

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

Decision No. CIC/SG/C/2010/000097/7107
Complaint No. CIC/SG/C/2010/000097

Complainant : Mr. Kanhaiya Kumar,
C/o Umed Singh,
B-19, IInd Floor,
DESU Road, Mahipalpur,
New Delhi

Respondent : Mr. K. P. Singh
Public Information Officer & SE
O/o the Superintending Engineer,
Najafgarh Zone,
Municipal Corporation of Delhi,
3rd Floor over head Water Tank, Najafgarh, New
Delhi-110043

RTI application filed on : 09/09/2009
PIO replied : Not replied.
First Appeal filed on : Not mentioned
Complaint filed on : 23/01/2010

Information sought:

1. Appellant sought information regarding the fund given for road at Gali no. 7 of Road no. 4 & Deshu Road since 07/01/2005 to 08/09/2009. Provide copy of details of work done on this road, & its repairing with date.
2. Provide information about constructor if the work done a constructors.
3. Provide the reason why the road is in a bad condition.
4. Name of the Engineer under whose supervision inspection of the road had been done. What would action be taken against him?
5. Provide the details of how much fund was sanctioned & where this was utilized. If fund were not utilized then what happened under whose supervision/inspection. Provide name of the officials. Provide details in term of work name, brief details of work, date of approval of the work, approved amount, date of work starting or condition of work in progress, name of working agency, date of work finished, rate on which work had been provided to the Constructor, how many time payment made, certified copy of the map of work, basis of decision made on getting work done & by which date.

Reply of PIO:

Not enclosed.

Grounds for First Appeal:

Not enclosed.

Grounds for Complaint:

Information was not provided.

Relevant Facts emerging during Hearing:

The following were present:

Complainant: Mr. Kanhaiya Kumar;

Respondent: Mr. Kamal Meena, AE on behalf of Mr. K. P. Singh, PIO & SE;

The RTI application has originally been filed with District Commissioner, Kapashera on 16/09/2009. On 24/09/2009 this was transferred to Dy. Commissioner, Nazafgarh Zone. The Respondent states that the RTI application reached him at Nazafgarh Zone on 07/10/2009. From 07/10/2009 upto 23/10/2009 the paper has moved within Nazafgarh Zone and on 23/10/2009 it was decided to transfer this RTI application to SE-II/PIO (West Zone) who the Respondent admits do not have the information. PIO (West Zone) on 28/10/2009 promptly send the RTI application back to Nazafgarh Zone. From 28/10/2009 the Respondent states that the RTI application was been tossed between Mr. R. C. Dabas, AE and Mr. Pawan Gupta, JE until 18/02/2010. On 18/02/2010 the application was given to Mr. Kamal Meena, AE who gave the information on 18/02/2010 to the Complainant. The Complainant acknowledges that he has received the information provided on 18/02/2010 but it has certain deficiencies.

The Complainant would like to inspect the records relating to the period 2008-2009 and the Current Financial year.

Decision:

The Complaint is allowed.

The Mr. Kamal Meena will facilitate an inspection of relevant records to the Complainant on 19 March 2010 from 10.00AM onwards. He will give photocopies of records which the Complainant wants free of cost upto 500 pages.

The issue before the Commission is of not supplying the complete, required information by the deemed PIOs Mr. R. C. Dabas, AE and Mr. Pawan Gupta, JE within 30 days as required by the law.

From the facts before the Commission it is apparent that the deemed PIOs are 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 PIOs actions attract the penal provisions of Section 20 (1). A showcause notice is being issued to them, and they are directed give their reasons to the Commission to show cause why penalty should not be levied on them.

Mr. R. C. Dabas, AE and Mr. Pawan Gupta, JE will present themselves before the Commission at the above address on **12 April 2010 at 11.00AM** alongwith their written submissions showing cause why penalty should not be imposed on them as mandated under Section 20 (1). They 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
11 March 2010

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

CC:

To,

Mr. R. C. Dabas, AE and Mr. Pawan Gupta, JE through Mr. K. P. Singh, PIO & SE