

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26161796

Decision No. CIC/SG/A/2010/000159/7033

Appeal No. CIC/SG/A/2010/000159

Relevant Facts emerging from the Appeal:

Appellant : Mr. Janki Prasad,
R/o C-14, Dharam Colony,
Gali No. 1, Nangloi, Delhi – 110041.

Respondent : Mr. R. D. Sharma
Public Information Officer &
Assistant Commissioner (North West)
Food & Supply Department,
O/o The Asst. Commissioner,
District North West, Shalimar Bagh,
New Delhi.

RTI application filed on : 05-10-2009
PIO replied : Not replied
First appeal filed on : 30-11-2009
First Appellate Authority order : 07-01-2010
Second Appeal received on : 19-01-2010
Date of Notice of Hearing : 01/02/2010
Hearing Held on : 05/03/2010

Information Sought:

The Appellant had sought following information from PIO – F&S Department regarding

1. Please give daily progress report on my application, when and which officer received my application? How long is my application with concerned officer? What action has been taken in this regard?
2. Please give officers names who handled my case.
3. What action will be taken against corrupt officers?
4. Now how long will it take to take action on my application.
5. Please give list of applications received after my application, petition / application / complaint / return etc, following information should be mentioned :- Name of applicant / complainant / taxpayers / petitioners, Receipt No., Date of Application/ return / petitioners / complainant, Date of action reply,
6. Please give records photocopy that's kept above.
7. If, after my application / return / petition / complaint were implemented before my number, tell reasons.
8. If, after my application / return / petition / complaint were implemented before my number when vigilance investigation will be made.

The PIO's reply.

No information had been provided by the PIO.

Ground of the First Appeal:

No information had been provided by the PIO therefore appellant filed a first appeal in the same department for information.

Order of the FAA:

“During hearing appellant submitted that no information was provided to him. There is no record submitted by inspector, C – 8, showing reply was given to the appellant.

Considering all the facts i.e. RTI application, appeal application and documents on record, it is clear that appellant was not provided information therefore, PIO/AC (NW) is directed to provide complete and correct information to the appellant within 15 days as per his RTI application”.

Ground of the Second Appeal:

No information had been provided by the PIO. In spite, of the order of the First Appellate Authority dated 7th January, 2010 ordering the PIO to provide the requested information to the appellant within 15 days, but incomplete information or reply has been provided by the PIO.

Relevant Facts emerging during Hearing:

The following were present:

Appellant : Mr. Vijay Kumar Garg representing Mr. Janki Prasad;

Respondent : Mr. R. D. Sharma, PIO & Assistant Commissioner (North West);

The Appellant states that he has received the information on 08/01/2010. The Respondent states that Mr. Naresh Kumar then FSO was responsible for not having provided the information within 30 days i.e. by 05/10/2009.

Decision:

The Appeal is allowed.

The information has been provided to the Appellant.

The issue before the Commission is of not supplying the complete, required information by the deemed PIO Mr. Naresh Kumar the then FSO 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 deemed PIO's actions attract the penal provisions of Section 20 (1).

A showcause notice is being issued to him, and he is directed give his reasons to the Commission to show cause why penalty should not be levied on him.

Mr. Naresh Kumar the then FSO will present himself before the Commission at the above address on **13 April 2010 at 11.30AM** alongwith his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1). He 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 him.

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.) (BK)

CC: To,

Mr. Naresh Kumar the then FSO through Mr. R. D. Sharma, PIO & Assistant Commissioner (North West);