

EMPLOYEES' PROVIDENT FUND ORGANISATION
(Ministry of Labour, Govt. of India)
Head Office, Bhavishya Nidhi Bhawan,
14-Bhikaiji Cama Place, New Delhi – 110 066

No. PID/Circular/ 06 /7195

Dated:

22 JUL 2011

To

The Director NATRSS
All Addl.Central.P.F.Commissioner (Field Offices/Head Office)/CVO
All Regional.P.F.Commissioner (Regions)
All OIC (Sub-Regional Offices)
All Dy. Director(vigilance): (Zones/Head Office)
All Dy. Director (Zonal Training Institutes)

**Sub:- CIC decision No. CIC/SG/C/2010/901457/13104 dated 27.6.11- Shri
Rabindra kumar B. Adhikari Vs Mr. Thothar, RPFC-II & CPIO.**

Sir,

Please find enclosed CIC decision dated 27.6.11 on the above mentioned case for information and necessary action.

Yours faithfully,

Amit - 21.7.2011
(Amit Vashist)

Regional P F Commissioner (PID)

✓ Copy to:-The RPFC(NDC) for web upload

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26161796

Decision No. CIC/SG/C/2010/901457/13164
Complaint No. CIC/SG/C/2010/901457

Relevant Facts emerging from the Complaint:

Complainant : Mr. Rabindra Kumar B. Adhikari,
Senior Manager, Corporation Bank,
Gudavalevari Street, Governorpet,
Vijayavada – 520002.

Respondent : Mr. Thothar
Public Information Officer & RPFC-II
Employees Provident Fund Organisation,
Sub Regional Office, Whitefield,
No. 36, NH-4, Lakshmi Complex,
Old Madras Road, K.R. Puram,
Bangalore- 560036.

RTI application filed on : 20/10/2010
PIO replied : 30/11/2010
23/12/2010
Complaint notice sent on : 07/12/2010

Information sought:-

The appellant wants the following information:-

Statement of PF account in respect of Sunita Choudhury employed in TESCO HINDUSTAN SERVICE CENTRE, #81 & 82 EPIP Area, Whitefield, Bangalore- 580088 for the financial year 2008-2009 and 2009-2010.

Ground of the Complaint:

Information not provided by PIO.

Reply from PIO:-

The PIO replied that the information sought by the applicant pertains to the third party and no public interest will be served in the disclosure. In accordance with Section 11 of the Act, a reference was made to the third party i.e., Sunitha Choudhury to make submission in writing or orally whether the information may be disclosed or not. The third party vide letter dated 25/10/2010 has strongly opposed to give any information to the applicant. Therefore, in accordance of sub section (3) of Section 11. of the RTI Act, 2005, the information is denied.

Submissions received from the PIO:

- 1) Vide copy of letter dated 23/12/2010, Mr. Ningshen Thothar, CPIO, Sub Regional Office, Whitefield Bangalore submitted that
 - a) The RTI application dated 20.10.2010 was received by the respondent's office through the CPIO, Regional Office, Bangalore vide letter no. KN/PF/VIG/RTI/1027/10-11. dated 25.10.2010 on 03.11.2010.
 - b) Reply / Decision was given vide decision no. KN/PF/SRO/WF/RTI/ 174/ 2010 dated 30.11.2010 vide Speed Post No. EK5634869311N dated 01.12.2010. However, the information / decision was inadvertently sent to permanent address of the complainant

instead of his present address. It was due to a clerical oversight and the inadvertent error is regretted.

- c) In compliance with the Order of the Commission dated 07.12.2010 a copy of the information/decision was sent again to the complainant.
- 2) Vide letter dated 03/01/2011, it was submitted by the PIO, Sub Regional Office, Whitefield Bangalore that the information sought against the RTI received in his office dated 20/10/2011 was denied as it pertained to disclosure by third party and to which the third party had raised serious objection. This was communicated to the applicant vide letter dated 30/11/2010 which was sent to his permanent address instead of present address due to clerical oversight. On receipt of letter of the Commission dated 09/12/2010, of the decision was forwarded to him vide letter dated 23.12.2010 clarifying to him about the inadvertent clerical oversight.

Submissions received from the Complainant:

1. Vide letter dated 29/01/2011, the complainant submitted that the CPIO has disregarded the instructions of the Commission dated 07/12/2010 by refusing to provide the information to the complainant.
2. The Complainant, Mr. R.B. Adhikari vide letter dated 29/01/2011 submitted before the commission that the mandatory period of 11.01.2011 by which the CPIO concerned was to furnish the feedback with reference to his letter dated 29/12/2010 has elapsed, but information sought has not yet been provided to him.

Relevant Facts emerging during Hearing:

The following were present:

Complainant: Absent;

Respondent : Mr. Thoathar, Public Information Officer & RPFC-II on video conference from NIC-Bangalore Studio;

The Complainant is seeking the PF balance in the account of an individual employee. The PIO sought the concurrence of the third party who has stated she does not wish to share the information with the complainant. Information about PF balance and PF account of an individual is clearly protected by Section 8(1)(e) of the RTI Act since the information is held in a fiduciary capacity. Information on the details of individuals account is like savings bank account of an individual and the PIO's decision is upheld by the Commission.

Decision:

The complaint is disposed.

The information sought by the Complainant is exempt under Section 8(1)(e) of the RTI Act.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
27 June 2011

(In any correspondence on this decision, mention the complete decision number.) (11)