

CENTRAL INFORMATION COMMISSION

Appeal: No. CIC/OK/A/2006/00121

Dated, the 27th June, 2006

Name of the Appellant : Shri Inder Grover
M/s Ashi Private Limited, D-13/3,
Okhla Industrial Area-II, New Delhi.

Name of the Public Authority : Ministry of Railway
Railway Board, New Delhi.

ORDER

Brief Facts:

Shri Inder Grover, Managing Director, Ashi Private Ltd. Okhla Industrial Area, New Delhi, applied to the CPIO Railway Board on 6.2.2006 and 14.2.2006 for supply of copies of correspondence and notes from the file regarding the decision of stopping business of the Railways with the Company. The CPIO supplied him on 20.2.2006 and 22.2.2006 much of the information except the file notings quoting clarification of the DP&T contained in their O.M. dated 2.2.2006 as the authority. His appeal dated 14.3.2006 to the first Appellate Authority was rejected and the decision of the Appellate Authority was communicated to him on 10.4.2006. Dissatisfied with the decision, the Appellant filed second appeal before Central Information Commission on 27.4.2006. The Commission fixed hearing on 5.6.2006.

2. The matter was heard by a bench comprising Dr. O.P. Kejariwal and Dr. M.M. Ansari, Information Commissioners on the scheduled date. The Appellant appeared in person. The Railway Board was represented by Shri B.L. Meena, CPIO and Shri Arun Kumar, Executive Director.

Decision:

3. After hearing both the parties, the Commission observed that it would have been in order if the CPIO had declined information under

Section 3 of the Act as the Applicant had applied as the Managing Director of a company and not as citizen of India, but having partially supplied the information to the party, the Commission had to adjudicate in the matter. At the Commission's hearing the PIO stated that although he had no problems in showing the file notings to the Appellant, he had decided not to do so only because of DP&T instructions. The Commission further observed that the clarifications given by the Department of Personnel and Training in its O.M. dated 2.2.2006 cannot over-ride the statutory provisions of the RTI Act 2005. Section 8 of the Act containing the type of information which is exempt from disclosure does not bring file notings within its ambit. The Commission, therefore, directs the CPIO, Railway Board, to supply the Appellant copies of notings from the concerned files within 15 days against payment of the prescribed fee and report compliance to the Commission within 21 days of the issue of this order.

4. The Commission ordered accordingly.

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

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

Authenticated true copy:

Sd/-
(Pankaj K.P. Shreyaskar)
Assistant Registrar

Cc:

1. Shri Inder Grover, Managing Director, M/s Ashi Private Limited, D-13/3, Okhla Industrial Area - II, New Delhi-110020.
2. Shri B.L. Meena, Public Information Officer, Ministry of Railway, Railway Board, New Delhi.