

CENTRAL INFORMATION COMMISSION
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Decision No. CIC/SG/A/2010/000182/7148
Appeal No. CIC/SG/A/2010/000182

Relevant Facts emerging from the Appeal:

Appellant : Dr Shambhu Roy,
Quarter no. 40, JNV Campus,
Rakh Jaganoo,
P.O. Jaganoo,
Udhampur, J&K- 182124

Respondent : Mr. Karam Chand,
PIO & Principal,
Jawahar Navodaya Vidyalaya,
Rakh Jaganoo district,
Udhampur, J&K -

RTI application filed on : 14/02/2009; 30/04/2009; 26/05/2009;
08/08/2009; 10/11/2009

PIO replied : 19/06/2009; 15/09/2009

First appeal filed on : 10/12/2009

First Appellate Authority order : No Order

Second Appeal received on : 19/01/2010

Information sought vide Application dated 14/02/2009:

1. Reason for non issue of appointment letter. When will it be issued?
2. When will its computerized copy be issued? Reason for issuing handwritten copies without attestation.
3. A copy of the original application submitted for selection and appointment.
4. A copy of all the documents moved in the selection proceedings.
5. Copy of the attendance register maintained upto date.
6. Reason for demanding heavy bribe for issuing appointment letter.
7. Reason for not allowing marking of sign in the attendance register in January.
8. Reason for giving only part payment every month under the garb of salary.
9. A copy of all time tables, duty sheet and chart allotted and assigned.
10. A copy of the order book kept.
11. Confirmation letter
12. Appreciation letter

Information sought vide Application dated 30/04/2009:

Attested photocopies of all the documents submitted on 02/03/2009 on handing over charge of class teacher's post to Mr Hemant Kumar.

Information sought vide Application dated 26/05/2009:

INFORMATION SOUGHT	REPLY OF PIO
1. The stepwise procedures for the appointment of	Mr Shambhu Roy was engaged on contract basis

the applicant on 02/08/2009	on 04/08/2008. Not appointed by the office.
2. Reason for not allowing the applicant to mark his presentation on the date of joining.	Mr Shambu Roy had completed formalities on 04/08/2008
3. Reasons for not issuing original copies of the appointment letter under official sign and stamp.	As per official records, no demand for said copies had been made.
4. Copies of applicant's attendance marked in the register from 01/01/2009	
5. Copies of time table and record of other duties performed.	Attached
6. Copies of application for station leave permission and other leaves as requested time and again.	File of the documents demanded stolen. Letter for lodging FIR has been issue.
7. Reason for non payment of salary for April 2009.	Salary of Shambu Roy was paid in his saving bank account.
8. Reason for not allowing applicant to mark present on some days of January inspite of working evenly throughout the month including on Sundays.	Mr Shambu Roy was actually absent on those days.
9. Copy of the identity card register which mentions the terms regularised on 01/01/2008 in and against the column of applicant's name duly hand written by the respondent and officially stamped.	Regularised word is never included in the identity card.

Information sought vide Application dated 08/08/2009

INFORMATION SOUGHT	REPLY OF PIO
1. Reason for non supplying of information asked for vide R.L. No. 4978 dated 28/05/09	Most of the information has been supplied vide letter no. SR/JNV/Udhm/2180. Remaining information will be sent once the same is procured from the police(FIR lodged as the file was stolen)
2. Hidden motives for no supply of material facts.	Record available in office was supplied. No hidden motives.
3. Compensation for loss	Not applicable
4. When will information be supplied as asked in the letter no. 4978?	On receipt of information about the stolen file from the police station Udhampur.
5. Reasons for not countersigning the documents issued as asked on 14/02/2009 and 30/04/2009. Squabbles occurred.	Para not clear. Office unaware of statements issued by applicant regarding 14/02/09 and 30/04/09. No scenes occurred.
6. Photocopy of applicant's entry into the Vidyalaya for all those days that he had signed the register.	Statement reported by Bodh Raj Cowkidar and Sanjay Kumar Chowkidar a/w copy of register that Shambu Roy habitually left the campus w/o information.
7. Reason why the employees got sign of the driver of the vehicle containing applicant's luggage on one register and that of his family members on another.	Family members brought the auto. Family members of Shambu Roy themselves loaded luggage in it. All in the presence of Magistrate deputed by the Dty C'ner, Udhampur.
8. Photocopies of signs of applicant in the register on 29/05/09 and 30/05/09 and onward.	Photocopies attached

