

**DIRECTORATE OF TRAINING & TECHNICAL EDUCATION**

**MUNI MAYA RAM MARG, PITAMPURA, DELHI-110 034.**

**O/o FAA/JOINT DIRECTOR (TTE)**

(Ph. No.27321024, 27327771, Email:- [rttte.delhi@gov.in](mailto:rttte.delhi@gov.in))

No. F.2 (16)/2022/RTI/Appeal No-1505/ 500-03

Dated: 13/05/22

Name of applicant	Date of Application	Reply given by PIO	Date of Appeal	Appeal No.	ID No.
Sh. Bhupendra Khatri	11/11/2021	07/12/2021	07/01/2022	1505	5155

**ORDER**

Heard on 9<sup>th</sup> May 2022 at 1500 Hrs.

Present: - PIO- Present  
Appellant – Present

Submissions of Appellant and PIO heard in depth and PIO is hereby directed that information available in material form be provided to the appellant within 15 days under RTI Act 2005.

Appeal disposed off, accordingly. If applicant is not satisfied with this direction, he may file second appeal before Hon' ble CIC, August Kranti Bhawan Bhikaji Cama Place, Delhi-67 within the stipulated time.



**(Dr. O P Shukla)**  
FAA/JOINT DIRECTOR (TTE)

**Sh. Bhupendra Khatri**  
**House No. D-701, Pragya Apartment,**  
**Plot No. 1 B, Sector-2, Dwarka,**  
**New Delhi-110075**

**Copy for information and necessary action to:-**

1. PIO(HQ), DTTE, Delhi.
2. DD (Academic), DTTE, Delhi.
3. The System Analyst, DTTE with the request for upload the same on the Departmental Website. (Copy of application filed by the appellant to the F.A.A. DTTE as first appeal is also enclosed.).

ID No. 5155

dt. 11/11/21

Appeal No. 1505

07/01/22

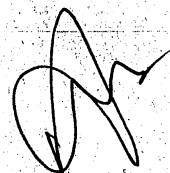
**APPEAL U/S 19 (1) OF THE RIGHT TO INFORMATION ACT,**  
**2005**

To,  
The First Appellate Authority  
Department of Training & Technical Education  
Room No: 103, 1st Floor, Pitampura,  
Delhi-110034.

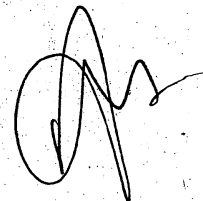
- 1) Name & Address of the Appellant : Bhupender Khatri,  
D-701, Pragya Apartments,  
Plot 1B, Sector-2, Dwarka,  
New Delhi-110075.
- 2) Particulars of PIO : Sh A. N Gaur, PIO (RTI) DTTE
- 3) Date of submission of Application : 03.11.2021 (enclosed as Annexure-  
'A')
- 4) Order against which appeal is preferred : Order No. F.2(16)/2006/RTI/TTE/ID  
No: 5155/1324-25/4934 dated  
07/08.12.2021 (enclosed as Annexure-  
'B')

**BRIEF FACTS:**

- a) That a complaint for Sexual Harassment at Work Place was instituted by Ms. Sumita Madan CCI, ITI, Arab Sarai against the Appellant.
- b) It is submitted that on the complaint of Sunita Madan an Internal Complaints Committee was constituted by DTTE to enquire into the allegations of Ms. Sumita Madan against Appellant.
- c) It is submitted that Internal Complaints Committee upon inquiry formulated its report and the copy of same was forwarded to me on 09.09.2021.



- d) It is submitted that upon going through the contents of the report of Internal Complaints Committee the Appellant sought certain documents including a compact disc (CD), which were taken on record by Internal Complaints Committee while deciding the complaint of Ms. Sumita Madan and the copy of which was not made available to Appellant. Consequently, Appellant filed an application under RTI to provide him the following documents:
- i. Please provide me the certified copies of all documents (readable of file No. 161(180)/Academic/Sexual-harassment/2020/ (both notings as well as correspondence).
  - ii. Please provide me the guidelines guiding principles of the internal complaint committee on which inquiries are conducted.
  - iii. Please provide me the copy of audio CD as mentioned in the point No. 17 of the report submitted by the ICC.
  - iv. Please provide me the extract the rule under which the audio CD was admitted as evidence in the case.
  - v. Please provide me the detail of the authority who authorized the recording of the statement of the witnesses by the complainant.
  - vi. Please provide me the copies of the evidence provided by the complainant by which the ICC concluded that I objected to carpooling of the complainant with Mr. Dinesh Solanki.
  - vii. Please provide me the copy of evidences after Nov 2018 by which the complainant has accused me of harassment.
- e) Thus the information was sought by the Appellant to serve larger public interest to be aware about the contents of the documents filed by Ms. Sumita Madan in support of her allegation as well as the contents of the proceedings held by Internal Complaints Committee.

