

CENTRAL INFORMATION COMMISSION

Application No CIC/WB/A/2006/00008

Dated: March1,2006

Right to Information Act – Section19

Name of Applicant: Ravinder Kumar

Name of Public Authority: Municipal Corporation of Delhi

Facts:

Shri Ravinder Kumar of Paschim Vihar, New Delhi applied for information to Ashok Nigam, Commissioner (PIO) MCD on all the working Sanitation Superintendents of CSE Department of the MCD, on 27/10/05 together with the necessary fees paid by DD on the Indian Overseas Bank dated 26/10/05. No reply was received despite a reminder of 27/1/06. Hence the appeal under Sec 19 (1) deeming the failure to provide information as a refusal u/s 7 (2)

The PIO and appellant were given notice of a hearing on this appeal scheduled for March 1, 2006 vide Assistant Registrar's No CIC/WB/A/2006/00008. The comments of the PIO (Commissioner MCD) were sought on the appeal prior to the hearing. The MCD has failed to respond either through submission of its comments on the appeal, or by appearance before the Commission on the date assigned.

Since neither party was present on the date of hearing, the file has been perused. We find that in his reminder to the PIO of 27/1/06, the appellant had even stated the reason for his seeking the information which he was not required to do under Sec 6(2) of the Right to Information Act, 2005. It seems that there was no response, not only within the period specified by Sec 7 (1) of the Act, but

even thereafter, and no explanation for what appears deliberate denial of a statutory right to an Indian citizen.

DECISION

The MCD will supply the information sought by Sh Ravinder Kumar to him forthwith and no later than fifteen days from the date of this decision. Since this has not been provided within the time limits specified under the Act, with no reasonable cause shown, PIO Ashok Nigam will show cause under Section 20(1) of the Act, why a fine of Rs. 250/- per day should not be levied, payable by PIO, MCD, with effect from November 27, 2005, which will continue to run till the information sought is provided subject to a maximum of Rs 25,000/-. PIO (MCD) may submit his response within fifteen days of the issue of this Decision.

Let a copy of this order 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