

CENTRAL INFORMATION COMMISSION
Club Building, Opposite Ber Sarai Market,
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Decision No.CIC/SG/A/2010/000194/7041
Appeal No. CIC/SG/A/2010/000194

Appellant : Smt. Abha,
101-D, Sector-4,
Pushp Vihar,
New Delhi

Respondent : Mr. K. S. Meena
Public Information Officer &
ADM (Central Dist.),
O/o Deputy Commissioner
Govt. of NCT of Delhi,
14, Darya Ganj,
New Delhi-110002

RTI application filed on : 06/08/2009
PIO replied : 12/08/2009
First Appeal filed on : 21/08/2009
First Appellate Authority order : Not enclosed.
Second Appeal Received on : 20/01/2010
Notice of Hearing Sent on : 01/02/2010
Hearing Held on : 05/03/2010

After reply of the PIO, the Appellant had objection on following point:

Sl.	Information Sought	PIO's reply
4.	What is the role of District Project Officer Sangeeta Gaur & DPO Biranchi Raut, DPO (North West) in the selection of NGOs? Has the office of Dy. Commissioner received any complaints against her corrupt activities? If yes, provide copies of the said complaints.	Not applicable.
5.	If any complaints have been received, what action has been taken & provide copies of Action Taken Report.	Not applicable.
6.	Provide all copies of the minutes of the selection committee.	File is not available with ADM or DPO. Staff of DC Personal Branch declined to give copy of the file/notings.

Grounds for First Appeal:

Reply to points 4, 5 & 6-incomplete. & point no. 6 was denied.

Order of the First Appellate Authority:

Not enclosed.

Grounds for Second Appeal:

As mentioned in first appeal. First Appeal was not heard.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Vipin Kumar Saini representing Smt. Abha;

Respondent: Mr. K. S. Meena, Public Information Officer & ADM (Central Dist.);

The Appellant states that he has filed the first Appeal on 21/08/2009 vide diary no. 2842. The First Appellate Authority Mr. Akash Mahopatra, Dy. Commissioner appears to be guilty of dereliction of duty since he had not passed any order in the matter.

The PIO is directed to provide a specific answer to query-4. The answer to query-6 "*File is not available with ADM or DPO. Staff of DC Personal Branch declined to give copy of the file/notings*" is completely unacceptable. Denial under RTI can only be given under Exemptions of Section 8(1) of the RTI Act. The deemed PIO in this case is Ms. Sangeeta Gaur who has signed the letter providing the information to the Appellant. The PIO informs the Commission that Ms. Sangeeta Gaur was a contracted employee. It is not proper that contracted employees start giving information under Right to Information.

Decision:

The appeal is allowed.

The PIO is directed to provide the information on query-4 & 6 to the Appellant before 20 March 2010.

The First Appellate Authority Mr. Akash Mahopatra, Dy. Commissioner is directed to send his explanation to the Commission before 30 March 2010, why the Commission should not recommend disciplinary action against him for dereliction of duty.

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}