

CENTRAL INFORMATION COMMISSION
Club Building, Opposite Ber Sarai Market,
Old JNU Campus, New Delhi - 110067.
Tel: +91-11-26161796

Decision No.CIC/SG/A/2010/000195/7031
Appeal No. CIC/SG/A/2010/000195

Appellant : Mr. Anil Kumar Mathur
P-1/268, First Floor,
Sulatan Puri, New Delhi

Respondent : Mrs. Shukla Malhotra
Public Information Officer & Dy. Director
O/o the Dy. Director of Education,
Distt. West-B,
Govt. of NCT of Delhi,
G-Block, Vikaspuri,
New Delhi

RTI application filed on : 25/07/2009
PIO replied : 03/11/2009
First Appeal filed on : 16/09/2009
First Appellate Authority order : 13/10/2009
Second Appeal Received on : 21/01/2010
Notice of Hearing Sent on : 01/02/2010
Hearing Held on : 05/03/2010

Appellant had objection on following points (out of 17):

| Sl. | Information Sought | PIO's reply (After FAA's order) |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| 6. | What is the present status of the case? | Show cause notice was issued to the school for payment as per recommendation of 6 th pay commission. |
| 7. | Which private unaided recognized schools of District West B have not implemented the 6 th Pay Commission pay scales so far and which have implemented? | No such complaint has been received in this regard from any school of Z-17 except Ganga International school. |
| 12. | i. Which unaided recognized private schools of District West-B have paid to their employees the arrears of their salary w.e.f 01/01/2006 as per the 6 th pay commission pay-scales? ii. What percentage of the total amount of arrears payable has been paid to employees of these schools? | No complaint has been received from Unaided School regarding non payment of arrears according to 6 th pay commission. |
| 13. | Which school of District West B have increase fees w.e.f. 01/09/2008 i. with the consent of the General Body of he P.T.A? ii. without convening the General Body meeting of the P.T.A? | All the private schools of Dist. WB have increased fee w.e.f. 01/09/2008 according to order of Directorate of Education. |

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|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| | iii. against the views of the General Body of the P.T.A? | |
| 17. | Give school wise number of students/their guardians whose complaints against fee hike resorted to as a result of implementation of the 6 th Pay Commission recommendation, have been received in the District West B office. | No. |

PIO's Reply:

By DE(Act Branch), the RTI Application was transferred to the Respondent vide letter dated 31/07/2009.

Grounds for First Appeal:

Not enclosed.

Order of the First Appellate Authority:

“the Appellant be provided information after depositing of Rs. 18/- being the requisite fee for the demanded information.”

Grounds for Second Appeal:

Point no. 6: Incorrect information.

Point no. 7: evasive

Point no. 12. (i) &(ii). Precise information had not been given.

Point no. 13. Reply avoided.

Point no. 17. wrong information.;

Relevant Facts emerging during Hearing:

The following were present:

Appellant: Mr. Anil Kumar Mathur;

Respondent: Mrs. Shukla Malhotra, Public Information Officer & Dy. Director;

The RTI application was submitted on 30/07/2009. Though the information related to what Directorate of Education has done in the case of a complaint Respondent claims that they asked the School to submit the information. It almost appears that the Respondents are claiming that they asked the School about what actions taken by Directorate of Education. This is ridiculous. To compound this folly after the expiry of 30 days on 04 September 2009 they asked the Appellant to pay an additional fee of Rs.18/- to get the information. The First Appellate Authority (FAA) Dr. Sunita S. Kaushik has erred grievously by holding the Appellant responsible for not paying Rs.18/- which was illegally demanded by the PIO. Subsequently some information has been provided to the Appellant after he paid Rs.20/- as additional fee on 03/11/20209. Even now the complete information has not been provided to the Appellant. The PIO is directed to provide the following information to the Appellant:

- 1- Query-5: Whether there are any remarks on the file by Directorate of Education.
- 2- Query-6: The present status of the case. If any reply has come to the Showcause notice and if any action has been taken the Appellant will be informed?
- 3- Query-7: The list of schools which have not complied with the sixth pay commission scale.
- 4- Query-9: The information sought.
- 5- Query-12: If the Directorate of Education has any record of schools which have not paid the arrears as per sixth pay commission.
- 6- Query-13: Photocopies of showcauses issued to the school which have increased fees without the consent of the General body of the PTA and if any action has been taken this will be informed.

The PIO states that the person responsible for giving the information late was Ms. Usha Kumari, Education Officer, Zone-17.

Decision:

The appeal is allowed.

The PIO is directed to give the information as directed above to the Appellant before 20 March 2010.

The PIO will also ensure that Rs.20/- taken illegally as additional fees refunded to the Appellant before 30 March 2010.

The issue before the Commission is of not supplying the complete, required information by the deemed PIO Ms. Usha Kumari, Education Officer within 30 days as required by the law.

From the facts before the Commission it is apparent that the deemed PIO is guilty of not furnishing information within the time specified under sub-section (1) of Section 7 by not replying within 30 days, as per the requirement of the RTI Act. It appears that the PIO's actions attract the penal provisions of Section 20 (1). A show cause notice is being issued to her, and she is directed give her reasons to the Commission to show cause why penalty should not be levied on her.

Ms. Usha Kumari, Education Officer will present herself before the Commission at the above address on **13 April 2010 at 11.30am** alongwith her written submissions showing cause why penalty should not be imposed on her as mandated under Section 20 (1). She will also submit proof of having given the information to the appellant.

If there are other persons responsible for the delay in providing the information to the Appellant the PIO is directed to inform such persons of the show cause hearing and direct them to appear before the Commission with her.

This decision is announced in open chamber.

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

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
05 March 2010

(In any correspondence on this decision, mention the complete decision number.)^{Rnj}

CC:

To,

Ms. Usha Kumari, Education Officer through Mrs. Shukla Malhotra, Public Information Officer & Dy. Director;