

Central Information Commission

Room No.307, II Floor, B Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066
website-cic.gov.in

Appeal No. CIC/KVSAN/A/2017/154317/MP

Appellant : Smt. Parul Saxena, Allahabad
Public Authority : Kendriya Vidyalaya, Unnao

Date of Hearing : October 4, 2017
Date of Decision : October 13, 2017

Present:

Appellant : Shri Hari Shankar Srivastava, on behalf of the
appellant – through VC
Respondent : Shri R.K. Dixit, PGT (Physics) – through VC

RTI application : 2.3.2016
CPIO's reply : 28.3.2016
First appeal : 5.4.2016
FAA's order : 12.4.2016
Second appeal : 29.6.2016

ORDER

1. Smt. Parul Saxena, the appellant, had sought the copy of salary slip of the month of February 2016 in case of her husband, Shri Anchal Saxena, P.G.T. (History), who was working as a lecturer at Kendriya Vidyalaya, Unnao, including, the date and percentage of increment of his salary.

2. The Central Public Information Officer (CPIO) forwarded the letter dated 21.3.2016, received from Shri Anchal Saxena, in response to the information sought by the appellant by which Shri Saxena had refused to part with the information relating to his salary slip in view of Sections 8(1)(h) & 8(1)(j) of the RTI Act, 2005 as Smt. Parul Saxena had been already pursuing litigation against him in the court. The appellant, being dissatisfied with the CPIO's response, approached the First Appellate Authority (FAA) with a request to provide the desired information in order to enable the appellant to claim maintenance from her husband under the divorce proceedings pending before the Family Court, Allahabad. The FAA upheld the decision of the CPIO. Aggrieved with the FAA's response, the appellant came in appeal before the Commission stating that Sections 8(1)(h) & 8(1)(j) of the RTI Act, 2005 was not applicable to the information sought by her as the appellant, being wife of Shri Anchal Saxena, was entitled to know the salary details of her husband. The appellant, therefore, requested the Commission to direct the CPIO to provide the desired information.

3. The matter was heard by the Commission. The appellant's representative reiterated the request for providing the copy of salary slip of February 2016 of her husband, Shri Anchal Saxena as the CPIO had incorrectly denied the information.

4. The respondent stated that at the time of receipt of the appellant's RTI application, Shri Anchal Saxena was working in KV, Unnao and he refused to disclose his salary particulars to the appellant when his consent was sought by the CPIO. He had, however, joined as Vice-Principal, Kendriya Vidyalaya, Punjab, after his promotion.

5. On hearing the respondent and perusing the available records, the Commission observes that the CPIO has, without application of his mind, incorrectly denied information to the appellant and mechanically forwarded the letter dated 21.3.2016 received from Shri Anchal Saxena, refusing to disclose his salary particulars to the appellant. The Commission further observes that salary of a public officer is paid from the Govt. ex-chequer and every citizen/tax payer of this country has a right to know the pay and emoluments of a public official. The Commission's decision in the case of **Dr. Dheeraj Kapoor vs. Directorate of Health Services GNCTD, Delhi** (File No.CIC/SA/A/2014/000494, decision dated 31.10.2014) explaining the right to information of salary of spouse as a citizen, is relevant in this regard:

“8. Amount of Salary and the details of pay scale of public servant can be part of voluntarily disclosable information under Section 4(1)(b), whereas deductions, personal loans, details of net or gross salary paid for a particular month, or seeking a salary slip (payment voucher) and residential addresses are not disclosable, unless larger public interest is involved. If an RTI Application is filed for that information, the larger public interest has to be examined by the PIOs, Appellate Authorities and the Commission.

12. The information about salary which is not part of 'scale' is not public information. The information for instance, about deduction of instalment for personal loan, payments or savings made by public servant, expenditure details etc is his personal information. As a spouse whether he/she wants to give that private information to the other spouse or not is personal discretion of the spouse. Thus it becomes third party information as far as the spouse (husband in this case) is concerned. In his capacity as a citizen, the appellant is entitled to know the salary particulars of his wife (third party here).

The Commission holds that the information about the salary and pay scale would serve the interest and purpose of maintenance rights of the spouses. Especially, when the wife is seeking the salary particulars of the husband from the public authority where he is working as a public servant, it is the duty of the public authority to render required assistance by providing necessary information to secure justice.”

Another decision of this Commission in the case of **Smt. Soma Majumdar vs. Eastern Coalfields Limited** (File No. CIC/AT/A/2009/000327, dated 17th July, 2009), is worth noting in that regard:

“4. It is seen that the information requested by the appellant is the disclosure of the routine information regarding the salary of an employee of a public authority which is even otherwise disclosable

under Section 4(1) of the RTI Act and as per the decision of the Commission in K.C. George Vs. CMFRI; Appeal No.CIC/AT/A/2009/00032; Date of Decision: 13.05.2009. However, what is not disclosable is any details in the salary slip of the employee regarding how much he was contributing towards Provident Fund or other voluntary contributions made by him from his salary account. While these items can be withheld, it would be wholly incorrect to withhold from disclosure information regarding an employee's salary at any given point of time, including the allowances payable. Such information cannot be withheld on the ground that it was personal income of an employee. A charge on the budget of the public authority towards payment of salary to an individual employee is not a personal matter between the employer and employee. It is an information which is disclosable since it is an account of what an employee or a class of employee receive by way of pay from the employer. There is no reason why such information should be withheld from disclosure."

6. In view of the above, the Commission directs the CPIO to give only the total emoluments in the salary slip of Shri Anchal Saxena for the period as sought by the appellant in her RTI application and block the deductions claimed, to the appellant, within a week of the receipt of the order of the Commission. The appeal is disposed of.

**(Manjula Prasher)
Information Commissioner**

Authenticated true copy:

Dy Registrar

Copy to:

The Central Public Information Officer
Kendriya Vidyalaya,
Principal,
Dahi Chauki, Unnao,
Uttar Pradesh – 209 801

The First Appellate Authority
Kendriya Vidyalaya Sangathan,
Deputy Commissioner,
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Uttar Pradesh – 226 024

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