

CENTRAL INFORMATION COMMISSION

Adjunct to Appeal No. CIC/WB/A/2006/00260

Right to Information Act 2005—Section 19

Appellant: Shri B P Srivastava

Respondent: Dy. Commissioner, Central Zone, MCD

Facts:

In our Decision Notice dated 18.9.2006 we had observed that in this case response by the SPIO had transgressed the time frame provided in the Act. The appellant had submitted the RTI application on 13.1.2006 and was received in the Public Authority on that date. Yet, the response detailing fees payable was sent only on 7/3/06. PIO, Sh. Gyanesh Bharti had been directed to show cause as why he should not be penalized @Rs 250/- per day for the delay of 21 days in this case.

PIO, Sh. Gyanesh Bharti appeared before the Commission on 5.10.2006 and submitted that the application was submitted in the Citizen Service Bureau under IT Department on 13.1.2006 but was received in the office of SAPIO on 3.2.2006. He further submitted that the Administrative Officer (IT) has been asked to explain as why the application was kept pending for about 21 days without forwarding it to the Deputy Commissioner and PIO. We asked to see the explanation of Administrative Officer (IT). This has been received.

Order

The Commission examined the explanation of the Administrative Officer (IT) made in his note of 13/10/06 to DC (Cen. Zone) in response to a letter of 28/9/06 issued by DC (Cen Zone) resultant on the Show cause Notice received by him from the Commission, reporting that two officials of the Central Zone Sh. Rajan and Sh. Rattan have been entrusted to collect all the documents from the CSB and handed over to the respective departments. These officials have not

collected the documents on a daily basis and finally on January 30, 2006 the supervisor of the CSB submitted the documents in the office of SAPIO, Central Zone, MCD. Thus we find that Sh. Rajan and Sh. Rattan have become deemed CPIO under section 5(5) of the Act and are liable to penalty for the delay of 21 days @ Rs. 250/- per day amounting to Rs. 5250. Sh Rajan and Sh. Rattan will show cause either in writing or by personal appearance before us why they should not be so penalized on 27.11.2006 at 10.00 AM.

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

(Wajahat Habibullah)
Chief Information Commissioner
14.11.2006

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)
Additional Registrar
14/11/06