

CENTRAL INFORMATION COMMISSION
Club Building, Opposite Ber Sarai Market,
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Decision No. CIC/SG/C/2009/001067/4262Adjunct-I
Complaint No. CIC/SG/C/2009/001067

- Complainant** : Mr. Girish Mittal
1305 Dhruv, Ashok Van,
Borivali East, Mumbai – 400066
- Respondent** : 1. Public Information Officer/CPIO
Assistant Director
All India Council for Technical Education
7TH Floor, Chander Lok Building
Janpath, New Delhi-110001
2. First Appellate Authority
All India Council for Technical Education
NBCC Place(East Block), 4th floor
Bhisham Pitamah Marg, Pargati Vihar
Lodhi Road, New Delhi-110 003

Decision dated 29/07/2009:

The Complainant had filed an application with the PIO on 23/02/2009 asking for certain information. He received a reply from the PIO on 16/03/2009, which he found unsatisfactory. The Complainant has therefore filed a Complaint with the Commission under Section 18 of the RTI Act, 2005. The Complainant had not used the alternate and efficacious remedy of First Appeal available under Section 19 (1) of the RTI Act. Consequently, the First Appellate Authority had not had the chance to review the PIO's decision as envisaged under the RTI Act.

Therefore, the matter was remanded to the First Appellate Authority with a direction to decide the matter in accordance with the provisions of the RTI Act, after giving all concerned parties an opportunity to be heard. The Complaint was disposed off.

Adjunct Decision dated 11/12/2009:

As the First Appellate Authority did not pass an order within 30 days of receiving the Remand order of the Commission, the Commission issued show cause notice dated 15/09/2009 and 12/11/2009 to the First Appellate Authority directing him to show cause why disciplinary proceedings should not be initiated against him.

The Appellate Authority stated that AICTE does not have adequate staff and about 90% of its staff is on contract/deputation. He stated that on frequent intervals people come and go from the AICTE and therefore it appears to be becoming a dysfunctional office. This was observed to be a very sad comment that the premiere institution in the country which recognizes technical courses is in such a sad state of affairs. In the last 6 months there have

been three changes of PIO(s) and hence providing any information has become a very difficult task. However, the Appellate Authority, Mr. Dev Vrat Singh has managed to send some information to the Complainant on 10/12/2009. He had not been able to send information relating to **Query (d) a and c** and **Query (e) c, d and e**. He further stated that the files with file notings relating to the approval of the five institutes mentioned in **Query No. (e)** have now been shifted to Kanpur regional office and he will therefore have to procure these from the Kanpur Regional Office. All the information would be provided to the Complainant before 30 January 2010.

Facts leading to the Adjunct-I Decision:

The Complainant informed the Commission vide a letter dated 12/02/2010 that no information has been received by him till date. Further vide a copy of letter dated 02/02/2010 of CPIO/Assistant Director, AICTE, Delhi to the Commission (which was endorsed to the Complainant), it has been stated that the regional office, Kanpur has informed that the said files are not traceable in the record which were sent from AICTE, Delhi at the time of shifting premises. Furthermore, it has been stated therein that efforts are again being made to trace the files and information would be provided latest by 25/02/2010. However, the Commission or the Complainant have not received any further communication from AICTE till date.

Adjunct Decision-I announced on 05/03/2010:

The Commission hereby directs the PIO, AICTE to ensure the provision of information as per the Commission's order dated 11/12/2009 to the Complainant if the files have been traced out not any later than **26/03/2010** with a copy to the Commission. However, on the basis of the position maintained by the regional office that the files are not traceable, the Commission further directs the PIO, AICTE, Delhi to file a police complaint with regard to the theft/loss of the files; if the files remain untraceable even until the aforesaid date. A copy of this Police Complaint will be sent to the Complainant and the Commission before **07/04/2010**. A certificate from the Chairman, AICTE certifying the theft/loss of the file will also be provided to the Complainant and the Commission before **07/04/2010**.

Shailesh Gandhi
Information Commissioner
05/03/2010

(For any further correspondence in this matter, please quote the file no. mentioned above) (SP)

