benefit to the officer and to the Organization has been discussed in the Order dated 12-7-2006 and having so considered the Commission had passed necessary Order on that date. Meanwhile, information has been received by the Commission that the Central Information Commission, as per decision No. 18/IC(A)/2006 dated 28-3-2006 in an appeal against a Public Authority, namely the Indian Oil Corporation had held that the assessment report by the superior officers are personal and confidential and therefore exempted under Section 8(1)(j) of the RTI Act and may not be supplied. In view of the above interpretation made by the Central Information Commission and irrespective of the merits/or demerits of the objections etc. filed before it, this Commission is inclined to go along with the decision of the Central Information Commission for the sake of uniformity of interpretation of law.

Therefore, notwithstanding anything contained in the Order dated 11-7-2006, this Commission is pleased to review that decision and to direct that the DAA,

MeSEB may not furnish the information regarding the overall grading given in the APARs for each Engineers but will supply the information on whether or not the QSARs along with comments are available for each Engineers of the Board. This information should be furnished within seven days time.

Appeal disposed of.

(G.P.Wahlang)
C.I.C.