

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

**Decision No. CIC/SG/C/2009/001655/7111**  
**Complaint No. CIC/SG/C/2009/001655**

**Complainant** : Mr. Gopesh Mehrotra,  
122-A, Pocket A,  
Mayur Vihar Ph-II,  
Delhi-110091

**Respondent** : Dr. A. K. Tripathi  
Public Information Officer & Professor,  
**University College of Medical Sciences**  
(University of Delhi), Dilshad Garden,  
Delhi-110095

**RTI application filed on** : 07/09/2009  
**PIO replied** : Not replied.  
**First Appeal filed on** : 10/10/2009  
**Complaint filed on** : 30/11/2009

Sl.	Information Sought	Reply (Principal & FAA, UCMS vide letter dated 12/11/2009)
1.	Names of the officers who handed these letters along with the receipt and dispatch records & their comments on it.	The two letters sent by the Complainant dt NIL & 16/02/2009, respectively were received in CC Section on 16/02/2009. These were marked directly to the then Dy. Registrar (Mr. U Suresh By Principal (Prof. O. P. Kalra) on 17/02/2009 with the remarks "to please examine critically as per rules and then discuss". Dy. Registrar examines and the Complainant need any clarification may be sought form Asstt. Registrar (Estab.) on 17/02/2009 but did not send the letters. These letters were received in person from Dy. Registrar's office on 13/03/2009 by Asstt. Registrar (Estab.) (Mr. enclosed) (Annexure 1, 2).
2.	What actions did they take these requests date wise?	The date-wise processing of the letters has been communicated to the Complainant in point 1.
3.	What action the Principal UCMS has taken in this regard. The time frame in which the benefit of this increment will be restored to the Appellant?	The action taken by the Principal regarding this matter has already been communicated to the complainant vide letter dt 24/06/2008(copy enclosed, Annexure 2)
4.	What action does principal, UCMS intends to take against the officers responsible for not letting this increment benefit to be paid to the Appellant.	If any officer is found to be guilty, suitable action will be taken against him/her. This matter has been taken as per the rules(copy enclosed, Annexure 3)

5.	Principal, UCMS may state that why he concerns with the actions of these officers in not letting the Appellant get the above said benefit of increment due to the Appellant as per rule.	The decision (as communicated to the Complainant vide letter dated 24/06/2008) regarding this matter had been taken as per the rules (copy enclosed, Annexure 3)
6.	All the above information along with copies of documents complete in all respect along with copies of the letters of the Appellant.	The copies of Complainant's letters and the documents (Annexure 1-3), total 4 pages) are being dispatched to the Complainant's address.

**Grounds for First Appeal:**

Information was not provided.

**Grounds for Complaint:**

Information was not provided.

**Submission after Notice:**

From the Complainant;

Complainant mentioned in his submission vide diary no. 7587 dated 31/12/2009 that what information provided vide letter dated 12/11/2009 & 21/11/2009 was unsatisfactory. He requested to provide benefit for said increment.

From PIO;

PIO had mentioned in his submission vide letter dt. 30/12/2009 about the cause of delay(shortage of staff at the middle level in the college).

**Relevant Facts emerging during Hearing:**

The following were present:

**Complainant:** Mr. Gopesh Mehrotra;

**Respondent:** Dr. A. K. Tripathi, Public Information Officer & Professor;

The information has been provided to the Complainant on 12/11/2009. The query no.5 of the Complainant does not seek information but the PIO has tried to provide some clarification which the Complaint is not satisfied with. Since there are no reasons on record. The PIO has given an interpretation based on which he has quoted a particular rule whereas the Complainant feels that the rule has been quoted partly and supplied in parts. This is the matter of interpretation of the rules and cannot be construed as giving incomplete information.

The information was sought by the Complainant on 07/09/2009 hence the information should have been provided complainant before 07/10/2009. Instead the information has been provided on 12/11/2009 after a delay of 35 days. The Respondent states that the person responsible for the delay was the then PIO Dr. S. K. Verma.

**Decision:**

The Complaint is allowed.

The information has been provided to the Complainant.

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

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

The then PIO Dr. S. K. Verma will present himself before the Commission at the above address on 19 April 2010 at 10.30am 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.)<sup>Reg</sup>*

**CC:**

**To,**

**The then PIO Dr. S. K. Verma through Dr. A. K. Tripathi, Public Information Officer & Professor**