

CENTRAL INFORMATION COMMISSION

Adjunct to Two Appeal Nos. CIC/WB/A/00259 & 261

Right to Information Act 2005 – Section 19

Appellant: Shri B.P.Srivastava

Respondent: Dy. Commissioner, Civil Lines Zone, MCD

Facts:

In the Decision Notice of 18/9/06 on three appeals clubbed together including the two above we had held the issues to be as follows:

1. Whether the public authority is in violation of sec. 7(1) in not providing copies of the documents asked for by the appellant within time limits mandated by that Section of the Act.
2. Whether there was any justification in not providing samples of works asked for by the appellant Shri Srivastava.
3. Whether any CPIO has rendered himself liable for penalty u/s 20(1) of the RTI Act.

Regarding (3) we found that in all cases responses had transgressed the time frame provided by Sec 7(1) of the Act. In the case of **Appeal No. CIC/WB/A/00259**, explanation submitted by PIO Shri Z U Siddiqui, Deputy Commissioner, Civil Lines Zone, MCD, it is established that the responsibility of delaying the information lies on Shri J.K. Jain, then working as Assistant Commissioner, Civil Lines Zone, MCD and on Shri Vasudev Sharma, Administrative Officer, Civil Lines Zone, MCD. They are therefore liable u/s 5 (5) of the Act for any contravention of the Act and therefore liable to penalty imposed u/s 20(1). Shri J.K. Jain, Daman & Diu Administration and Shri Vasudev Sharma are therefore liable to a fine of Rs. 750/- @250/- per day for three days. This amount will be equally shared by them.

Shri J.K. Jain & Shri Vasudev Sharma will show cause either in writing or by personal appearance why they should not be so penalised by or before 17/11/2006 at 1230 hours.

In **appeal no. CIC/WB/A/2006/00261** delay of 33 days however has been established to have been caused by Shri S.C. Meena, Ex. Engineer (Building), Civil Line Zone, MCD, who would have been liable to penalty u/s 5(5). Shri Meena stands dismissed from service by the competent authority. **The matter of penalty in this instance is therefore treated as closed.**

Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)
Chief Information Commissioner
03.11.2006

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.

(L.C.Singhi)
Addl. Registrar
03.11.2006