

CENTRAL INFORMATION COMMISSION

Application No CIC/AT/A/2006/00015

Dated: March 1, 2006

Right to Information Act – Section 18 (b)

Name of Applicant: Yogesh Sharma

Name of Public Authority: Survey of India, Dehra Dun.

Facts:

Shri Yogesh Sharma Advocate applied for information to Sh Vipin Chandra, CPIO, Survey of India Dehra Dun on 31/10/05, which was forwarded by CPIO Chandra to the CPIO, Geodetic & Research Branch, Ms CK Mamik, vide his No. LC-12805 /RI Act 2005 (Yogesh Sharma) dated 7/11/05. The applicant was informed by CPIO Mamik through a letter dated 5/12/05 that the information had been collected and would be made available on payment of a fee of Rs. 32/-, which could be deposited and receipt produced in the CPIO office against which the information would be handed over. Although the payment had been made and receipt obtained from the Department vide Receipt no 1731 of 5/12/05, the information was not made available despite requests to the next senior officer, the Director G&RB, Survey of India.

Ms Mamik CPIO G&RB, Survey of India and Shri Vinod Kumar on whose behalf applicant had made the application to Survey of India are present.

DECISION

From an examination of the papers, we find no copy of any appeal/letter to Director G&RB. However, since the information sought has not been handed over within the specified time limit, in this case within thirty days of the application having been made since the fees had been paid on the day they were demanded i.e 5/12/05, this has been held to be a deemed refusal u/sec. 7(2) of the Act and cognizance taken under Sec 18 (b).

Ms Mamik CPIO, stated that although the applicant has sent a receipt of the payment to the Commission with his complaint, this was not presented to the CPIO. Since the validity of the receipt was not questioned, the CPIO failed to explain why no action was taken even though a copy of the receipt was attached with the copy of the complaint sent to her for her comments by the Commission. Ms Mamik was therefore asked to hand over the information to the complainant which she did.

Since the complaint has been amicably settled and since this is the first complaint in the case of the Survey of India, no penalty is imposed. However the public authority is cautioned to ensure strict adherence to time limits in servicing applications. The public authority should also take into account the decision of the Commission on 20/2/06 in the case of Er Sarabjit Roy vs DDA wherein among other matters it has been decided as follows:

"The DDA is a single public authority. Since this is a matter concerning adjustments within the same public authority Sec 6 (3) cannot apply".

Accordingly the CPIO Vipin Chandra, who had received the request from the complainant, was, as per section 7(1) of the ACT, under obligation to seek information from his colleague and provide it to the complainant. His colleague who was to provide the information as per Section 5(5) of the RTI ACT, would become deemed CPIO and expected to provide Sh Chandra the information sought by the Complainant.

The information has been handed over to the applicant at close of hearing. The matter is therefore closed. A copy of this decision be sent free of cost to the parties.

Sd/-

(Padma Balasubramanian)

Information Commissioner

Sd/-

(Wajahat Habibullah)

Chief Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission:

:

Sd/-

(P. K. Gera)

Registrar

Dated: 1/3/06