

THE COURT OF SH. NEERAJ GAUR :JUDGE FAMILY COURT
NORTH- DISTRICT: ROHINI COURTS, : DELHI

RTI Appeal No.6/2023
dt : 24.11.2023

First Appeal Under Section 19 (1) of RTI Act, 2005

Appellant (s)/Complainant (s)	Respondent (s)
Birender Sangwan Ch. No.1416, Rohini Court Complex, Delhi-110085.	Public Information Officer under RTI Act O/o Ld. Principal District & Sessions Judge, North District, Rohini Courts, Delhi

Date of receipt of RTI request	Date of Registration of First Appeal	Date of Final Order
13.09.2023	24.11.2023	13.12.2023

Present : None for appellant.

Ms. Anuradha Bhargav, JA on behalf of PIO.

On last 2 dates, none appeared for the appellant. I shall proceed to decide the present appeal.

Put up for orders during the course of the day.

(Neeraj Gaur)
Judge, Family Courts
Rohini Courts/Delhi/13.12.2023
First Appellate Authority, RTI

ORDER

1. This is a first appeal u/s. 19 (1) of the RTI Act 2005. The appellant made an RTI query dt. 13.09.2023 to the PIO, North, Rohini courts, Delhi.

2. The RTI query and the response of the PIO is reproduced herein below :-

Information sought:-

1. Kindly provide the rules and regulations regarding the appointment of personal Secretary of District Judge North.
2. Also provide the details of all the employees seniority wise and rank wise posted in District Judge, North office or secretariat north Rohini Courts.
3. Kindly provide the details what action has been taken by your department on my letter dated 16 august 2023 bearing dairy no. 3098
4. Kindly provide the detail of last transfer of Sh. RAMJANAM.
5. Kindly provide the copy of all recommendation on which Sh. Ram JANAM again appointed as a PS District Judge, North office.
6. Kindly provide the copy of previously complaints on which Sh. Ram JANAM removed from PS District Judge, North West office.
7. Kindly provide the details how many complaints are pending and how many are decided.
8. Kindly provide the details whether the transfer of Sh. RAMJANAM was Routine or as a punishment.

Reply of RTI Application :-

Query	Reply
Point No. 1, 2 & 3	The information sought has been collected from the concerned branches and the copies of the same are enclosed herewith for your reference.
Point No. 4	It is to inform that the transfer & posting orders are already available in public domain and can be accessed through the official website of this office, i.e., https://northdelhi.dcourts.gov.in/ .
Point No. 5 & 7	The information sought by you is personal in nature and disclosure of this has no relationship to any public activity or interest and would invade privacy of the identified individual and the same is exempted from disclosure as per Sec. 8 (1) (j) of the RTI Act, 2005. In this regard, your attention is also invited towards the judgment of Hon'ble High Court of Madras in case titled as <i>Registrar General, High Court of Madras Vs K Elango &</i>

	<p>Ors.” (W.P. No. 20485 of 2012) the court has clearly given the weightage on the importance of privacy of officers and subordinate officials of court at para no. 53 as <i>“Under section 8(1)(j) of the Right To Information act, 2005 the Officers are not required to provide private or personal information which is exempted. <u>As a matter of fact, the information relating to employees in High court/subordinate courts/Judicial Officers etc are inter-se matters between an employer and employee in an institution which are purely governed by respective service rules. In fact, it partakes the character of 'personal information', the disclosure of the same has no public interest or public activity. It cannot be lost sight of that under the concept of 'Right to Know', a Public Information Officer is not supposed to be harassed or persecuted/prosecuted.</u></i></p>
Point No. 6	<p>The information sought does not pertain to this office. Hence, the RTI Application has been transferred to the PIO, North-West District, Rohini Courts, Delhi, being closely connected to the matter. in this regard, no further communication will be entertained by this office. Therefore, you are requested to contact the above-said public authority directly in respect of information sought at point no. 6 in your RTI application</p>
Point No. 8	<p>The information sought amounts to seeking clarification in interrogative way and in this context your attention is invited towards the decision of Central Information Commission in case titled as “D.V. Rao Vs Department of Legal Affairs CIC/AT/A/2006/00045 dated 21st April 2006” wherein Commission has cleared some misconception by making following observation:- <i>“The RTI Act does not cast on the public authority any obligation to answer queries, as in this case, in which a petitioner attempts to elicit answers to his questions with prefixes, such as, why, what, when and whether. The petitioner's right extends only to seeking information as defined in Section 2 (f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with specified public authority.”</i></p>

3. Aggrieved by the reply given by the PIO, the present first appeal has been

filed stating that RTI request has not been completely and satisfactorily answered.

4. As per the reply to the RTI query in respect of query no.1, the concerned branch (Admin-II) has sent a reply that the posting of PS is the sole discretion and prerogative of Ld. PD&SJ. The query no.1 has been sufficiently replied.
5. Regarding the query no.2 also, the Admin-II branch has given the complete details of all the employees as sought in the query. The query no.2 has also been fully replied.
6. The query no.3 has also been replied by stating that the complaint/letter dt. 16.08.2023 has been filed.
7. Regarding query no.4, the PIO has replied that the transfer and posting orders of the concerned staff are available on the official website. Since, the information sought is already available for the access of public, the query no.4 has been rightly replied.
8. Query no.6 has been transferred to the PIO North-West as the information pertains to the PIO North-West. There is no defect in the response given by the PIO North.
9. Query no.8 is regarding the nature of the transfer of an employee asking if it was a routine transfer or a punishment transfer. A transfer order is not supposed to classify the same in any category and every transfer is deemed to be made by the concerned authority in the ordinary course of official functions. The information sought is in the form of an opinion which the PIO cannot give. The PIO has rightly declined to give the said information

in view of the judgment passed by the CIC as mentioned in the reply.

10. Regarding the query no.5 & 7, the reply rightly mentions that the information is personal in nature to the employee concerned and was invasive of the privacy of the employee concerned which is exempted from disclosure u/s 8 (1) (j) of RTI Act. The reply further clearly mentions the ratio of the judgment passed by the Hon'ble High Court of Madras. The reply given by the PIO is sufficient and complete.
11. In view of the discussion made herein above, I uphold the responses given by the PIO/respondent in respect of all the RTI queries made by the appellant. **The appeal is devoid of merits and is accordingly dismissed.**
No order as to costs.
12. A copy of this order be uploaded.
13. Copy of order be given dasti.

(Neeraj Gaur)
Judge, Family Courts
Rohini Courts/Delhi/13.12.2023
First Appellate Authority, RTI