

OFFICE OF THE FIRST APPELLATE AUTHORITY
FILM AND TELEVISION INSTITUTE OF INDIA
LAW COLLEGE ROAD, PUNE – 411 004
Tel. 25433360 (O)

No.FTII/Reg/RTI/2/2017

Date : 03.09.2019

IN THE MATTER OF : I.D. NO.27

Shri K. Jagdeeswaran

Appellant

V/s

PIO/Administrative Officer
FTII, Pune

Respondent

O R D E R

Date of RTI Application	- 17.05.2019
Date of RTI Reply	- 12.06.2019
Date of RTI Appeal	- 25.07.2019
Date of Hearing	- 03.09.2019

This order shall dispose off the appeal filed by Shri K. Jagdeeswaran in respect of I.D. No.27.

1. Present Shri S.K. Dekate, PIO/Administrative Officer
2. The Appellant was not present in the hearing. No written submission has been made by the Appellant.
3. All present heard.
4. In his RTI Application, the Appellant had asked for information related to LTC advance sanction procedure followed in FTII, details of staff who availed LTC advance and settlement made by them during January 2012 to May, 2019 in a format given.
5. The appellant has been informed that "FTII follows Government of India Rules/guidelines for LTC". The appellant contends that he has not been provided with all information by the PIO. The PIO has contended that many of the details sought by the applicant such as name of staff who availed LTC advance, date of LTC advance application submitted, date of advance sanctioned and amount disbursed, date of LTC advance settlement with bills, LTC advance outstanding from staff, as per FTII rule any action taken/penal charges recovered in case of any staff for not submitting the claim in 30 days etc. fall under the category of personal information and hence deniable under Section 8 (1) (j) of RTI Act.

In this context, reference is invited to the observations of Hon'ble Supreme Court of India in the Central Board of Secondary Education & Anr Vs. Aditya Bandopadhyay & Ors. (Civil Appeal No.6454 of 2011 arising out of SLP (C) No.7526/2009]

*"...But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, **to collect or collate such non-available information** and then furnish it to an Applicant."*

Therefore, this presents a case invoking Section 2 (j) of the RTI Act, 2005.

"...if A entrusts a document or an article to B, to be processed, on completion of processing B is not expected to give the document or article to anyone else but is duty bound to give the same to A who entrusted the document or article to B for processing."

The apex court has also observed that

"...If on the request of the employer or official superior or the head of department, an employee furnishes his personal details and information, to be retained in confidence, the employer, the official superior or departmental head is expected to hold such personal information in confidence as a fiduciary, to be made use of or disclosed only if the employee's conduct or acts are found to be prejudicial to the employer..."


6. Therefore, this presents a case for invoking Section 8(1)(j) of the RTI Act, 2005. In view of the foregoing, since the application includes the personal information like name of the employee, name of the dependents, amount of advance taken, date of LTC advance application submitted, date of advance sanctioned and amount disbursed, date of LTC advance settlement with bills, LTC advance outstanding from staff, any action taken/penal charges recovered in case of any staff for not submitting the claim in 30 days as per FTII rule etc. cannot be provided to the Appellant.

7. Also, the Appellant has asked the information in the format. As per RTI Act, the public authority is not supposed to create information; or to interpret information. Only such information can be had under the Act which already exists with the public authority.

8. In view of the foregoing, the appellant's contention that he has not been provided information as per provisions of RTI Act, does not hold ground. The appeal is therefore disposed of.

9. Ordered accordingly.


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


(R.N. Pathak)
Registrar
First Appellate Authority

Shri K. Jagdeeswaran
Assistant Professor Cinematography
FTII
Pune – 411 004
Copy to :

1. PIO/Administrative Officer, FTII, Pune

✓ 2. Incharge Multi Media, FTII with a request to upload the order on the FTII website.


(R.N. Pathak)
Registrar
First Appellate Authority