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कर्मचारी भविष्य निधि संगठन
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
EMPLOYEES' PROVIDENT FUND ORGANISATION
(Ministry of Labour & Employment, Govt. of India)
मुख्य कार्यालय / Head Office
भविष्य निधि भवन, 14-भोकाजी कामा प्लेस, नई दिल्ली-110 066.
Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi - 110 066.

LC-4/5/13/judgement

Date:- 06.01.2016

To

All Addl. Central P.F Commissioner(Zone)
All Regional P.F Commissioners
Regional Offices/Sub-Regional Offices

910Z NVF 8 0
0 8 JAN 2016

Sub:- Forwarding of important order passed by Central Information Commission-Regarding

Sir,

Please find enclosed herewith a copy of the order delivered by Hon'ble CIC in Appeal No. CIC/BS/A/2014/002727/9166 dated 07.12.2015. (copy enclosed).

2. In the instant matter, Central Information Commission has relied upon the order of High Court of Delhi in WP No. 803/2009 in the matter of Shri Vijay Prakash Vs. UOI and ors. in which the Hon'ble court held that in a private dispute, between husband and wife, the basic protection afforded by virtue of the exemption for the disclosure enacted under section 8(1)(j) can not be lifted or disbursed unless the petitioner is able to justify how such disclosure would be in public interest
3. Hon'ble CIC thus disposed the second filed by the applicant Shri Sachin Arya seeking such information.
3. Therefore, this landmark order of CIC may be kept in mind while passing orders under various sections of Right to Information Act, 2005.

Encl: As Above

Yours faithfully,

(M P Varghese)

Additional Central P F Commissioner-I (Legal)

07/01/16



कर्मचारी भविष्य निधि संगठन
Employees' Provident Fund Organization
श्रम एवं रोजगार मंत्रालय, भारत सरकार
(Ministry of Labour & Employment, Govt. Of India)

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क्षेत्रीय कार्यालय /Regional Office
भविष्य निधि भवन, सैक्टर 15-ए
Bhavishya Nidhi Bhawan, Sector 15A,
फरीदाबाद-121007 (हरियाणा), Faridabad-121007 (HARYANA)
Phone:-0129-2288068, 2268682; Fax:-0129-2288369
E-Mail:- ro.faridabad@epfindia.gov.in

No:- HR/FBD/Legal/Genl.File/HC&AT /157643
To

Dated: 23.12.2015

By name t:- The Central P.F. Commissioner
Smt. Anita Sinha Dixit New Delhi.
RPFC-1(Legal)

Pl put up

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REC-2
04/1/16

Subject:- Mr. Sachin Arora Vs. CPIO-regarding.

Sir,

Kindly find enclosed herewith the copy of order dated 07.12.2015 received from C.I.C, New Delhi on the subject cited above. The Appeal under RTI has been decided in favor of department. It is felt that similar applications may be received by many other offices therefore it may kindly be considered for circulation.

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Encl:- As above

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Your faithfully

(SIDDHARTH SINGH)

REGIONAL P.F. COMMISSIONER (Legal)

Arora

Siddharth

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26101592

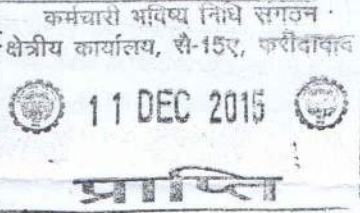
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11-12-15

File No. CIC/BS/A/2014/002724/9166
07 December 2015

Relevant Facts emerging from the Appeal:

Appellant



Mr. Sachin Arora,
R/o - B-321, Ground Floor,
Front, Greenfields Colony,
Faridabad, Haryana - 121010.

Respondent

CPIO/ Assistant P.F. Commissioner,
EPFO
Regional Office,
Bhavishya Nidhi Bhavan,
Sector - 15A, Faridabad

- RTI application filed on : 29/03/2014
- PIO replied on : 07/04/2014
- First appeal filed on : 02/05/2014
- First Appellate Authority order : 13/06/2014
- Second Appeal dated : 29/11/2014

Information sought:

The applicant wants the details of EPF A/c i.e. EPF A/c no. & EPF A/c Statement of Smt. Udita Arora, from date of opening of account to till date. Her PAN #BCMPM9858F.

Grounds for the Second Appeal:

The CPIO has not provided the desired information.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Sachin Arora

Respondent: Mr. J B Chauhan CPIO's representative

The appellant stated that he had sought PF statement of Smt. Udita Arora but no information has been provided. The CPIO's representative stated that the information relates to third party and is exempted from disclosure under Section 8(1)(j) of the RTI Act. The appellant pointed out that the subscriber is his legally wedded wife and he cannot be treated as third party. In support of his contention he cited this Commission's decision dated 03/02/2015 [file no. CIC/SA/A/2014/000433 - Smt P Sharma vs Delhi Transco Ltd] holding that spouses have right to information between them. He submitted that Courts generally give interim relief to estranged wife even without going into the merits of her demand. He claimed that his wife has suppressed her qualification and employment details from the court. He pleaded that the information is very vital for submitting to the court.

We may ~~reversed~~ the decision
to Headquarters for circulation
Pl submit regently

[Signature]
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Decision notice:

The Hon'ble High Court of Delhi vide its decision dated 01/07/2009 [W.P.(C) 803/2009 Vijay Prakash vs. UOI and others] has held that in a private dispute, between husband and wife, the basic protection afforded by virtue of the exemption from disclosure enacted under Section 8(1)(j) cannot be lifted or disturbed unless the petitioner is able to justify how such disclosure would be in 'public interest'.

The appellant has submitted that courts generally grant interim relief to estranged wife on the basis of her pleadings without going into the merits of the case and the information is very vital for submission before the Court. If it be so, the appropriate remedy available to him would be to apply to the concerned Court for summoning the records of the respondent but seeking such information under the provisions of Right to Information Act is certainly not an appropriate relief.

The matter is closed.



BASANT SETH
Information Commissioner

Authenticated true copy:


(R. L. Gupta)
Dy. Registrar/Designated Officer