

M.R. MUDALIGE VS. SRI LANKA RUBBER RESEARCH INSTITUTE

RTIC Appeal (In Person) 741/ 2018 Order under Section 32(1) of the Right to Information Act, No. 12 of 2016 and record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure)- heard as part of a formal meeting of the Commission on 01.04.2019.

Chairperson: Mr. Mahinda Gammampila

Commission Members: Mr. S.G. Punchihewa
Dr. Selvy Thirucharandra
Justice Rohini Walgama

Appellant: M.R. Mudalige

Notice issued to: Director General- Sri Lanka Rubber Research
Institute.

Appearance/ Represented by:

Appellant: present

Public Authority: V.H.L Rodrigo- Act. Director- RRDSL

RTI Request filed on	11.08.2018
IO Responded on	17.08.2018
First appeal to DO filed on	24.08.2018
DO Responded on	no response
Appeal to the RTIC filed on	20.09.2018

Facts germane to the Appeal:

At the Right to Information Commission of Sri Lanka

The appellant by his request dated as stated above has requested the following information inter alia ;

A copy of the details of the salary particulars and the allowances received from Institute by Mr. S.G.G. Wijesinghe in order to rectify the discrepancy of the salary and other allowances received by the appellant.

It is pertinent to note that the Information Officer has rejected the request of the appellant on the premis that the said information is exempted under Section 5 of the RTI Act. To tap it all the said information related to personal information the disclosure of which has no relationship to any public activity or interest or which cause unwarranted invasion of the privacy of the individual.

In the afore said circumstances as the information was not release the appellant preferred the instant appeal to the Commission. Consequently the Commission issued notices on both parties and fixed the hearing of the appeal for 01.04.2019.

Matters Arising During the Hearing:

On the afore said date both parties were present. It was the stance of the appellant that he along with two others were appointed to the Rubber Research Board based on same qualifications. But subsequently based on a Cabinet decision 1994/07/01 a new Department was established and they were transferred to the said Department namely the Rubber Control Department. It is also averred by the appellant that the appointment to the new Department confirmed, that they will be entitled to all the benefits and the salary that they were drawing at the Rubber Research Board. It is alleged by the appellant that as they did not receive the same benefit that they enjoyed at the Rubber Research Board they have filed a Fundamental Rights case in the Supreme Court, wherein it was decided that the appellant and others are entitled to the privileges as stated before.

At the Right to Information Commission of Sri Lanka

In the said backdrop the Public Authority expressed their wiliness to release the above information on the order of the Commission.

Order:

In the above setting the Commission was of the view that the information request should be in the public domain and cannot be protected or exempted in terms of Section 5 of the RTI Act.

Thus it is ordered hereby that the Public Authority shall release the information request to the appellant within two weeks from the date hereof.

Accordingly appeal is concluded.

Order is conveyed hereby to both parties in terms of Rule 27(3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017)
