

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

**Decision No. CIC/SG/C/2009/001753/7108**  
**Complaint No. CIC/SG/C/2009/001753**

**Complainant** : Mr. Parminder Singh Gulati,  
DDA/SFS Flat Number 17, Sector-9  
Pocket-2, Near ITL Public School,  
Dwarka, New Delhi-110075

**Respondent** : Public Information Officer,  
Dy Commissioner,  
**Municipal Corporation of Delhi,**  
Nazafgarh Zone, Near Water Tank  
Building, Tilak Nagar Road,  
New Delhi

**RTI application filed on** : 07/09/2009  
**PIO replied** : Not mentioned.  
**First Appeal filed on** : 21/10/2009  
**Complaint filed on** : 15/12/2009

**Information sought:**

The Complaint sought information vide seven points. He sought information regarding action taken by AC office in response to complaint filed by DDA to Dy. Zonal Commissioner, MCD, NZF zone vide letter dt. 18/12/2009, copies of the noting along with initiation taken by AC office, starting date of commencement of actual action taken to verify the authenticity of complaint & details of visit /raids. He requested for action taken report of inspection by different staff/official, copy of the chalan/ notice issued by authority against the miscreant if any, if yes, proof of the same. If not, what action had been taken to compel the miscreant to comply with, Do the officers on raid have the Right to force ... to verify the acts of facts of complaint by ascertain the facts from neighborhood, the Complainant requested for the copy of findings. Was DDA informed about the findings? If yes, then furnish copy of the letter, present status of the complaint.

**Reply of PIO:**

Not enclosed.

**Grounds for First Appeal:**

Information was not provided.

**Grounds for Complaint:**

Information was not provided by the PIO. First Appeal was not heard.

**Submission from PIO after Notice:**

The following information was furnished by the PIO vide letter dt. 05/11/2009 to the Complainant (as it enclosed with submission dt 05/01/2010):

1. No action has been initiated in this regard
2. The said letter is not traceable with this office.
3. No action has been initiated till date.
4. As above.
5. As above
6. As above.
7. As above.

**Relevant Facts emerging during Hearing:**

The following were present:

**Complainant:** Mr. Parminder Singh Gulati;

**Respondent:** Absent;

The Complainant states that he was given no information. After he filed a complaint with the Commission and Commission sent a notice to the PIO on 21/12/2009 he was sent information by EE(B) claiming that information has been sent already on 05/11/2009 in which he was informed that no action had been taken in his matter and that the said letter was not traceable in the office. He states that he was called for a first appeal hearing on 01/02/2010 during which he gave the original copy of the letter to the First Appellate Authority and the PIO. He was assured that he would get the information about the names of officers alongwith dates on which any notings may have been made on his letter. He was verbally told that he would receive information within a week. The Complainant states that he has received no information nor the order of the First Appellate Authority.

The First Appellate Authority Mr S. K. Jain, Dy. Commissioner appears to be guilty of dereliction of duty since it appears that he had not passed any order in the matter. The First Appellate Authority Mr S. K. Jain, 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.

**Decision:**

The Complaint is allowed.

The PIO is directed to give the information to the Complainant about movement of the file giving names of the officer who handled the papers giving the date on which they held the paper. This will also indicate action taken if any and copies of file notings will also be provided before 30 March 2010.

**The issue before the Commission is of not supplying the complete, required information by the PIO within 30 days as required by the law.**

From the facts before the Commission it is apparent that the 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 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.

He will present himself before the Commission at the above address on **12 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**  
**11 March 2010**

*(In any correspondence on this decision, mention the complete decision number.)<sub>RTI</sub>*