

BEFORE THE APPELLATE AUTHORITY
(Under the Right to Information Act, 2005)
SECURITIES AND EXCHANGE BOARD OF INDIA

Appeal No. 5538 of 2022

Anirban Pani	:	Appellant
	Vs	
CPIO, SEBI, Mumbai	:	Respondent

ORDER

1. The appellant had filed an application dated November 30, 2022 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated December 09, 2022, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/22/00671) dated December 19, 2022. I have carefully considered the application, the response and the appeal and find that the matter can be decided based on the material available on record.
2. **Queries in the application** –The appellant, vide his application dated November 30, 2022, *inter alia*, sought the following information regarding change in seniority list in the promotion exercise email dated May 10, 2019:

“(i) Copies of all the Office Notes/ Annexures / notings / reports etc. at the time of recruitment to arrive at seniority.

“(ii) Copies of Office Notes/ Annexures / notings / reports etc. (from 2011- till date) leading to change of my seniority in the aforesaid manner.”
3. The respondent, in response to the aforesaid queries, informed that the information sought by the appellant is exempt from disclosure under section 8(1)(a) of the RTI Act as the same pertains to the internal functioning of SEBI and relates to the systems and procedures followed at SEBI. Further, the said information is strategic in nature disclosure of which may hamper the decision making by SEBI in its supervisory and regulatory role.
4. **Ground of appeal-** The appellant has filed the appeal on the ground that access to the requested information was refused. The appellant, in his appeal, *inter alia*, submitted that his seniority was changed

without any cogent reason. The appellant also submitted that it is a matter of administrative action not involving any kind of regulatory or supervisory role.

5. **Query number (i)-** It is observed that the appellant, in query number (i), has made a general request for all Office Notes/ Annexures / notings / reports etc. at the time of recruitment to arrive at seniority, without specifying the exact details of particular document he wants to obtain from the respondents. Therefore, I find that the query is not specific. In this context, I note that the Hon'ble CIC, in matter of *Shri Mridul Rastogi vs. the CPIO, SEBI* (order dated June 10, 2022), held that: *"10. The Commission further observes that the information sought by the appellant on point nos. 3 and 4 of the RTI application are wide and general in nature, as he has not categorize that as to which document he has sought. The appellant has used the words: 'Certified copy of all the documents/ records including email/minutes of meeting pertaining to promotion exercise held in Year 2019 for Grade C to Grade D in general stream. The information may include all the records/ documents from creation of vacancies till fulfill of such vacancies'. The CPIO is not supposed to create information; or to interpret information; or or to furnish clarification to the appellant under the ambit of the RTI Act. As per Section 2(f) of the RTI Act, the reasons/opinions/advice can only be provided to the applicants if it is available on record of the public authority. The CPIO cannot create information in the manner as sought by the appellant. The CPIO is only a communicator of information based on the records held in the office and hence, he cannot be expected to do research work to deduce anything from the material therein and then supply it to him."* As observed hereinabove, these requests cannot be considered as a request for specific information under the RTI Act.
6. **Query number (ii)-** I have perused query number (ii) of the application and the response provided by the respondent. I note that the respondent has declined to provide the requested information by invoking the provisions of section 8(1)(a) of the RTI Act. In this regard, I note that the respondent, in his response, has not explained how the disclosure of the information will hamper the decision making by SEBI in its supervisory and regulatory role. On consideration, I find that the response provided by the respondent does not justify the denial of the requested information. In my opinion, the provision of section 8(1)(a) is not applicable in light of the facts of the present case. Further, the appellant, in his application dated November 30, 2022, mentioned his SEBI Staff ID and the year of joining SEBI. The appellant also stated as under-

"It may be noted that as per Seniority List published by HRD, below was the Seniority List of officers in Assistant Manager level of ITD as on 30- 09-2012:- 1. Anirban Pani 2. 3. 4. 5. 6. The same sequence of seniority was maintained during promotion exercise of officers from Assistant Manager to Manager during Feb -March 2015. However, the seniority list was changed as below in the promotion exercise email dated May 10, 2019 from Manager to Assistant General Manager, promotion

confirmation email dated June 03, 2019 and Seniority List of 2019: 1. 2. 3. 4. 5. Anirban Pani.”

7. I note that the appellant, vide query number (ii), has sought information with respect to the context mentioned in his application i.e. change in his seniority and the basis of such change. In view of the same, the respondent is directed to provide the requested information, as available in the record, specifically pertaining to the appellant. The requested information may be disclosed after redacting information pertaining to personal information of other officers as per Section 10 of the RTI Act. Further, it may be noted that this specific direction is passed in this order owing to the facts of the matter.
8. In view of the above observations, I remit the application to the respondent for providing the requested information sought in query number (ii) in compliance with the directions passed in para number 7 above, within 15 working days from the date of receipt of this order.
9. The Appeal is accordingly disposed of.

Place: Mumbai
Date: January 18, 2023

ANAND BAIWAR
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA