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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 05.12.2024

PRONOUNCED ON : 20.12.2024

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 33854 of 2024

1. M.Tamilselvan
2. Mrs. T.Sangeetha ... Petitioners

..Vs..

1. The District Collector
Chennai District
Chennai – 600 001.
2. The Revenue Divisional Officer
North Madras, Gandhi Main Road,
Puzhal, Chennai – 600 066.
3. Mrs. M.Jayalakshmi
4. Mr.L.Muniyandi ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari calling for the records relating to the order dated 25.10.2024 in Na.Ka.No. A7/2574/2024 of the second respondent herein and quash the same.



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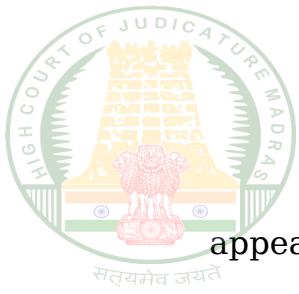
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For Petitioners :: Mr. R.Thirumoorthy
For 1st Respondent :: Mr. C.Vigneswaran
Senior Counsel
For RR 2 & 3 :: Mr. S.J.Mohamed Sathik
Government Advocate
For 4th Respondent :: Mr.J.Ramkumar

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order dated 30.04.2024 with specific reference to the direction in para No.8(2) of the said order passed by the first respondent, the Commissioner, the State Information Commission, Chennai and to set aside the same and direct the respondents to provide information sought by the petitioner in Application dated 01.02.2023.

2. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioners had sought information from the third respondent about the disproportionate wealth of an Assistant Engineer in the Water Reservoir Project Sub-Division, Krishnagiri Taluk, Krishnagiri District, by application dated 01.02.2023. The information had not been furnished. The petitioner then filed a first



appeal under Section 19(1) of the Right to Information Act, 2005 before the second respondent. But the information had again not been furnished. The petitioners then filed a Second Appeal before the first respondent in S.A.No. 7063 of 2023. Again the information was not provided.

3. The petitioners then filed a petition under Section 6(1) of the Right to Information Act 2005 before the third respondent and sought information relating to the Panchayat Secretary relating to his service Register book from the date of his first joining as a Government Servant till 31.01.2023 and also about the movable and immovable assets in his name and in the names of his family members.

4. It had been stated that the District Collector had given instructions to provide information relating to the assets of individuals and the loans and mortgage loans and other loans taken by them.

5. The petitioners had then filed W.P.No. 34276 of 2023 seeking early disposal of S.A.No. 7063 of 2023. A direction was given that the said Second Appeal should be examined and orders passed. The petitioners then gave a representation on 13.03.2024 for compliance of the said order. It had been stated that an order had



been passed on 30.04.2024 holding that the information sought related to the personal information of the individual which cannot be granted. It is under those circumstances that the Writ Petition had been filed.

6. The fourth respondent had filed a counter affidavit wherein it had been stated that he had received a letter dated 04.05.2024 from the third respondent regarding disclosure of his personal details. The fourth respondent had given a reply on 10.05.2024 not to disclose his personal details.

7. Heard arguments advanced.

8. The petitioners herein appear to have forwarded an application under the Right to Information Act, 2005 seeking personal details about the fourth respondent. The petitioners had sought information relating to the entries in the service register about his initial date of joining, the assets and liabilities in his name and in the names of his family members and such other similar details. The petitioner had received a communication from the third respondent that the information sought is protected under Section 8 of the Act and therefore cannot be granted. The same reasoning had been



advanced by the first appellate authority and the second appellate authority.

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9. It must be mentioned that Section 8(j) of the Right to Information Act 2005 had been amended by Act 2022 of 2023 by publication in the Gazettee of India on 11.08.2023. Prior to the amendment information relating to personal data may be disclosed, if the Officer is satisfied that it is required in the larger public interest. After amendment, however, it had been stated as follows:-

Section 8(j) “an information which relates to personal information.”

10. It is thus seen that personal information has been exempted from disclosure.

11. The petitioners in their application had sought information about the date of joining in public service by the fourth respondent and practically every detail relating to his service including loans which he had obtained and the salary which he receives. These are information which are exclusive to the fourth respondent. No doubt, it is true that the assets and liability of a public servant will have to be



necessarily disclosed and cannot be shielded from public scrutiny but there should be a reasonable restriction of the same. Such of the information which could not harm the career of the public servant could also be disclosed like the date of his joining the service, the date of promotion if any and the nature of work discharged by him. But there are certain information which necessarily have to be protected from being disclosed. Therefore, the materials available in the service register would have to be scrutinised and the reason why those materials are required also have to be verified and examined by the Officials concerned. There cannot be an order denying every information. Even if any information is sought to be denied or to be disclosed, then necessary reasons for such denial should be provided.

12. In the instant case, the order impugned only states that the information sought is exempted under Section 8 of the Act as it relates to the personal information of the public servant/R-4. I am not able to bring myself to accept that. The service register of public servant would contain details regarding the date of joining the service, the transfers which the person had suffered, the increments which had been granted, the earned leave which had been availed and also whether any punishments have been inflicted during the period of service. These details particularly the date of joining and the date of



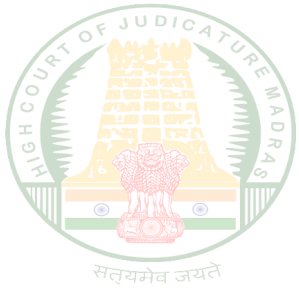
attaining the age of superannuation are certainly not private information. The assets and liabilities are again not private. To a little extent, if punishments had been imposed owing to various circumstances, they could be termed as being private as disclosure of the same would put to stigma on the public servant. But once an individual accepts to join public service, he must accept that he lives in public glare and cannot avoid the general public from seeking details atleast so far as their service is concerned.

13. In view of these reasons, I hold that the impugned order has to be set aside. The entire issue is remanded back to the first respondent for fresh consideration. The procedure enunciated by law may be followed. The first respondent may endeavour to dispose of the second appeal pending before it within a period of two months from the date of receipt of a copy of this order.

14. The Writ Petition is allowed. No order as to costs.

20.12.2024

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Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order



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C.V.KARTHIKEYAN, J.,

vsg

To

1. The District Collector
Chennai District
Chennai – 600 001.
2. The Revenue Divisional Officer
North Madras, Gandhi Main Road,
Puzhal, Chennai – 600 066.

Pre-Delivery Order made in

W.P.No. 33854 of 2024

20.12.2024