

BEFORE THE REGISTRAR OF CO-OPERATIVE SOCIETIES-CUM-FIRST APPELLATE AUTHORITY UNDER THE RIGHT TO INFORMATION ACT, 2005

FA/10/2016

Present: **Dr. A.S. SIVAKUMAR,**
Registrar of Co-operative Societies-cum-
First Appellate Authority.

Mandapaka Satyanarayana,
Door No.7-04-001, Gummalla Lane,
Pydikondala Street,
Yanam - 533 464.

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Appellant

Vs.

The Public Information Officer,
Pondicherry State Co-operative Bank Ltd.,
No.204, East Coast Road,
Olandaikeerapalayam, Mudaliarpet Post,
Puducherry - 605 004.

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Respondent

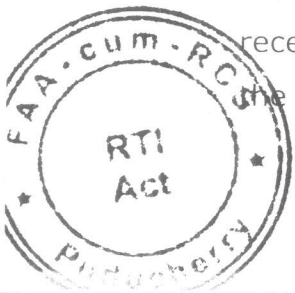
ORDER

(Issued under Section 19 of the Right to Information Act, 2005)

The appellant questioning the legality of the order dated 24.2.2016 of the respondent seeking for a direction to the Public Information Officer of the Pondicherry State Co-operative Bank Ltd., (for brevity 'the Bank') to furnish information under the Right to Information Act, 2005 (for short 'the Act'), this appeal is filed invoking Section 19 of the Act.

2. It is seen from the appeal that, vide his application dated 21.1.2016, the appellant/applicant, sought information under the Act from the respondent a copy of the action taken report on the complaints received against the staff of the Bank at Yanam Branch for the period from 2.1.2014 to till the date of his application. To this the respondent vide his letter No.PSCB/HO/172/2015-2016/B dated 24.2.2016, denied information stating that the information sought comes under the exemption clause of Section 8 (1) (d), (j) of the Act and also that the Bank is not covered under the Act.

3. Aggrieved over the order dated 24.2.2016 of the respondent, the appellant has filed this first appeal contending that no response was received within 30 days from the date of submission of Form-1 and also on the reasons given by the respondent.

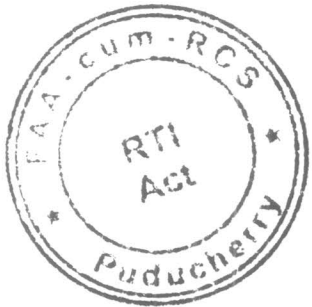


4. When an application is received under the Act the respondent is to ensure in the first instance whether his institutions answer the definition of public authority as per Section 2 (h) of the Act and if the answer is in affirmative he shall furnish the information or deny the information subject to the exemptions provided under the Act. If the answer to the first question is in negative no obligation is cast on the society to entertain the application at all. In the instant case the Bank is not a public authority in as much as it is not substantially financed by the appropriate Government. In tune with the decision of Hon'ble Apex Court in '*Thalappalam Service Co-operative Bank Ltd., and others Vs. State of Kerala and others*', reported in 2013 (12) SCALE 527 : 2013 (6) CTC 98: (2013) 7 MLJ 407: 2013 (4) KLT 232: 2014-1-LW.273, and as laid down in the circular No.RCS/CLC/SFCS/2014/172 dated 23.12.2014 of the Co-operative Department, Puducherry.

5. In view of the above the respondent has rightly stated that the provisions of the Right to Information Act, 2005 is not applicable to the Pondicherry State Co-operative Bank Ltd., Puducherry. The impugned order does not call for any interference and hence the first appeal stands dismissed.

6. A second appeal against the decision shall lie with the Central Information Commission, Room No.305, 2nd Floor, B-Wing, August Kranthi Bhavan, Bhikaji Cama Place, New Delhi - 110 066 within ninety (90) days, as provided in sub-section (3) of Section 19.

Dated at Puducherry, on the 8th April, 2016.




(Dr. A.S. SIVAKUMAR)
REGISTRAR OF CO-OP. SOCIETIES

o/c for
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To
The Parties.