

Central Information Commission

Appeal No. 67/IC(A)/2006
F.No.CIC/MA/A/2006/00201

Dated, the 20th June, 2006

Name of the Appellant : Shri G.R. Pathrabe, 23, Ambazari Layout, Behind D.M.V., Nagpur-440033.

Name of the Public Authority : Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110011.

DECISION

1. The appellant, Shri G.R. Pathrabe, committed some lapses while he was functioning as Executive Engineer, Nagpur Central Division No.I, CPWD in transportation of cement and steel.

2. Ministry of Urban Development & Poverty Alleviation had sought the statutory advice of Union Public Service Commission on the disciplinary proceedings initiated against Shri Pathrabe. In the light of the findings of the disciplinary authority and after taking into account all other aspects relevant to the case, the UPSC considered that the charges proved against Shri Pathrabe constitute grave misconduct and ends of justice would be met in this case if 25% of the monthly pension otherwise admissible to Shri Pathrabe is withheld for a period of five years.

3. In this backdrop, the appellant had sought the following information from the public authority vide his application dated 4.3.2006:

- A. *Your above advice was communicated alongwith DA's final order dated 8.6.2001 as such no opportunity was given to me to reply on your advice. Further objection on your report was placed as a new matter in review appeal. In the event please inform whether your advice was obtained by the competent authority in finalization of the review application.*
- B. *The justification worked out for Rs. 256/- M.T. by the vigilance unit and accepted by.....as done by I.O.*
- C. *Further your attention was brought to huge.....analysis rate and schedule of rates.*
- D. *The applicant had followed the procedure, method of justification.....without reduction by 7/9 factor in carriage elements. Your advice opinion is requested.*

- E. Your advice was purely on technical matter..... Which is awaited may please be informed along with your note on undersigned letters as referred above.*
- F. In another case the chargesheet was issued.....whether such amendment in statutory rules is permitted or not is to be informed.*
- G. The proceedings was finalized for major penalty under..... As such the procedure adopted in violation of statutory rules is permitted or not is to be informed.*
- H. In the event of proceedings not initiated before retirement.....to be informed as a safe guard authority.*

4. The CPIO has provided the information to the appellant available with his office. He also informed the appellant that relevant case records were already returned to the Ministry concerned who are the main custodian of all relevant records in the case.

5. The case was heard on 16.6.2006. The appellant was not present. The CPIO of UPSC along with the representatives of the third parties was present. It was noted that there was no question of denial of information to the appellant. On the pretext of seeking information he has certain grievances against the disciplinary authority.

6. The appellant has sought 'opinion' of the CPIO. The CPIO is however required to 'provide information', which may be available in any form with his office, rather than giving his 'personal opinion' on the questions asked by the appellant.

7. The appeal is accordingly dismissed.

Sd/-
(Dr.O.P. Kejariwal)
Information Commissioner

Sd/-
(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy :

(Tarsem Lal)
Deputy Registrar

Cc:

1. Shri G.R. Pathrabe, 23, Ambazari Layout, Behind D.M.V., Nagpur-440033.
2. Shri K.M. Shahid, Joint Secretary & CPIO, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110011.