

**In the Central Information Commission  
at  
New Delhi**

File No: **CIC/AD/A/2012/002874**

Date of Hearing : **May 13, 2013**

Date of Decision : **May 13, 2013**

**Parties:**

**Applicant**

Shri Chetan Kothari  
52, Oceanic Apartment  
Dr.Rajabali Patel lane off  
B. Desai Road  
Maharashtra 400 026

The Applicant was present at NIC Studio, Mumbai

**Respondents**

Western Railway  
Divisional Railway Manager's Office  
Commercial Branch  
Churchgate  
Mumbai 400 008

Represented by : Shri A.C.Tiwari, DCM  
Shri B.B.Updhyay, APO  
- NIC Studio, Mumbai

**Information Commissioner : Mrs. Annapurna Dixit**

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**ORDER**

**Background**

1. The Applicant filed an RTI application dt.24.3.12 with the PIO, DRM Office, Western Railway, Mumbai seeking information against six points with regard to information on action taken on his complaint against TC Shri Allan D'Costa and Shri S.R.Shukla including copy of the service book and confidential report of Shri Allan D'Costa.

The PIO replied on 30.4.12 enclosing the point wise information furnished by Sr.DCM.

The Applicant then filed an appeal dt.8.5.12 seeking copy of service book of Shri Allan D'Costa. The Appellate Authority replied on 11.6.12 denying the service book of Shri Allan D'Costa u/s 8(1)(j) of the RTI Act.

Being aggrieved with the reply, the Applicant filed a second appeal dt.11.8.12 before CIC.

**Decision**

2. During the hearing, the Respondent submitted that when Shri Allan D'Costa's submission was sought u/s11(1) of the RTI Act, Shri D'Costa had objected to the sharing of his service book with the Appellant while stating that disclosure of service details would endanger his physical safety and that of his family members.

3. The Commission however, holds that the Public Authority is obligated under section 4(1)(b) the RTI Act to disclose information related to the service of its employees and is not convinced by Shri D'Costa's argument that such disclosure will endanger his physical safety as all this information is anyway expected to be placed in the public domain. The Commission accordingly directs the PIO to supply a copy of the service record of Shri Allan D'Costa to the Appellant **after invoking Sec.10(1) of the RTI Act to sever all those portions that are exempt from disclosure u/s 8(1)(j) of the Act as personal information.** The information should reach the Appellant within four weeks of receipt of this order.

4. The appeal is disposed of with the above directions.

(Annapurna Dixit)  
Information Commissioner

Authenticated true copy

(G. Subramanian)  
Deputy Registrar

Cc

1. Shri Chetan Kothari  
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Maharashtra 400 026
  
2. The Public Information Officer  
Western Railway  
Divisional Railway Manager's Office  
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3. Officer in charge, NIC