

**Enquiry Report submitted by L.C. Singhi, Registrar, Central Information Commission in regard to a complaint petition submitted by Dr. Arun Aggarwal against Shri D.N. Singh, Joint Registrar(II) and First Appellate Authority in the office of the Registrar, Cooperative Societies, GNCT, Delhi.**

The complainant has alleged that on 09.03.2009, he was ill-treated and misbehaved by Mr. D.N. Singh, Joint Registrar (II) in the office of the Registrar, Cooperative Societies, Delhi as he went to the said office in connection with a First Appeal filed by him under Section 19(1) of the Right to Information Act, 2005. The complainant has further alleged that the First Appellate Authority refused to accept the documents which he wanted to submit and instead he was told to go away from the office and send the documents by post, even though the first appeal was scheduled to be heard on the same day at 3.00 P.M. He also alleged that other office staff of the said office including the Security Guards misbehaved with him.

2. It appears that this matter has been brought to the notice of the Registrar, Cooperative Societies, who is the concerned Public Authority and has also been brought to the notice of the Chief Secretary to the Government of NCT, Delhi and also to the Lt. Governor.

3. It has also been brought to my notice that the Principal Secretary to the Lt. Governor has already sought a factual report in the matter of the complaint and the matter has already been enquired into under the orders of the Delhi Government.

4. The said Enquiry Report presents another side of the incident. In the report submitted to the Government of NCT of Delhi, it has been stated that -

- (i) Dr. Arun Aggarwal barges into the rooms of officers and office branches and starts misbehaving with the staff and tries to browbeat and dictate terms/blackmail them. On 9.3.2009, he first entered the Accounts Branch and started questioning a lady official about her name who was working alone. He then entered the room of Personal Branch of the Joint Registrar and insisted the staff to receive the documents relating to appeal case that was to be heard at 3.00 P.M. When the staff requested him to file the same at 3.00 P.M. during appellate proceeding, he started abusing the staff, as per the complaint submitted by the staff. Similar complaints have also been filed by Asstt. Registrar (East) and his staff against Dr. Arun Aggarwal that he used to visit the Branch and attempts to tamper with the files/records.
- (ii) On 9.3.2009, Dr. Arun Aggarwal started abusing the staff of Personal Branch of the Joint Registrar. On hearing the commotion in his Personal Branch, any officer will come out of room. It is quite natural on part of officer to restore the normalcy by persuading every one to calm down. Perhaps, Dr. Aggarwal wanted to settle the issues in his own manner

which did not happen. Hence, Dr. Arun Aggarwal's complaint against the Joint Registrar is out of personal grudge and with the intention to malign the senior officer of this office. On the basis of the complaints, received from the staff, a formal complaint had to be lodged with the police against Dr. Arun Aggarwal.

5. The aforesaid Enquiry Report has been duly examined by the Government of NCT of Delhi and the Government of Delhi's considered view is that there is no strength in the complaint.

6. Since a complaint was also lodged in the police, I also contacted the concerned S.H.O. of the Parliament Street, New Delhi, who also narrated his version of the incident that took place on 09.03.2009. I have been given to understand that the matter ended up in a compromise between the parties.

7. The complainant was also contacted and he also admitted that he has already taken up the matter with the concerned Public Authority and with the Government of Delhi. He, however, submitted that his complaint to the Commission relates to the following aspects:-

- (i) That the First Appellate Authority and the Joint Registrar (II) did not give him an opportunity of being heard; and
- (ii) The documents that he wanted to submit were refused.

8. The appellant was asked that when his first appeal was scheduled for hearing on 09.03.2009 at 3.00 P.M., what was the need or necessity to insist on submission of the documents much earlier than the scheduled time of hearing ? It is to be noted that the appellant was duly notified to appear before the First Appellate Authority on 09.03.2009. He should have gone to the First Appellate Authority's office only at the time of hearing. The complainant explained to me that he wanted to make certain submissions in advance about certain matters before the First Appellate Authority. He, however, could not explain what prevented him from making those very submissions at the time of hearing which was on the said day in the afternoon. He also submitted that he did not appear at the time of hearing and instead has sent the documents which he wanted to submit through courier. He also stated that in this connection a Second Appeal has already been filed by him in the Central Information Commission (CIC/SG/A/2009/000674/3369).

9. The appellant has clearly stated that insofar as the alleged misconduct of the staff and of the First Appellate Authority is concerned, the appellant has not approached the Commission and he has already approached the concerned competent authority, i.e. the Government of NCT of Delhi.

10. As regards the question of any prejudice being caused to him as an appellant in a RTI proceeding, I am of the view that no prejudice has been caused to him. There was no need for Dr. Arun Aggarwal to approach the First Appellate Authority sitting in a quasi-judicial position before the scheduled time of hearing. Non-submission of documents is

also not a sustainable ground since the documents have already been submitted by him. If there is still something left, the appellant can raise the issue of any prejudice before the Commission while presenting his case in the Second Appeal.

11. In my opinion, no further action on this complaint petition is, therefore, warranted.

**( L.C. Singhi )**  
**Registrar**  
**13.07.2009**