

Central Information Commission

**Appeal No. 70 /IC(A)/2006
F.No.CIC/MA/A/2006/00177**

Dated, the 28th June, 2006

Name of the Appellant : Shri Vimal Kishor, 83, NABARD Officers Flats,
Exhibition Road, Near Hotel Republic, Patna-
800001, Bihar.

Name of the Public Authority : Central Vigilance Commission, Satarkta Bhawan,
GPO Complex, Block-A, New Delhi-110023.

DECISION

Facts of the Case:

A departmental disciplinary proceeding has been initiated against the appellant by his employer, NABARD, Mumbai. The CVC is naturally involved in the vigilance matter. The appellant has therefore sought copies of the following specific documents from CVC for his effective defence and to prove his innocence:

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|-------|---|---|------------------|
| (i) | <i>Date of Show Cause Notice</i> | : | <i>18.9.1995</i> |
| (ii) | <i>Date of Charge Sheet</i> | : | <i>11.7.1997</i> |
| (iii) | <i>Date of Appointment of Inquiry Officer</i> | : | <i>4.6.1999</i> |
| (iv) | <i>Date of completion of Inquiry at CVC, New Delhi</i> | : | <i>24.8.1999</i> |
| (v) | <i>Final Order passed by Competent Authority</i> | : | <i>14.5.2001</i> |
| (vi) | <i>C.V.C. Reference No. 69/SK/103 (83) Name of the Inquiry Officer, Shri Suresh Kumar, Commissioner for Departmental Inquiries, CVC, New Delhi.</i> | | |

The CPIO, Shri K.L. Ahuja, Director, CVC informed vide his letter dated 23rd Feb., 2006 that :

“The Commission’s file relating to the vigilance case against Shri Vimal Kishor, DGM, NABARD [File No. A30/PNK/1] is not readily available. Efforts are being made to locate/recreate the file. You are requested to hear with us. A further communication would follow shortly”.

Since there was no communication, as indicated above, the appellant filed his 1st appeal on Feb. 21, 2006. On receiving his 1st appeal, the CPIO informed vide his letter dated 17.3.2006 that:

“The CVC has obtained copies of the correspondence exchanged between the Commission and the NABARD from the CVO, NABARD. Some of the documents made available by him, however, are marked ‘Secret’. Therefore, a notice to the CVO, NABARD has been issued, seeking no objection to the disclosure of information in terms of Section 11 of the Right to Information Act, 2005, before the information is disclosed to you”.

More than two months had lapsed since the appellant put up his application for information. The CPIO did not provide him any information nor the appellate authority bothered to dispose of the appeal filed before him by the appellant.

The appellant therefore filed the second appeal on April 12, 2006 to the Commission and the Commission sought the comments of the CVC on the appeal, which has not been responded within the time frame stipulated by the Commission.

Commission’s Decision:

The manner in which the CPIO and the appellate authority of the CVC have dealt with the request for information under RTI Act demonstrate the lackadaisical attitude of the CVC in implementing the provisions of the Act. The CPIO has adopted a circuitous approach to deal with the matter. In the first instance, he informed the appellant that the concerned file was not traceable and later he informed that the concurrence of the third party u/s 11 of RTI Act was to be obtained. What happened thereafter has not been mentioned or reported to the appellant.

The appellate authority too chose to ignore the 1st appeal, which even after the lapse of over four months remains to be disposed of.

It is not surprising that even the Commission’s letter seeking comments on the appeal filed by the appellant has also been ignored. All this demonstrate a disappointing response of the CVC in fulfilling its mandatory obligations to implement the Act to ensure transparency in its functioning.

In view of the forgoing, the CPIO and appellate authority of the CVC are directed to provide the information sought by the appellant within 15 working days of the issuance of this decision, subject to exemptions u/s 8(1) of the Act.

The Secretary, CVC, is directed to ensure that the obligations of public authority, as mandated under the Act are fulfilled. A compliance report should be furnished at the earliest.

The CPIO has been held in violation of the prescribed limits of thirty days u/s 7(1). On one pretext or the other he has avoided and evaded the issue of disclosure of information sought. He has not even bothered to respond to the Commission’s letter of dated 8.6.2006. He is therefore directed to appear before the Commission at 2.30 pm on

July 12, 2006 to show cause as to why penalty u/s 20(1) should not be imposed on him. The Appellant may also be present.

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

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

Authenticated true copy :

(L.C. Singhi)
Additional Registrar

Cc:

1. Shri Vimal Kishor, 83, NABARD Officers Flats, Exhibition Road, Near Hotel Republic, Patna-800001, Bihar.
2. Shri K. L. Ahuja, Director & CPIO, Central Vigilance Commission, Satarkta Bhawan, GPO Complex, Block-A, New Delhi-110023.
3. The Secretary, Central Vigilance Commission, Satarkta Bhawan, GPO Complex, Block-A, New Delhi-110023.