



**Central Information Commission**  
**Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhavan,**  
**Bhikaji Cama Place, New Delhi-110066**  
**Web: www.cic.gov.in Tel No: 26167931**

Case No. CIC/LS/A/2012/001069-SS  
CIC/LS/C/2012/000314-SS  
Dated:23 10.2013

Name of the Appellant: Korada Sreenivasa Rao  
Name of the Public Authority: Department of Scientific & Industrial Research  
Date of Hearing: 8.10.2013

**ORDER**

1. The appellant is present for the hearing. The respondent is being represented by Indu Bhaskar (Sc "F", HOD and deemed CPIO), E.P Muralisharan (DS, Deemed CPIO) and S.K Kalra (US).

2. The present appeal is being heard again in view of the Judgement of the **Hon'ble High Court** dated **4.9.2013** wherein the appellant filed an appeal against the order of the Commission dated 19.6.2012 in file no. CIC/LS/A/2012/001069-SS & CIC/LS/C/2012/000314-SS and following directions have been passed:

*"5. The grievance of the petitioner is that the Commission did not direct even inspection of the file relating to his suspension and inspection only*

*of the file related to his dismissal from service was given to him. The petitioner states that he is not satisfied with mere inspection and wants copies of file notings in both the above referred file. A perusal of the impugned order dated 19<sup>th</sup> June, 2012 would show that the Commission passed an order directing inspection only of the file in which disciplinary proceedings against the petitioner were initiated and he was dismissed from service. The order of the Commission is silent with respect to the file in which suspension of the petitioner was processed. It would only be appropriate that the Commission applies its mind and passed an appropriate order also with respect to the request of the petitioner for supplying him notings of the file in which his suspension was processed. The Court, in that case would have benefit of the view of the Commission with respect to the file in which suspension of the petitioner was processed.*

*6. In these circumstances, the impugned order dated 19<sup>th</sup> June 2012 is set aside and the respondent is directed to pass a fresh order not only with respect to supply of copies of notings related to the file in which dismissal of the petitioner from service was processed but also of the file in which his suspension was processed by the Department of Scientific and Industrial Research. A fresh order in terms of this order shall be passed by the Commission within eight weeks of the parties appearing before the Commission. The parties are directed to appear before the Registrar of the Central Information Commission at 2:00 p.m on 23.9.2013.*

*The petition stands disposed of.”*

3. The Commission vide order dated 19.6.2012 held as under:

*“On a direction from the Commission, the relevant files are produced before the Commission which are perused. The files, indeed, contain sensitive information and the disclosure of the file notings is likely to prejudice the Government’s case in the court. Besides, it would not be wise to disclose identity of the officers who made notings in the file. In this view of the matter, I am not inclined to accept the appellant’s*

*request to give him copy of the file noting. However, in my opinion, there is no harm if the file notings are allowed to be inspected by him in the presence of a senior officer of DSIR for half a day. The inspection will be given on a mutually convenient date and time. It is clarified that photo copies of any documents will not be supplied to the appellant.”*

4. For the sake of clarity and brevity, the contents of the RTI application involved in the two files is being examined as under:

**CIC/LS/A/2012/001069**

The appellant has sought

- Attested copies of the order sheets/ notes sheets from Page No. 1 to till the last page from the file no. C-11013/01/2005-Admn (Vig) connected with disciplinary proceeding contemplated against me by the DSIR vide the charge memo dated 11.4.2005.
- Attested copies of the entire correspondence, details of notes-sheets or order sheets and all other correspondence that has been transcribed between DSIR-CVC and DSIR-UPSC in connection with the disciplinary proceeding contemplated against vide charge memo dated 11.4.2005.

**CIC/LS/C/2012/000314**

During the hearing the appellant has apprised the Commission that his appeal is restricted to RTI application at page no. 34 filed by him.

The appellant has sought:

- Attested copies of the entire correspondence that has been transcribed on the files/file notings from page number one to till last page in which decisions have been taken by the DSIR to place the appellant under suspension initially vide DSIR's file No. C-11017/01/04-Admn/DSIR dated

5.3.2004 and subsequent extensions of order of suspension inflicted on me vide DSIR's even file no. dated 1.6.2004 and 20.12.2004.

- Attested copies of the report/s submitted by the fact-finding committee and extensions of suspension vide above cited orders.
- Attested copies of the entire correspondence transcribed between DSIR officers during the period 20.2.2004 to 20.12.2004 which ultimately led the DSIR to place the appellant under suspension.

5. The CPIO has denied the information to the appellant mainly on the ground of asking information which is not specific and for asking for the entire record. The first appellate authority also denied disclosure of information and relied on order of the Commission dated **CIC/AT/A/2009/000200** wherein the Commission has held as under:

*“ 4. Files with the following description were not provided on the ground that these pertained to an ongoing disciplinary proceeding involving the appellant and any disclosure at this stage would impede the process of enquiry.*

.....  
.....

*5. Considering the fact that these files are currently subject-matter of an ongoing enquiry, any action for disclosure of information thereof will surely impede the enquiry. The Enquiry Officer is entitled to conduct the enquiry as per the procedure established by the Rules governing conduct of such enquiries without any intrusive probing by the officers enquired into or by third-parties. This is consistent with the decision of the Commission in V.K. Gulati Vs. DG Vig. Customs & Central Excise; Appeal No. CIC/AT/A/2007/01508; Date of Decision: 17.06.2008*

*6. The decision of the respondents not to disclose the above files is, therefore, upheld.....*

.....  
...

