

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 to why he should not be penalized @ Rs. 250/- per day for the delay of 21 days in this case.

PIO, Shri 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

On the basis of the explanation of the Administrative officer (IT) in his note of 13.1.06 to D.C. Central Zone, resultant on the Show Cause Notice received by him from the Commission, two officials of the Central Zone Shri Rajan and Shri Rattan whom he had identified as deemed CPIO u/s 5(5) of the Act were found liable to penalty for the delay of 21 days @ Rs. 250/- per day amounting to Rs. 5250/-. Shri Rajan and Shri Rattan appeared before us on 27.11.06. Shri Rajan & Sh. Rattan turn out to be class IV employees. Shri Rajan is a peon and Sh. Rattan a Chowkidar. Such officials who are best messengers and cannot be

held responsible for assisting in providing information as required u/s 5(4) of the RTI Act. Their statement has been recorded. They were not given the information from A.O. for handing over to the respective Department, which was finally personally handed over to the Central Diary by A.O. only on 30.1.06.

After careful examination of the records and defence put forward by PIO Shri Gyanesh Bharti and A.O. (IT), we find that although PIO Shri Gyanesh Bharti can justifiably claim benefit of sec. 5(4) in the delivery of information for supply to the appellant, it is entirely unbecoming of A.O. (IT) to seek recourse by passing on responsibility under this clause to Lower Division Clerks and Class IV employees of his Department. Shri Vivek Mittal, A.O. (IT) will, therefore, pay the penalty of Rs. 5250/- for delay in supply of information sought by Shri B.P. Srivastava in the present case. The Commission further directs the Additional Commissioner (Engineering), MCD to cause recovery of the amount of penalty from the salary of Shri Vivek Mittal AO (IT), made payable in the name of P&AO, DP & PR in New Delhi, and submitted to Shri Pankaj Shreyaskar, Assistant Registrar in this Commission by January 3, 2006 for further depositing in the appropriate Account Head.

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

(Wajahat Habibullah)
Chief Information Commissioner
28.11.2006

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)
Addl. Registrar
28.11.2006