

CIC/AT/A/2006/00040  
**CENTRAL INFORMATION COMMISSION**  
Block No. IV, 5<sup>th</sup> Floor  
Old JNU Campus,  
New Delhi - 110067

Date : 14.11.2006

To

Secretary  
Ministry of Coal,  
Shastri Bhawan,  
New Delhi - 110 001

Sir,

This relates to an appeal filed by Shri Muzibur Rahman, Chief Lab Technician, Jamuna Coalrie, Kotma Kshetra, Anoop Pur, District Madhya Pradesh of South Eastern Coalfields Ltd. (SECL), who had filed an application under Right to Information Act with CPIO on 29<sup>th</sup> November, 2005. Since he did not receive any reply, he filed an appeal to the Appellate Authority in SECL on 13<sup>th</sup> January, 2006, who the appellant claimed never responded. In his second appeal before the Commission heard on 27.3.2006 the Commission held as follows :

“The South Eastern Coalfields Ltd is directed to provide all the information asked for by the appellant to him within fifteen working days from the date of issue of this Decision Notice. We accept the plea of PIO Mitra that because he was not the principal supplier of the information, the officer whose assistance he has sought under Sec 5 (4) namely GM (P&A) is liable to bear responsibility for the delay and therefore deemed refusal to provide the information sought. He will therefore show cause by April 20, 2005 as to why a penalty of Rs. 25,000 should not be imposed upon him.”

Shri SP Choubey, GM (P&A) and deemed PIO responded vide letter No SECL/BSP/GM (P&A)/2006/ PIO/47 of 12/4/'06 that the information sought has been provided to the appellant vide letter No SECL/PIO/2006/848 of 10/4/'06 and No 850 of 10/4/'06 and that this having been done, the Commission reconsider imposition of penalty u/s 20.

It was decided to review the matter by video conferencing which was arranged on 12<sup>th</sup> May, 2006. An order was issued on 1<sup>st</sup> June, 2006, a copy of which is enclosed for ready reference.

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The appellant has come before the Commission vide his application dated 2<sup>nd</sup> November, 2006 where he has claimed that he is facing victimization and harassment for using RTI against his employer i.e. South Eastern Coalfields Limited (SECL). This issue was also discussed during the hearing where GM (SECL) informed the Commission and went on record vide his letter dated 19<sup>th</sup> May, 2006, where he has stated that the allegation of appellant that he was charge-sheeted because he approached to Central Information Commission was not correct as in the charge-sheet "word" used "bahri shrout" (\_\_\_\_\_) did not include Central Information Commission. He was within his right to seek information under RTI Act from the Commission. The pressure groups to whom he approached were listed in the letter addressed to the Commission. This did not include Central Information Commission. However, in the communication that the same General Manager has written to Shri D. S. Rawat, Section Officer, Ministry of Coal, he has very clearly included Central Public Information Commissioner as one of the pressure groups mentioned in his last but one paragraph (copy enclosed). This clearly goes on to show that GM(SECL) Shri S. P. Choubey has given false information before the Commission and is guilty of perjury. In the final order issued by the Commission dated 12<sup>th</sup> May, 2006, copy of which is enclosed, the Commission has recommended disciplinary action against GM (P&A) in accordance with the Service Rules applicable to him. Taking note of the above false information the Commission has directed me to request you to ensure that the charges may also include providing false information to the Central Information Commission as well. The Commission has requested the Ministry to ensure that disciplinary action against Shri Choubey is taken at the earliest under intimation to the Commission.

This issues with the approval of Chief Information Commissioner.

Yours faithfully,

Encl. : As above.

**( P. K. Gera )**  
**Additional Secretary &**  
**Registrar**  
**Telefax : 2610 5027**