*15. I think there is merit in the argument that file-notings in vigilance and enquiry-related files, which are held confidentially by a public authority, must not be allowed to be disclosed to the employee or to any other seeking that information. The reason for that is sanguine. First, such disclosures serve no public interest. The employee's personal interest cannot be conflated with public interest. Second, such disclosures*

*undeniably cause injury to the interest of the third-party, who holds these file-notings in certain special category of files, i.e. vigilance and enquiry related files, confidentially . The officers and members of the staff who make such notings perform the thankless task of commenting on the conduct, reputation, behavior of the officers enquired into apart from analyzing the evidence in order to help the competent authority make an informed decision. Such comments and remarks recorded by officers, if disclosed to the very person against whom these are recorded, have the potentiality of being used by the employee to start legal processes against these officers for charges such as defamation, criminal conspiracy and so on. There is also a chance that the officer enquired into attempt to seek vengeance against those who recorded adverse notes against him in the note-files. The vengeance can take several forms, such as physical and mental threats, causing annoyance, long and expensive judicial proceedings and so on. Even if such actions of the employees or others sympathetic to them, do not yield any useful result to them; as long as these actions last, they cause boundless anxiety, annoyance, physical discomfort and stress to the officers for no fault of theirs, and in true fact, for doing their job ably, honestly and conscientiously. Anonymity of officers recording file-notes deserves to be protected in their own interest as well as the interest of the system they serve.*

*16. There is, therefore, enough reason to conclude that disclosure of confidential file-notings in vigilance, investigation and enquiry-related files, attracts the first proviso of section 11(1), i.e, it possessing the power to inflict "possible harm or injury to the interests of such third-party". The public authority is duty bound to protect the interests of its officers who examine through their notings in files the conduct of other employees of the public authority and thereby expose themselves to possible revengeful action by those whose conduct they bring under scanner."*

6. The main issue for determination in the present appeal is regarding disclosure of the file-notings, correspondence etc in relation to a disciplinary proceedings. At this stage it will be important to discuss the written submissions filed by the respondent, a gist of it being produced below:

- Note on first charge-sheet – Disciplinary proceedings were first initiated against the petitioner vide memorandum dated C-11017/01/2004-Admn dated 1.6.2004 which was regarding issue of the forged recognition letter. Petitioner was placed under suspension vide order dated 5.3.2004. The disciplinary proceedings were completed and finally as per the advice of the UPSC he was awarded major penalty by downgrading him from the post of Scientist "C" to that of Scientist "B" for a period of 5 years.
- Note on second-charge-sheet- A second chargesheet was issued to Shri Rao vide memorandum no. C-11013/01/2005-Admn dated 11.4.2005.

Major penalty was imposed vide order dated 22.2.2011. The Hon'ble CAT, Principal Bench, New Delhi vide order dated 9.9.2011 set aside the order removing the charged officer. The Hon'ble High Court vide its order dated 22.8.2012 dismissed the writ petition filed by the department challenging the order dated 9.9.2011 of the Hon'ble CAT. In pursuance of the orders passed by the Hon'ble CAT and the Hon'ble High Court, the competent authority vide order dated 29.10.2012- i) reinstated the petitioner and ii) passed directions that disciplinary proceedings against the petitioner may be proceeded with from the stage of receipt of inquiry report. Thus, the disciplinary proceedings against the petitioner were proceeded with from the stage of receipt of inquiry report. And the same were pending as on the date of filing/disposal of Writ Petition (Korada Sreenivasa Rao Vs CPIO, DSIR) before the Hon'ble High Court of Delhi. The Hon'ble High Court, vide its order dated 4.9.2013 remitted the matter.

7. The respondent have brought on record the order dated 27.9.2013 wherein the chargesheet dated 11.4.2005 has been decided. From the written submissions filed by the respondent it has been clarified that the first chargesheet dated 1.6.2004 under the provisions of the CCS (CCA) Rules 1965 has concluded vide order dated 18.1.2006 and that the second charge sheet dated 11.4.2005 has concluded vide order dated 27.9.2013.

8. The Commission concurs with the view taken by the Commission vide order dated **30.6.2009** in file no. **CIC/AT/A/2009/000200** that it is important to protect the officers performing their duty, specially in matters pertaining to on-going enquiry. In the present appeal before the Commission, although the appellant has been allowed inspection of the file in relation to his dismissal of his service, the Commission is of the view of the fact that the two chargesheet against the appellant has now concluded, the respondent shall provide the file notings in relation to the said chargesheet after deleting/hiding the names of the officers in view of their security and related issues. Furthermore, the correspondence between DSIR-CVC and DSIR-UPSC shall also be provided after severing the name of the officer/s.

The respondent is directed to provide the file-notings in relation to the two disciplinary matters which have now concluded. However, the

names of the officers shall be severed under section 8 (1) (g) of the RTI Act.

The appeal is disposed off accordingly.

Sushma Singh  
Information Commissioner

Dy. Registrar

(D.C Singh)

1. Public Information Officer ,  
Shri Vimal Kumar Varun  
Department of Scientific & Industrial Research,  
Technology Bhavan, New Mehrauli Road,  
New Delhi – 110 016\
2. First Appellate Authority,  
Raj Kumar  
Department of Scientific & Industrial Research,  
Technology Bhavan, New Mehrauli Road,
3. Appellant  
Shri Korada Dreenivasa Rao,  
390-A, Chirag Delhi,  
New Delhi 110 017

Sushma Singh  
Information Commissioner

Authenticated True Copy:

(DC Singh)

Deputy Registrar

Name & Address of Parties:

1. Appellant:
2. Public Information Officer &
3. First Appellate Authority &