

Central Information Commission

CIC/AD/C/2009/000794

Dated March 2, 2010

Name of the Applicant : Shri P.K.Behera
Name of the Public Authority : National Institute of Malaria Research

Adjunct to CIC Decision dt.20.11.09

Background

1. The relevant excerpts from the captioned Order is reproduced below:
 6. *The Commission accordingly directs the CPIO to provide the information against points 3, 4 and 6 of the RTI application to the Complainant by 8.1.2010 and the Complainant to submit a compliance report to the Commission by 15.1.2010.*
 7. *The Commission also directs Shri R.C.Dhiman, Appellate Authority (CPIO at the time of receipt of RTI application) 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 prescribed under the RTI Act. He is directed to submit his explanation in person on 2.3.10.*
2. The Bench of Mrs. Annapurna Dixit, Information Commissioner, scheduled the hearing for March 3, 2010.
3. Dr.M.S.Malhotra, CPIO and Dr.R.C.Dhiman, Appellate Authority represented the Public Authority.

Decision

4. The Commission received an explanation dated 2.3.10 to the show cause notice from Shri R.C.Dhiman, Appellate Authority who stated in it that the CPIO, NIMR was not the custodian of the information as the information was related purely to administrative matters (part of the information was to be received from the officer in charge NIMR field station Rourkela and partly from Administrative Officer, NIMR Delhi). He explained that all the applications received under RTI Act, 2005 are forwarded to Administrative Officer, NIMR immediately on receipt, for necessary action as there is no separate set up for dealing with RTI matters. He further added that information against points Nos.3, 4 and 6 pertaining to some bills was not received from AO, NIMR despite several reminders to him (29.6.09, 13,7,09 and 10.8.09) and therefore could not be provided. The Respondent further added that Shri Ram Dev, was the Accounts Officer, NIMR was the CPIO at the time of receipt of CIC Notice dt.29.10.09. Since the Respondent Mr. Malhotra is now the CPIO, he provided the required information to the Appellant on 14.1.10. He also added that delay occurred on the part of administration basically due to shifting of NIMR Administration

from NOIDA premises to Dwarka in the month of June 2009 wherein the information asked for, could not be traced in time. Further, there was no appeal from the Appellant.

5. The Commission after reviewing the explanation provided and holds that information against 3 points was provided to the Appellant on 14.1.2010 which makes the complaint dt.15.1.2010 of the Appellant untenable . The Commission accepts the explanation provided by the CPIO as a reasonable cause and condones the delay and drops the penalty proceedings against the then CPIO.
6. The Commission, however, directs Shri N.K.Bhalla, Administrative Officer, NIMR, Dwarka, New Delhi 77 to show cause as to why a penalty of Rs.250/- per day should not be levied on him for not responding to the transferred RTI application within the stipulated time despite reminders issued by Shri R.C.Dhiman, the then CPIO. Shri Bhalla is directed to submit his response so that it reaches the Commission by 2.4.10.

(Annapurna Dixit)
Information Commissioner

Authenticated true copy:

(G.Subramanian)
Asst. Registrar

Cc:

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General Secretary
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2. The CPIO
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3. Dr.R.C.Dhiman
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4. Shri N.K.Bhalla
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6. Press E Group, CIC