

केन्द्रीय सूचना आयोग
Central Information Commission

Dated: 15.3.2010

INTERIM ORDER in Case No. CIC/AT/A/2010/000030

Appellant : Shri Narayanan. V
Respondents : Central Excise & Customs, Kerala Zone

Hearing held on 4.3.2010

The interim order of the Commission is as follows:

“The matter was heard through video conferencing (VC) on 04.03.2010. Complainant was present at NIC VC facility at Kozhikode, while the respondents – represented by Ms. S. Srimathi, CPIO – were present at NIC facility at Kochi. Commission conducted the hearing from its New Delhi office.

2. Appellant pointed out that he had asked for a series of information through his RTI-application dated 10.8.2009 relating to an enquiry, which was conducted against him on the complaint of two persons, in which he was completely exonerated by his department, viz. Central Excise Department, Kerala Zone. He was, therefore, surprised when in the same matter a complaint was filed with the local Police by the same complainants, the department granted to the Police permission to prosecute the appellant. He, therefore, claimed that the information now requested by him should be disclosed so that he could build-up a meaningful defense for himself in the prosecution which has been launched against him. He also claimed, there was public interest in disclosing this information in the interest of justice.

3. CPIO stated that she was not in a position to clarify this matter, i.e. the circumstances in which the department granted permission for the appellant’s prosecution even when in the same matter he was earlier exonerated in the departmental enquiry.

1. CPIO is directed to consult the relevant officers in the department and to file a written-statement before the Commission within two weeks spelling-out the department’s position as regards the point made by the appellant, as summarized in para 2 above.

2. Call for further hearing.”

Sd/-
(A. N. Tiwari)
Information Commissioner

Authenticated by

D.C. Singh)
Deputy Registrar