



Whereas the said officer respected Shri N Venkateshwara Rao, CPIO is administratively in charge of the HR and Admn Section and is instrumental in taking the decisions on the matters in question and naturally the question of conflict of interest arises.

Whereas the law is very clear that generally personal information should not be disclosed. But however various apex court orders insist that even if it is personal but demands to be disclosed in the public interest then it cannot be denied.

Whereas in the previous instance the same CPIO has supplied to me the note sheet copies of the file pertain to promotions and looking after arrangements which was also the matter pertaining to the company. As I am Circle Secretary of the executives association SNEA, taken up the discrepancies to him thereafter. In the subsequent orders such mistakes are reconciled and the grievances of the executives were resolved.

Whereas I understand that, the file pertains to inter circle transfer of JTOs and in which the right decision taken earlier was abruptly changed and the members of our association in the natural course started expressing doubts about the change in policy, even went to the extent of talking about the letting down the senior executives at the cost of giving undue benefit to the juniors (fresh appointees).

Whereas as the Secretary of the Association, it is my duty to clarify them the factual position and hence sought the information in the larger public interest.

Whereas the said noting of the file; are deciding the fate of more than 250 JTOs waiting for transfer for decades and also the fate of 130 JTOs waiting for intra circle transfer cannot be denied under the said section of RTI, on the contrary unwarranted long stay transfers are proposed in the said cadre by the said competent authority.

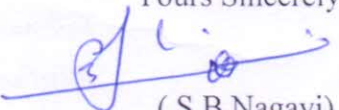
Hence decision of the CPIO, who is in charge of the concerned unit also; stating as it is as a internal company matter is not with the bona fide intention but attempting to take shelter under the said section in question and thereby shielding the information against the interested parties visa vis larger interest of public.

Hence most respectfully, request the appellate authority to

- (1) Kindly arrange to furnish the information as it does not contain any individuals personal information and
- (2) Investigate into the matter of "**Conflict of interest in the decision of the CPIO**" and to appoint alternate officer to decide on such matters and ensure the protection of the objectives and aims of Right to Information, a fundamental right.

Thanking you sir,

Yours Sincerely,

  
( S B Nagavi)

Place: Bangalore

Date:29-04-2016





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# BHARAT SANCHAR NIGAM LIMITED

(A Govt of India Enterprise)

Office of CGM Telecom, Karnataka Circle, No.1, S.V.Road, Halasuru, Bengaluru-560008

To

Sri. S.B. Nagavi,  
Circle Secretary,  
SNEA(I) Karnataka,  
4<sup>th</sup> Floor, Annex Building,  
O/o GM NWP-CM,  
BSNL Bhavan, Halasur,  
Bangalore 560 008.

No.RTI ACT-2005/Appcal/2016-17/A-2/4 \_\_\_\_\_ dtd \_\_\_\_\_ at \_\_\_\_\_ BG - 8, the 23.05.2016

Sub: First Appeal under RTI ACT from Sri. S.B. Nagavi, Bangalore dated 29.04.2016  
received on 30.04.2016.

Ref: 1. Your RTI application dated: 11.04.2016.  
2. The CPIO reply Lr. No. RTI/2016-17/C-8/4 dated: 29.04.2016.

## History of the case:

The Appellant, Sri. S.B. Nagavi, Bangalore had sought certain information vide his RTI application dt. 11.04.2016 and the CPIO had disposed of the application vide letter dated 29.04.2016 stating that the information sought by the Applicant is exempted under Section 8(1) (j) of the RTI Act. Now the Appellant has preferred First Appeal vide his letter dated 29.04.2016.

## Contention of the Appellant:

In the appeal the Appellant has stated as follows:-

CPIO has denied the information under Section 8(1)(j) of RTI Act stating that it is an internal company matter. It is not with the bona fide intention but attempting to take shelter under the said Section in question and thereby shielding the information against the interested parties vis-a-vis larger public interest. He has further stated that Shri Venkateshwara Rao, CPIO is administratively in charge of the HR and Admn Section and is instrumental in taking the decision on the matters in question and naturally the question of conflict of interest arises.

## Prayer

(1) Furnish information as it does not contain any individuals personal information, and

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(2) Investigate into the matter of "Conflict of interest in the decision of the CPIO" and to appoint alternate officer to decide on such matters and ensure the protection of the objectives and aims of Right to Information a fundamental right.

**Observations of CPIO**

The CPIO has observed that the information sought by the Appellant vide RTI application dt 11.04.2016 was furnished vide letter dated 29.04.2016 which is well within the stipulated time. As regard non-furnishing of information, the CPIO holds the view that the information sought is exempted under Section 8(1)(j) of the RTI Act and hence need not be supplied.

Further, the issue of conflict of interest raised by Sri. S.B. Nagavi in the RTI Appeal has no relevance to the information sought by him vide his RTI application dt 11.04.2016. In this regard, it is stated that the RTI Act does not stipulate that Officers designated as CPIO, CAPIO etc., should exclusively be doing the RTI work and no other work should be assigned to them. Normally, Officers of appropriate rank working with/under a particular Public Authority are designated as CPIO/CAPIO and, therefore, designation of Shri. N. Venkateshwara Rao as CPIO of O/o CGMT, Bangalore is in order and allegation of conflict of interest in discharging the duties as CPIO by him is in-appropriate.

**DECISION**

I have carefully considered the grounds on which the First Appeal dated 02.05.2016 has been preferred. In the light of the above discussions and findings, the undersigned being the First Appellate Authority for the above Public Authority, is of the view that the information sought by the Appellant vide his RTI application dt 11.04.2016 is notings from the file pertaining to Rule 8 transfer of JTOs and same does not fall under information exempted under Section 8(1)(j) of RTI Act. Hence, the CPIO is hereby directed to supply the information sought by the Appellant vide his RTI Application dt 11.04.2016 within 15 days of receipt of a copy of this order, free of cost.

The Appeal is accordingly disposed of.



**(P. Nagaraju)**

Appellate Authority & CGM Telecom.  
Karnataka Circle, Halasuru, Bengaluru-08.  
Ph: 080 - 25362323, Fax No. 25369165.

Copy to : CPIO, O/O CGMT, Bangalore - for further necessary action.

The next Appellate Authority is the Chief Information Commissioner, Club Building, Near Post Office, Old J N U Campus, New Delhi - 110 067.

Received copy  
23/5/2016