

CENTRAL INFORMATION COMMISSION

Club Building, Opposite Ber Sarai Market,

Old JNU Campus, New Delhi - 110067.

Tel: +91-11-26161796

Decision No.CIC/SG/A/2010/000221/7152

Appeal No. CIC/SG/A/2010/000221

Appellant : Mr. Mohamad Sabir,
D-871, J. J. Colony,
Bawana, Delhi-110039

Respondent : Mr. R. D. Sharma
Public Information Officer &
Assistant Commissioner(N/W)
**Department of Food, Supplies and Consumer
Affairs,**
Govt. of NCT of Delhi,
District: North West, C-Block, Pkt C,
Shalimar Bagh, Delhi

RTI application filed on : 15/07/2009
PIO replied : 19/08/2009
First Appeal filed on : 19/09/2009
First Appellate Authority order : Not enclosed.
Second Appeal Received on : 19/01/2010
Notice of Hearing Sent on : 16/02/2010
Hearing Held on : 15/03/2010

Information sought:

Appellant sought following information regarding his application (about Ration Card) addressed to FSO:

1. Furnish the name of official who take action on his application, what was done & on which date. Present status of his application (name of official & from which date the application was in his possession.)
2. Name & post of official who had inspected his application. Provide the photocopy of his application & inspection report.
3. Provide date of inspection.
4. Provide name of official who was responsible for not doing inspection. What will action be taken against the official?
5. Within how many days is Kerosene oil issued in such type of cases?
6. Provide the photocopy of circular/ departmental order in respect of point no. 5(above).
7. If there was no such order/ circular, then provide the basis on which time limit is determined.
8. How much will compensation be provided to the Appellant for loss in purchasing Kerosene Oil from market? If no compensation, then provide reasons for same.
9. Provide the name & address to whom complaint can be filed for compensation.
10. Within how many days will ration be provided on his ration card?

PIO's Reply:

Applicant had filed for correction (to mention Kerosene oil in place of Gas) in his ration card.

As per departmental order, in case of such application, a door inspection is done by an inspector & report is also taken from concerned gas agency. After taking above action, the application is sent to Dy. Commissioner, DFSC, for approval. Above action is being taken on the application of the Appellant, correction will be done after getting approval.

Grounds for First Appeal:

Unsatisfactory & incomplete information.

Order of the First Appellate Authority:

Not enclosed.

Grounds for Second Appeal:

Incorrect & incomplete information.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Ms. Husn Ara representing Mr. Mohamad Sabir;

Respondent: Mr. Ajit Singh, FSO on behalf of Mr. R. D. Sharma, PIO & AC(NW)

The Respondent admits that no information has been sent to the Appellant inspite of the order of the First Appellate Authority. The Respondent states that the person responsible for not implementing the order of the First Appellate Authority was then PIO Mr. Subhash Chandra, Assistant Commissioner who held the position until 31/01/2010.

Decision:

The appeal is allowed.

Mr. Ajit Singh, FSO is directed to provide the complete information to the appellant before 30 March 2010.

The issue before the Commission is of not supplying the complete, required information by the then PIO Mr. Subhash Chandra, Assistant Commissioner 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. He has further refused to obey the orders of his superior officer, which raises a reasonable doubt that the denial of information may also be malafide. The First Appellate Authority has clearly ordered the information to be given.

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.

The then PIO Mr. Subhash Chandra, Assistant Commissioner will present himself before the Commission at the above address on **15 April 2010 at 4.00pm** 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
15 March 2010

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

CC:

To then then PIO Mr. Subhash Chandra, Assistant Commissioner through Mr. R. D. Sharma, PIO & AC(NW)