

OFFICE OF THE FIRST APPELLATE AUTHORITY  
FILM AND TELEVISION INSTITUTE OF INDIA  
LAW COLLEGE ROAD, PUNE – 411 004  
Tel. 020-25580006 (O)

No.FTII/RTI/FAA/06/2021

Dated : 02.07.2021

**IN THE MATTER OF : I.D. NO.59**  
**FATIP/A/E/21/00009**

**Shri Indranil Bhattacharya** .... **Appellant**  
V/s  
**PIO/Admin Officer** .... **Respondent**  
**FTII, Pune**

**ORDER**

Date of RTI Application – 04.04.2021  
Date of RTI Reply - 03.05.2021  
Date of RTI Appeal - 01.06.2021

1. This order shall dispose of the appeal filed by Shri Indranil Bhattacharya in respect of ID No.59.
2. The appellant, Shri Indranil Bhattacharya through his application dated 04.04.2021 had stated that in September 2019, a departmental inquiry was initiated by FTII against him by issuing a charge-sheet and by appointing Shri Pradeep K. Khullar as an Inquiry Officer. He had sought the following information through his said application under RTI act, 2005 :-
  1. Details of dates on which the hearing was held by Shri Khullar?
  2. Whether the inquiry was conducted by the Inquiry Officer?
  3. Details of Professional fees paid to the Inquiry Officer?
  4. Amount paid as air fare and hospitality to Shri Khullar for conducting the above inquiry?
  5. Date on which the Inquiry Report was submitted to FTII by Shri Khullar?
  6. Copy of defence brief submitted to Shri Khullar and signed by him?
  7. Copy of the final Inquiry Report submitted by Shri Khullar to FTII?
  8. Copy of Register showing receipt of the Inquiry Report by post or by courier from Shri Khullar?
3. The PIO provided the details through his reply dated 03.05.2021 with clarifications on document(s) not given explaining reasons thereto as mentioned in the reply.



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4. The Appellant was not satisfied on the reply given by the PIO and made the present appeal (First Appeal) alleging that the PIO has supplied incomplete and false responses to his application as follows:-
  1. ***I have sought information in FTII record – and it is misleading to assume the applicant has all the information. The RTI Act does not provide ground to deny information under the assumption that the applicant has all the information. This is mischievous and malafide. The PIO should be subjected to a penalty because of this and information provided.***
  2. ***Copy of final inquiry report by Shri P.K. Khullar has been denied citing order of the Hon'ble High Court. The Hon'ble High Court has not passed any order restraining Shri Shekhar Kapur and Film and Television Institute of India from sharing the Inquiry Report with the applicant. The Court has only restrained FTII from imposing a penalty by passing a final order. This is deliberate misrepresentation of the order of the Hon'ble Court by the Public Information Officer and hence punishable both under RTI Act, 2005 and Contempt of Court Act, 1971.***
5. I have carefully examined the points raised by the Appellant as in para 4 (1) & (2) above vis-a-vis the reply furnished by the PIO in this respect. The PIO has mentioned in his reply as follows:-
  1. The desired information as in serial No.1 of para 2 above is already held by the applicant since he attended all but one hearings of the inquiry and had signed and received each of the records of proceedings i.e. the Daily Order Sheets.
  2. In respect of information as in serial No.6 of para 2 above, the PIO replied that the written defence brief was a document authored, signed and submitted along with its annexures, by the applicant himself to the Inquiry Officer (I.O.). As this defence brief was signed only by the applicant, and was not required to be signed by Shri Khullar, no such document exists and therefore, the question to provide the requested document does not arise.
  3. For the information sought under serial No.7 of para 2 above, the PIO has mentioned that the applicant was already informed earlier that in terms of para 6(a) of the orders of the Bombay High Court, the Disciplinary Authority has been directed not to pass final orders based on the inquiry report till the decision of the High Court in the applicant's Writ Petition. The PIO has also mentioned that the Disciplinary Authority is duty bound at this stage to wait for the decision of the High Court in his Writ Petition before action is taken under Rule 15 of CCS



(CCA) Rules, 1965 to pass final orders on the inquiry report. He has also been clearly informed by the PIO that a copy of the report of inquiry will be shared in the process of second opportunity as per Rule before passing the final order after decision of the High Court on the Writ Petition.

4. I have gone through the preamble of the RTI Act, 2005, which says that democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold governments and their instrumentalities accountable to the governed. It also further says that revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information. Thus the very purpose of the enactment of the Act is to seek and have the information, which is not available with the seeker(s) from the view point of transparency of information and to contain corruption, wherever exists.
5. From the perusal of relevant records placed before me, I have understood that the Appellant himself has attended the hearings of the enquiry against him and as such he is aware of the total number of proceedings of the enquiry through the signed Daily Order Sheets provided to him by the I.O. Also, the Written Defence Brief of the Appellant requisitioned under the Act, which was authored, signed and submitted by the Appellant himself, to the I.O. during the process of inquiry is already available with the Appellant. Therefore, there is no reason to seek such documents which are already available with the Appellant just for the sake of the Act, which would cause unnecessary wastage of invaluable time and limited machineries of the public Office unless deliberately caused by the Appellant to do so.
6. Regarding the copy of Inquiry Report requisitioned by the Appellant, the same is a part of inquiry proceedings, which has been held under the Disciplinary Authority after submission of the same by the I.O. The Disciplinary Authority has to act for further processing on the matter under Rule 15(2) of CCS (CCA) Rules, 1965 by sharing a copy of the Report before passing final orders on it. This would be possible only when the Hon'ble High Court of Bombay disposes off the Writ Petition filed by the Appellant, as directed by the Hon'ble High Court. Therefore, at this point of time, preservation of confidentiality of this sensitive information is essential in the interests of the Institute. The same shall be shared with the Appellant at the appropriate time. As such, his present demand for a copy of the inquiry report is premature. Since the above information is indeed part of High Court matter and can't be disclosed to the appellant at this stage, the PIO's invocation of the matter as *subjudice* before Hon'ble High Court stands.

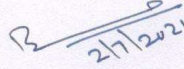


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7. In view of the reasons given above, the undersigned as the First Appellate Authority upholds the decision of the PIO.
8. The appeal is therefore disposed off.

Ordered accordingly.

If the appellant is not satisfied with the information provided, he may file an appeal before **Central Information Commission, August Kranti Bhawan, Bhikaji Cama Place, New Delhi – 110 066** within the stipulated time.

  
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( Sayyid Rabeehashmi )  
Registrar  
First Appellate Authority

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