

CENTRAL INFORMATION COMMISSION

Appeal: No. CIC/OK/A/2006/00154

Dated, the 13th July, 2006

Name of the Appellant : Shri Pyare Lal Verma
52, AVAS Vikas Colony
Jail Road, Aligarh

Name of the Public Authority : Ministry of Railway
Railway Board, Rail Bhawan

ORDER

Brief Facts:

The previous army service of Shri Pyare Lal Verma, an Emergency Commissioned Officer (ECO) appointed in the Railway Protection Force (RPF) in the year 1975 was counted for pay fixation but not for seniority purpose. In 1998, the Railway Board decided to consider these cases to give them the benefit of Army Service for the purpose of seniority as well in their file No. 96/Sec(E)/SR-2/5. In the meantime, Shri Verma superannuated from Railway Service without getting the benefit of Army Service for the purpose of seniority.

2. On 3.3.06, Shri Verma applied to the Railway Board under the RTI Act, requesting for copy of decision taken and action taken/orders passed, including file notings, in connection with granting the benefit of their Army Service for Ex-ECOs of RPF in their file No. 96/Sec(E)/SR-2/5. He was informed on 5.4.2006 that the Released Emergency Commissioned Officers and Short Service Commissioned Officers (Reservation of Vacancies) Rules, 1971 ceased to be operative from 29.1.74. Since the Appellant joined Railways as ASC on 10.2.1975, he was not considered eligible for counting the benefit of army service. Dissatisfied with the reply, he appealed to the first Appellate Authority on 5.4.2006 which supported PIO's view point that as per Department of Personnel and Training's Office Memorandum dated 2.2.06 request for inspection/copies of file notings could not be acceded to.

3. The Appellant filed his second appeal before this Commission on 1.6.2006 that decisions taken/orders passed on the relevant file by different authorities i.e. DD Security, IG/HQ, DG/RPF and by OSD/GA/Rly Board may be made available to him.

4. On 28.6.2006 Railway Board sent reply to the Commission with a copy to the appellant. The reply contains attested copies of (1) decision taken on the File No. 96/Sec(E)/SR-2/5 vide note dated 5.2.1998 and (2) orders passed on court case file of Shri P.L. Verma in regard to grant of benefits of Army Service.

5. The Commission fixed hearing on 5.7.2006. Dr. O.P. Kejariwal, Information Commissioner heard the matter. While the Appellant appeared in person, Shri B.L. Meena, CPIO and Shri R.S. Rawal, DIG (Admn.), RPF represented the Respondents.

Decision:

6. The Commission asked the Appellant whether he had received complete information he had asked for. The Appellant confirmed that he had received only partial information. When the CPIO was asked about the rest of the information, he stated that the file relating to the case which was 15 year old could not be traced in spite of their best efforts. The CPIO, however, agreed to re-construct the file on the basis of the documents available with the Appellant. The Respondents asked for about 4 months' time (mid-November, 2006) to re-construct the file and to consider his case for seniority. The Appellant agreed to the arrangement.

7. The Commission noted with serious concern that some public authorities were denying request for inspection of file notings and supply copies thereof to the applicants despite the fact that the RTI Act, 2005 does not exempt file notings from disclosure. The reason they were citing for non-disclosure of 'file notings' was the information posted on the DOPT

website [www.righttoinformation.gov.in] to the effect that 'information' did not include file notings. Thus the DOPT website was creating a lot of unnecessary and avoidable confusion in the minds of the public authorities. The Commission had written to the Department of Personnel on 26th February, 27th March, 8th May and 26th May, 2006 for removing the restriction on 'file notings' from their website. The DOPT regrettably had not acted on the issue so far. The Commission hereby directs the Secretary, Ministry of Personnel & Public Grievances, in exercise of powers conferred on it under Section 19(8) of the Right to Information Act, 2005 to remove the instruction relating to non disclosure of file notings from the website within 5 days of the issue of this order failing which the Commission shall be constrained to proceed against the Ministry of Personnel.

8. The Commission ordered accordingly.

(O.P. Kejariwal)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Cc:

1. Shri Pratyush Sinha, Secretary, Ministry of Personnel, Public Grievances and Pensions, North Block, New Delhi - 110001.
2. Addl Member (Commercial), Ministry of Railway, Railway Board, Rail Bhawan, New Delhi.
3. Shri B.L. Meena, CPIO, Ministry of Railways, Railway Board, Rail Bhawan, New Delhi.
4. Shri Pyare Lal Verma, 52, AVAS Vikas Colony, Jail Road, Aligarh - 202001 (UP)
5. Officer Incharge, NIC.
6. Press E Group, CIC.