

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

Decision No. CIC/SG/A/2010/000012/6784Adjunct
Appeal No. CIC/SG/A/2010/000012

Appellant : Mr. Guru Gayan Singh,
Department of Law,
(Chatham Lines Campus),
University of Allahabad,
Allahabad.

Respondent : Mr. R. L. Vishwakarma
Central Public Information Officer
(Administration),
O/o Central Public Information
Officer, First Floor, Senate Hall(
North), University of Allahabad,
Allahabad- 211 002

RTI application filed on : 03/08/2009
PIO replied : 24/10/2009
First Appeal filed on : 30/10/2009
First Appellate Authority order : Not mentioned.
Second Appeal Received on : 24/12/2009
Notice of Hearing Sent on : 11/01/2010
Hearing Held on : 11/02/2010

Information sought:

Sl. No	Information Sought	PIO's Reply
1.	Reasons for not taking action till date according to the order of vice chancellor in meeting of Selection Committee held on 02/08/2009.	The matter is related with P.A to Registrar/A.R (P & A-I).
2.	Photocopy of action taken on letter dated 16/03/2009.	As above.
3.	Furnish photocopy of letter/advertisement dated 02/07/200 & notification of UGC dated 04/04/2000.	As above.
4.	Provide photocopy of the letter/advertisement published in 2008 for recruitment to the Cadre posts under CAS & the rules on which basis qualification mentioned in said letter/Advtt.	As above.
5.	Whether any advertisement was made publish	As above.

	again in year 2008. If yes, then furnish certified photocopy of that advertisement.	
6.	Photocopy of the rules on which basis qualification determined by the Selection committee in 02/08/2009 for promotion to the post of professor.	As above.
7.	What is the Service period of Dr. R. K Chaubey (Reader)? Whether he completed eight years of his service on 30/09/2008.	On 30 th September, Shri R. K. Chaubey has completed 07 years 01 month 17 days' service.
8.	Whether Dr. R. K Chaubey (Reader) completed eight years of his service on 30/09/2008. Date of joining of him.	No. He has joined Allahabad University on 13/08/201 as Reader.
9.	Whether the University of Allahabad is bound to adhere to law declared by Supreme Court under Article 141 of Constitution of India or not.	This office does not have information on this point.
10.	If yes, then whether the Dr. R. K Chaubey (Reader) had been given chance to appear for interview as having qualification according to Decision of Supreme Court.	Who is Reckha Chaturvedi not known to Teachers' Establishment Section?
11.	Furnish reasons for not giving chance to the Appellant for interview held on 02/08/2009. Furnish that rules.	As against Point no.1.
12.	Reasons for accepting the application of the Appellant if he was not eligible. Reason for not giving information sought vide letter dated 16/03/2009.	As above.
13.	Photocopy of the action taken on the Appellant's letter dated 27/07/2009 & 29/07/2009 addressed to Vice chancellor.	As above.
14.	Whether it is under law of the university to exclude the Appellant from keeping his opinion.	As per Ordinance of Allahabad Dri G.G Singh was not eligible for promotion to the Post of Professor.

PIO's Reply:

The CPIO stated that information on point no. 7, 8, 9, 10 & 14 as provided by the Dy. Registrar (Faculty). Information in respect of point nos. 1, 2, 3, 4, 6, 11, 12, & 13 would be provided after receiving from Registrar & A.R.(P).

Grounds for First Appeal:

Incomplete & wrong information was provided by the CPIO. Misleading & wrong information in respect of point no. 10 & 14.

Order of the First Appellate Authority (FAA):

Not enclosed.

Grounds for Second Appeal:

Incomplete & wrong information.

Relevant Facts emerging during Hearing on 11 February 2010:

“The following were present

Appellant: Absent

Respondent: Mr. R L Vishwakarma (CPIO)

The PIO states that he has provided the complete information to the Appellant on 08/02/2010. A perusal of the papers submitted by him appears to bear this out. The CPIO was asked for the reasons for the delay in providing the information. CPIO has got a written submission in which he has indicated that initially the RTI application was lost by J N Mishra (Senior Assistant, PE Section). After the FAA’s order which was given to the officer in charge of the P E Section on 07/10/2009 the information was again sought from Mr. J N Mishra (Senior Assistant P E section). Mr J N Mishra gave information on 5 points and for the remaining 9 points he said that other officers would have the information. Finally, the information was obtained by Deputy Registrar Mr Ashish Rastogi and given on behalf of Mr. J N Mishra to the PIO on 05/02/2010. The CPIO has furnished the complete information to the Appellant on 08/02/2010.

The CPIO has also given an officer order dated 05/09/2009 issued by him in which it has been identified that Mr J N Mishra has been assigned the job in the teachers establishment section of handling the work relating to RTI cases.

Thus, it appears that the person responsible for the delay is Mr J N Mishra (Senior Assistant P E Section).”

Decision:

The appeal is allowed.

The information has been provided.”

Facts leading to Showcause:

The issue before the Commission was of not supplying the complete, required information by the deemed PIO within 30 days as required by the law. From the facts before the Commission it is appeared that the deemed PIO Mr. J N Mishra (Senior Assistant T E Section) was 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. He had further refused to obey the orders of his superior officer, which raises a reasonable doubt that the denial of information may also be malafide. Hence a showcause notice was issued to him, and he was directed give his reasons to the Commission to show cause why penalty should not be levied on him on 15 March 2010.

Relevant facts arising during the show cause hearing on 15 March 2010:

The following persons were present:

Respondent: Mr. J N Mishra Senior Assistant T. E. Section and deemed PIO;
Mr. R. L. Vishwakarma, PIO;

The Commission is determining why the order of the First Appellate Authority issued on 19/09/2009 which is marked to Deemed PIO Mr. J.N. Mishra Senior Assistant Teachers Establishment was not provided to the Appellant. The FAA’s order reached the Deemed PIO on 07/10/2009 and he promptly stated on 08/10/2009 that the matter relating to point-1 to 6, 11,12 & 13 was not related to his section. He had stated that information was related to the PIO to Registrar hence the assistance of the Registrar’s office was sought by the PIO which replied on

03/02/2010 that they did not have the information and that the information would be available with the Teachers Establishment Section Only. Subsequently on 05/02/2010 the information was provided by Mr. A. Rastogi Dy. Registrar Faculty on behalf of Mr. J. N. Mishra who had proceeded on leave from 05/02/2010.

The Commission asked Mr. J. N. Mishra Sr. Assistant for the reasons for the delay. He has produced before the Commission a letter issued by Mr. Rastogi on 06/02/2010 in which it is stated with reference to RTI “before for4mation of the appointment cell all matters relating to recruitment/promotion under CAS were being dealt with Registrar office level and teachers establishment section was not directly involved in the process as is evident from the letter no. 05/DR/R/2007 dated 02/07/2007. As such teachers establishment section could not furnished reply to the queries under RTI-125/2009-10.”

It appears that there is some confusion about the availability of records in the University. In view of this the Commission recommends that the Vice-Chancellor should try and resolve this confusion about the location of information and the responsibilities of different officials.

In view of this the Commission drops the Penalty proceedings.

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
15 March 2010

(In any correspondence on this decision, mention the complete decision number.)Rnj

CC:

Vice-Chancellor
University of Allahabad,
Allahabad- 211 002