

Central Information Commission

CIC/AD/A/2009/001482
Dated March 2, 2010

Name of the Applicant : Shri Janaki Prasad Mohapatra
Name of the Public Authority : Prasar Bharati, New Delhi

Adjunct to CIC Decision dt.14.12.09

Background

1. The point 6 of the captioned Order is reproduced below:
The Commission directs the CPIO, DDK, Bhubaneswar to show cause as to why a penalty of Rs.250/- per day (Maximum Rs.25000) should not be levied on him for not responding to the RTI application within the stipulated time as prescribed under the RTI Act and Mr.Sanjeev Verma, Dy. Director(A) Doordarshan Delhi for not transferring the RTI application within 5 days as stipulated in the Act. Both the CPIOs are directed to submit their written explanations in person on 2.3.2010.
2. The Bench of Mrs. Annapurna Dixit, Information Commissioner, scheduled the hearing on March 3, 2010.
3. Shri Sanjiv Verma, CPIO and Shri A.P.Gupta, S.O, DDK, New Delhi and Shri S.B.Jena and Shri S.Das, Advocates representing CPIO, DDK, Bhubaneswar represented the Public Authority.

Decision

4. The Commission received an explanation to the show cause notice from Shri Sanjiv Verma, Dy. Director (A), DDK, New Delhi dt.22.2.2010. Mr Verma stated therein that the Appellant vide his RTI application which was received on 16.7.09 had desired that the Public Authority should regularize him and send him a copy of the order of regularization. Mr. Verma submitted that a draft for regularization of casual artists was put up to the competent authority for approval on 30.6.09 and that it was finally approved on 7.10.09. He further added that in view of the policy decision pending approval, the RTI application could not be transferred to the concerned Kendra within the stipulated time period. During the hearing, Shri Sanjiv Verma further submitted that on 24.12.09, a proposal for regularization of casual artists of Doordarshan 1992 94 was submitted to Joint Secretary, Ministry of I&B for approval and that the follow-up action would be intimated to the applicant once the approval is obtained from the Ministry.

5. The Commission also received an explanation to the show cause notice from Shri L.K.Pradhan, CPIO, DDK, Bhubaneswar dt.19.2.2010 who stated therein that he had assumed charge with effect from 1.2.10 consequent upon retirement of Shri B.C.Gupta who was CPIO at the time the RTI application was filed. He added that when the matter was taken up on 14.12.09 by the Commission, CPIO of DDK, Bhubaneswar was not heard as the notice for the hearing was not sent to CPIO, Bhubaneswar. Since a number of cases relating to regularization of services, similar to that of the Appellant, were pending in CAT and High Court and the relevant file was available only with the Advocate at Cuttack who was conducting the case, the file had to be obtained from the Advocate and after the said file was received the information was supplied to the Appellant on 11.11.09.
6. The Commission on review of the explanation provided by both CPIOs finds the cause for delay in furnishing of information as reasonable and condones the delay and drops the penalty proceedings against the two CPIOs.

(Annapurna Dixit)
Information Commissioner

Authenticated true copy:

(G.Subramanian)
Asst. Registrar

Cc:

1. Shri Janaki Prasad Mohapatra
At/PO – Tirtol
Jagatsinghpur District
Orissa
2. Shri Sanjiv Verma
The CPIO &
Dy. Director (Administration)
Doordarshan
Copernicus Marg
New Delhi
3. Shri L.K.Pradhan
The CPIO &
The Supdtg. Engineer
Doordarshan Kendra
Bhubaneswar
4. Officer incharge, NIC
5. Press E Group, CIC