

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

Appeal No. 6462 of 2025

Uma Sankar Mahapatra : Appellant
Vs

CPIO, SEBI, Mumbai : Respondent

ORDER

1. The appellant had filed an application dated May 18, 2025 (received by the respondent through RTI MIS Portal) under the Right to Information Act, 2005 (“**RTI Act**”). The respondent, by a letter dated June 02, 2025, responded to the application filed by the appellant. The appellant filed an appeal (Reg. No. SEBIH/A/E/25/00159) dated June 28, 2025. 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, in his application dated May 18, 2025, sought the following information regarding a SEBI official:

“ 1) copies of the leave application/ s of him from December 2024 to till date.

2) No. of days of leave in his credit till December 2024 (all type of leave i.e. CL, EL, medical leave)

3) Wheather he has resumed on duty after availing leave. If so, copy of his joining report.

4) Designation of the officer who allows his leave application and sanctioning authority of leave (period wise i.g. for 30 days, less than 90 days, above 90 days). Copy of the documents i.e. medical certificate, if any submitted by him in support of leave application. Whether he has taken HQ leaving permission. If so, address during such leave period. Rule of SEBI for referring medical board in case of an officer remains on leave for a long period.”

3. **Reply of the Respondent** –The respondent, in response to queries in the application, informed that the information sought relates to personal information and is available with SEBI in its fiduciary capacity, the disclosure of which has no relationship to any public activity or interest and may cause unwarranted

invasion into the privacy of the individual. The same is, therefore, exempt in terms of Section 8(1)(j) & 8(1)(e) of the RTI Act.

Additionally, the respondent informed that the service conditions, including granting of leaves, of SEBI employees is governed under the SEBI (Employees' Service) Regulations, 2001. The said Regulations is available on the SEBI website.

4. **Ground of appeal** – The appellant has filed the appeal on the ground that he was refused access to the information requested.
5. I have perused the application and the response provided thereto. I note that appellant in his application has sought details of leaves availed by a SEBI employee. On consideration, I find no infirmity in the denial of the requested information by the respondent under Section 8(1)(j) of the RTI Act. I note that in the matter of *Girish Ramchandra Deshpande vs. Central Information Commissioner* (judgement dated October 03, 2012), the Hon'ble Supreme Court held: “ *The performance of an employee/ officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the Appellate Authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed but the Petitioner cannot claim those details as a matter of right.*” I also note that Hon'ble Central Information Commission (CIC) in its decisions in *Kashmir Singh vs. CPIO, Dy. Superintendent of Police* (Date of decision: 13.08.2020) and *Phool Singh vs. CPIO, Department of Personnel and Training* (Date of decision: 09.02.2022) had upheld the denial of information pertaining to leave record/attendance under section 8(1)(j) of RTI Act. Further, Hon'ble CIC in its decision in *Dharmendra Prasad Gairola vs. CPIO: THDC India Ltd.,Tebri, Tebri Garhwal (U.K)*(Date of decision: 12.12.2018) has observed that “*The Commission further observes that disclosing information pertaining to the leave applications of Shri Khima Nand Gairola, as sought by the appellant vide point no. B of RTI application, is personal in nature and has no relationship to any public interest and would cause an unwarranted invasion of the privacy of the third party. Hence, its disclosure is exempted under Section 8(1)(j) of the RTI Act.*” In view of the said judgements, I agree with the response of the respondent that the requested information is exempt from disclosure under section 8(1)(j) of the RTI Act.
6. Additionally, I am of the opinion that the information sought is available to SEBI in fiduciary capacity. In this context, I note that the Hon'ble Supreme Court of India in *Central Board of Secondary Education & Anr.*

vs. Aditya Bandopadhyay & Ors (Judgment dated August 9, 2011) observed that “The term ‘fiduciary relationship’ is used to describe a situation or transaction where one person (beneficiary) places complete confidence in another person (fiduciary) in regard to his affairs, business or transaction/s. The term also refers to a person who holds a thing in trust for another (beneficiary). The fiduciary is expected to act in confidence and for the benefit and advantage of the beneficiary, and use good faith and fairness in dealing with the beneficiary or the things belonging to the beneficiary. If the beneficiary has entrusted anything to the fiduciary, to hold the thing in trust or to execute certain acts in regard to or with reference to the entrusted thing, the fiduciary has to act in confidence and expected not to disclose the thing or information to any third party. There are also certain relationships where both the parties have to act in a fiduciary capacity treating the other as the beneficiary. Examples of these are : a partner vis-à-vis another partner and an employer vis-à-vis employee..... if on the request of the employer or official superior or the head of a 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..” Further, on perusal of the appeal, I note that the appellant had failed to provide any submissions as to how the disclosure of the information is justified by larger public interest. Hence, I find that the information sought is exempt u/s 8(1)(e) of RTI Act. Accordingly, I do not find any deficiency in the response.

7. The respondent has also informed that the service conditions, including granting of leaves, of SEBI employees is governed under the SEBI (Employees' Service) Regulations, 2001, which is available on the SEBI website. Hence, I note that the same is available on public domain. In this context, I note that the Hon'ble Delhi High Court, in the matter of *Registrar of Companies & Ors. Vs. Dharmendra Kumar Garg & Anr.* and the Hon'ble Central Information Commission (CIC), in the matter of *Shri K Lall vs. Shri M K Bagri* (CIC/AT/A/2007/00112, order dated April 12, 2007), *inter alia*, observed that if the relevant information is available in the public domain, the same cannot be said to be information held by the public authority and consequently there is no obligation to provide such information to an applicant under the RTI Act. In view of these observations, I find that the respondent cannot be obliged to research and compile the information which is already available in the public domain and then provide the same to the appellant.

8. In view of the above observations, I find that there is no need to interfere with the decision of the respondent. The appeal is accordingly dismissed.

Place: Mumbai

Date: July 22, 2025

RUCHI CHOJER
APPELLATE AUTHORITY UNDER THE RTI ACT
SECURITIES AND EXCHANGE BOARD OF INDIA