9. Photocopies of all records supplied from 30/07/2008 on 14/02/2009 and 30/04/2009 under applications from the applicant. Allegations of forgery, tampering and fraudulent acts against the Principal.	Allegations are without any evidence of and proof. Defamation will be lodged.
10. Have the documents in question been stolen by the Principal from the appellant's official quarter no. 4?	Now it is a proven fact that the stolen file is lying with Shambu Roy and FIR has been registered against him in PS Udhamour.
11. Actual scene of the incidents in acquiring the deciding documents	False and Defamatory
12. Persons involved in the theft from the applicant's possession	Fabricated and concocted story
13. Date of acquiring the base documents	Not applicable
14. If not the above, then the next source to obtain that	Not applicable
15. Actual scene of the incident when the Applicant's I-card issued the second time on 30/12/2008 was taken away, and the word 'regularised' was deleted.	No incident occurred. False and defamatory allegations. The I card is lying with Shambu Roy. It must be deposited in the Vidyalaya Office.
16. Clarify the points made on Para 11 p. 6 in the w/s	I card is issued only to facilitate the identity of the incumbent. The word 'regular' or 'regularised' is not written even on the cards of permanent employees. If such word occurs, it implies fraud and mischief on part of the card holder.
17. Way followed by the applicant in tampering the name	The alleged card holder knows well
18. In what manner the applicant tampered with the issued base documents	By inserting the word regularized in the i-card; overwriting the entry of photo i-card; attaching copies of self prepared terms and conditions of service
19. Hidden motives for issuing I card the second time	No hidden motives
20. Whose card did the applicant use in the matter in question?	Applicant to send both the cards in original. Then any comment can be made.
21. Points of the PIO on the matter of the facts of the case	The Applicant was contract teacher. He got contract salary. When ousted, he hatched a conspiracy to mislead the law, public authority and others. There are false statements and vague questions.
22. Advice to the applicant on the matter of the case	Advices are given to employees on roll, not to ex-contract employees
23. Capacity under which letter no. F. student/JNVRJ/2009/2324-36 dated 25/06/09 and letter no. F. student/ JNVRJ/2009/2420-37 dated 7/7/09 were sent.	In the capacity of head of institution to exercise control on the inmates and to inform the parents about the activities of their wards. Such questions do not come under the RTI.
24. Material facts in sending the above letters	Language is vague. Kindly mention clearly.
25. End points in doing so above	Official and moral duties to keep parents abreast with the activities of their wards
26. Amount spent by the PIO in course of	Nil amount spent

managing the administrative systems for his own favour.	
27. Conclusions and achievements in doing so	To perform public duty
28. Legality in doing so	In the capacity of public servant

First Appeal:

Information by the PIO incomplete and not true.

Order of the FAA:

No Order

Ground of the Second Appeal:

Ground for First Appeal and no order passed by FAA.

Relevant Facts emerging during Hearing on 15 March 2010:

The following were present:

Appellant: Mr. Shivnandan Kumar Roy on behalf of Dr Shambhu Roy;

Respondent: Mr. Karam Chand, PIO & Principal;

The PIO has provided all the information available to the appellant. The Appellant is alleging that the records have been tempered with or forged. The PIO points out that the appellant's services have been terminated and it appears that the Appellant is making allegations without any proof or evidence. The Commission did not find any rational grounds for his allegation that the records has been forged and fabricated.

Decision:

The Appeal is dismissed.

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.) (AS)