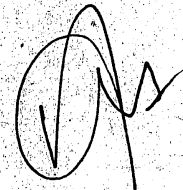


f) That Public Information Officer vide its order No. No. Order No. F.2(16)/2006/RTI/TTE/ID No: 5155/1324-25/4934 dated 07/08.12.2021 (hereinafter referred as the "impugned order") has declined to provide the necessary information/ records mostly under section 8 (1) (j) of the RTI Act, 2005 and for two documents specific reasons have been given.

5) That while passing the impugned order, the PIO has refused to give the information on the wrong premises and without any reasonable cause. Thus, aggrieved by the aforesaid impugned order Appellant is preferring the present appeal u/s 19 (1) of the Act before the Hon'ble First Appellate Authority.

6) **GROUNDS FOR APPEAL:**

- i) Because the PIO has failed to even follow the procedure prescribed under the RTI Act before passing the impugned order thereby declining the record / information to the Appellant.
- ii) Because in the impugned order it has not even been disclosed as to whether any reply was sought from the third party with respect to the record/information sought and if any reply had been received objecting the same or not. Thus PIO had acted utmost mechanically while passing the impugned order.
- iii) Because the PIO failed to comprehend to the facts and circumstances of the case.
- iv) Because the PIO erred declining the supply relevant information to the Appellant for his query "Please provide me



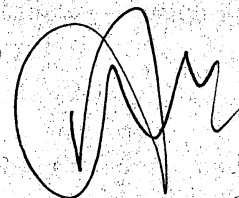
the certified copies of all documents (readable of file No. 161(180)/Academic/Sexual harassment/2020/ (both notings as well as correspondence)" taking the shelter behind section 8 (1) (j) of RTI Act without going into the facts and holding information sought is of personal nature and which would cause invasion of privacy, It is submitted that it is not known how the proceedings and documents before Internal Complaints Committee can be classified as Personal Information and of whom or disclosure of which would tantamount to invasion of privacy of whom. It is submitted that the proceedings conducted by Internal Complaints Committee are quasi-judicial proceedings which cannot be classified as "Personal Information." Not providing the copy thereof can tantamount to "Invasion of Privacy of anyone". Hence the impugned order is bad on the face of record and the information sought by Appellant in this regard is liable to be supplied to Appellant.

- v) Because the PIO erred declining the supply relevant information to the Appellant for his query "Please provide me the guidelines guiding principles of the internal complaint committee on which inquiries are conducted)" on the premise that it is available on site while very well knowing that the same is not on record. Hence the impugned order is bad on the face of record and the information sought by Appellant in this regard is liable to be supplied to Appellant.
- vi) Because the PIO erred declining the supply relevant information to the Appellant for his query Please provide me



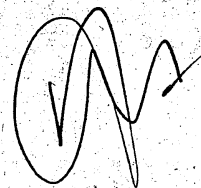
the copy of audio CD as mentioned in the point No. 17 of the report submitted by the ICC" taking the shelter behind section 8 (1) (j) of RTI Act without going into the facts and holding information sought is of personal nature and which would cause invasion of privacy, It is submitted that it is not known how the documents adduced by Complainant before Internal Complaints Committee can be classified as Personal Information and of whom or disclosure of which would tantamount to invasion of privacy of whom. It is submitted that the proceedings conducted by Internal Complaints Committee are quasi-judicial proceedings which cannot be classified as "Personal Information." nor providing the copy of the document adduced before it can tantamount to "Invasion of Privacy of anyone". Hence the impugned order is bad on the face of record and the information sought by Appellant in this regard is liable to be supplied to Appellant,

- vii) Because the PIO erred declining the supply relevant information to the Appellant for his query "Please provide me the extract the rule under which the audio CD was admitted as evidence in the case" on the premise that it is "Audio CD was not admitted in evidence in the case as CD was not Audible" whereas in Para 17 of the findings/ Discussion of Internal Complaints Committee the Audio CD has not only been heard but it has been taken into consideration. Hence the impugned order is bad on the face of record and the information sought by Appellant in this regard is liable to be supplied to Appellant.



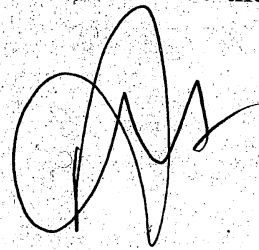
viii) Because the PIO erred declining the supply relevant information to the Appellant for his query "Please provide me the copies of the evidence provided by the complainant by which the ICC concluded that I objected to carpooling of the complainant with Mr. Dinesh Solanki Please provide me the copies of the evidence provided by the complainant by which the ICC concluded that I objected to carpooling of the complainant with Mr. Dinesh Solanki" taking the shelter behind section 8 (1) (j) of RTI Act without going into the facts and holding information sought is of personal nature and which would cause invasion of privacy, It is submitted that it is not known how the evidence led before Internal Complaints Committee which has been led by Complainant against Appellant and has been taken into consideration by Internal Complaints Committee in its findings can be classified as Personal Information and of whom or disclosure of which would tantamount to invasion of privacy of whom. It is submitted that the evidence led before Internal Complaints Committee which is a quasi-judicial body can be classified as "Personal Information." and providing the copy thereof to Appellant can tantamount to "Invasion of Privacy of anyone". Hence the impugned order is bad on the face of record and the information sought by Appellant in this regard is liable to be supplied to Appellant.

ix) Because the PIO erred declining the supply relevant information to the Appellant for his query "Please provide me the copy of evidences after Nov 2018 by which the

A handwritten signature in black ink, consisting of a large, stylized 'V' or 'W' shape followed by a smaller, more complex scribble.

complainant has accused me of harassment" taking the shelter behind section 8 (1) (j) of RTI Act without going into the facts and holding information sought is of personal nature and which would cause invasion of privacy, It is submitted that it is not known how the evidence led before Internal Complaints Committee which has been led by Complainant against Appellant and has been taken into consideration by Internal Complaints Committee in its findings can be classified as Personal Information and of whom or disclosure of which would tantamount to invasion of privacy of whom. It is submitted that the evidence led before Internal Complaints Committee which is a quasi-judicial body can be classified as "Personal Information." and providing the copy thereof to Appellant can tantamount to "Invasion of Privacy of anyone". Hence the impugned order is bad on the face of record and the information sought by Appellant in this regard is liable to be supplied to Appellant.

- x) Because the PIO failed to apply its mind to pros and cons of proposed disclosure to determine whether there are sufficient reasons for its disclosure in the public interest or not.
- xi) Because the PIO failed to even determine whether the information sought by the Appellant was confidential or providing of which would, in any manner, adversely effect the third party or supplying the information would serve the public interest.





- xii) Because the PIO failed to give adequate hearing/notice to the Appellant to decide the comparative weight of public interest.
- xiii) Because the PIO failed to determine whether disclosure will outweigh harm, by not disclosing the necessary information which is of utmost importance to Appellant.
- xiv) Because the PIO failed to pass a speaking order while refusing to provide the information.
- xv) Because PIO acted in a manner contrary to the mandate of law.
- xvi) Because the PIO failed to determine that the information sought by the Appellant was not confidential of the anyone.
- xvii) Because the information asked were very clear and unambiguous; instead of supplying the requisite correct information, the PIO malafidely and willfully suppressed the requisite information and supplied the false, wrong, incorrect and misleading information. The Hon'ble Central Information Commission in many of their decision, has held, "that denial of information made knowingly appears to be rather malafide."
- xviii) Because the PIO intentionally did not provide the mandatory information regarding as to who is its next Appellate Authority in case the Appellant is aggrieved with the order passed by the PIO.



7) That the Appellant seeks permission of the Ld. First Appellate Authority to address any other/further ground(s) as available to the Appellant at the time of hearing of the present appeal.

8) **PARTICULARS OF INFORMATION REQUIRED:**

Same as requested by Appellant's application dated 03.11.2021 annexed as Annexure-'A'.

8) **PRAYER:**

It is, therefore, respectfully prayed that PIO may kindly be directed to furnish the correct and detailed information as sought in Application Dated 03.11.2022. It is further prayed that as PIO has intentionally refused to furnish the requisite information, which has been proved hereinabove, PIO should be penalized u/s 20 (1) & (2) of the RTI Act and penalty proceeding may please be initiated against him.

It is prayed accordingly.

Appellant



Bhupender Khatri,  
D-701, Pragma Apartments,  
Plot 1B, Sector-2, Dwarka,  
New Delhi, 110075.

Delhi.

Dated: 06.01.2022

Encl: As above

