

**CENTRAL INFORMATION COMMISSION**  
**Club Building (Near Post Office)**  
**Old JNU Campus, New Delhi - 110067**  
**Tel: +91-11-26161796**

**Decision No. CIC/SG/A/2009/003191/6337a/Penalty**  
**Appeal No. CIC/SG/A/2009/003191**

Appellant : Mr. Yogesh Kumar,  
N-16 A/46, Sanjay Basti, Timarpur,  
Delhi- 110054.

Respondent : Mr. V. K. Rana,  
AE-I and deemed PIO  
**Municipal Corporation of Delhi**  
Old Hindi College Building,  
Nigam House, Kashmere Gate,  
New Delhi

RTI application filed on : 16/09/2009  
PIO replied : 13/10/2009  
First appeal filed on : 16/10/2009  
First Appellate Authority order : 12/11/2009  
Second Appeal received on : 19/12/2009

**Information Sought**

- a) How many times repair work has been carried out on the stretch between Ch Fateh Singh Marg, Mall Road and Nehru Vihar intersection during the period 01/04/2008 to 31/08/2009.
- b) Copy of sketch of the repair work, copy of measurement book, estimates, copy of any guarantees made, name and designation of the employee responsible for assessing and accepting the proposals and whether the guarantees are still valid.
- c) The reasons for the pathetic state of the road.
- d) Materials used in the construction of the road.
- e) Action that can be taken against the guilty officials and expected time frame within which action will be taken.
- f) The Appellant sought samples (sealed and certified) of the materials used in the construction of the road.
- g) The expected time frame within which the road will be repaired.

**Reply of the PIO**

The work on the road was being carried out by EE (Pro) Civil Lines Zone.

**First Appeal:**

Unsatisfactory information provided by the PIO.

**Order of the FAA:**

“ PIO is directed to reply the RTI application properly. If any question relates to other department, the same may be got from the concerned department and rely the appellant within 5 days... Appellant will meet the PIO regarding lifting of samples.”

**Ground of the Second Appeal:**

Non compliance of FAA’s order.

**Commission’s Decision of 8 January 2009:**

“It appears that no information has been provided to the appellant in compliance of the order of the First Appellate Authority, without any reasons. The First Appellate Authority had clearly ordered the information to be given to the appellant within 5 days of his order on 12/11/2009. Hence it appears that the FAA’s order has not been implemented.

The PIO should have sought the assistance of EE (PRO) Civil Lines Zone under Section 5(4) and provided the information within 30 days to the appellant.

The appeal is allowed.

The PIO is directed to provide the complete information to the appellant before 30 January 2010.”

**Facts leading to Showcause:**

The issue before the Commission was 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 appeared that the PIO was guilty of not furnishing complete 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 raised a reasonable doubt that the denial of information may also be malafide. The First Appellate Authority had clearly ordered the information to be given. Hence a showcause notice was issued to him, and he was directed to give his reasons to the Commission to show cause why penalty should not be levied on him on 5 February 2010 at 4.00pm.

**Relevant Facts emerging during the Showcause Hearing on 05 February 2010:**

“The following were present:

Complainant: Mr. Yogesh Kumar;

Respondent: Mr. Rajendra Prasad, Public Information Officer & SE;

The RTI application has been filed on 16/09/2009 and the reply should have been given before 16/10/2009. The reply given on 12/10/2009 states, “The work on this road is being done by E.E. (Pro), Civil Lines Zone. The then Deemed PIO Mr. S. N. Hasan, E.E. (M-II) should have either provided the information or obtained the information from wherever it was lying. Finally after the order of the FAA on 12/11/2009 the information was provided on 11/12/2009. The PIO is directed to inform the Appellant when the complete road has been made alongwith a copy of the specification of the road before 20 February 2010. The PIO states that the person responsible for not supplying the correct and complete information to the appellant was deemed PIO Mr. S.N. Hasan, EE (M-II).

The PIO will facilitate drawing of the sample of the road on 17 February 2010 at 10.00am at Virender Public School next to Mayor's house. The core will be drawn by MCD and sealed in a bag and given to the Appellant.

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

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

Deemed PIO Mr. S. N. Hasan will present himself before the Commission at the above address on **16 March 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.”

**Relevant Facts emerging during the Showcause Hearing on 16 March 2010:**

The following were present:

Respondent: Mr. V. K. Rana, AE-I and deemed PIO;

Mr. S. N. Hasan has informed the Commission that Mr. V. K. Rana is Deemed PIO. The RTI application was filed on 16/09/2009 and the completely irrelevant reply was given to the Appellant on 13/10/2009 merely stating, “the work on this road is done by EE(PRO) Civil Lines Zone” and not provided any other information sought by the appellant. Subsequently when the First Appellate Authority passed order on 12/11/2009 the deemed PIO provided information on 11/12/2009. Even this information did not address the issue of the Appellant taking a sample. The Deemed PIO Mr. V. K. Rana has not provided the information with any diligence at all.

Since the RTI application was file don 16/09/2009 the complete information should have been provided by 16/10/2009. Mr. V. K. Rana deemed PIO provided partial information on 11/12/2009 and had not addressed the issue of providing the sample to the Appellant. Even until 05/02/2010 when the Commission had held a hearing. Thus the delay has been for over 100 days. The Commission asked the deemed PIO Mr. V. K. Rana to explain the reasons for the delay. The Deemed PIO Mr. V. K. Rana claims that he was not very clear about what was required of him. He also states that he did not understand from where the sample was to be drawn. In case Mr. Rana did not understand he could have sought the assistance or clarification from the Appellant. He is able to produce no evidence of any such attempt. Mr. V. K. Rana states that he does not get enough time to do his work.

The Deemed PIO Mr. V. K. Rana has no reasonable cause for the delay in providing the information. The Commission sees this as a fit case for levy of penalty under Section 20(1) of the RTI Act on Mr. V. K. Rana. Since the delay has been over 100 days Commission penalizes Mr. V. K. Rana Rs.25000/- which is maximum penalty leviable under Section 20(1) of the RTI Act.

## **Decision:**

As per the provisions of Section 20 (1) of the RTI Act 2005, the Commission finds this a fit case for levying penalty on Mr. V. K. Rana, AE-I and deemed PIO Since the delay in providing the correct information has been over 100 days, the Commission is passing an order penalizing Mr. V. K. Rana for Rs. 25000/ which is the maximum penalty under the Act.

The Commissioner, Municipal Corporation of Delhi is directed to recover the amount of Rs.25000/- from the salary of Mr. V. K. Rana and remit the same by a demand draft or a Banker's Cheque in the name of the Pay & Accounts Officer, CAT, payable at New Delhi and send the same to Shri Pankaj K.P. Shreyaskar, Joint Registrar and Deputy Secretary of the Central Information Commission, 2<sup>nd</sup> Floor, August Kranti Bhawan, New Delhi – 110066. The amount may be deducted at the rate of Rs.5000/ per month every month from the salary of Mr. V. K. Rana, AE-I and deemed PIO and remitted by the 10<sup>th</sup> of every month starting from April 2010. The total amount of Rs.25000 /- will be remitted by 10<sup>th</sup> of August, 2010.

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**  
**16 March 2010**

*(For any further correspondence in this matter, mention the file no. mentioned above) (RR)*

- 1- Commissioner  
Municipal Corporation of Delhi  
Town Hall, Delhi- 110006
2. Shri Pankaj K.P. Shreyaskar,  
Joint Registrar and Deputy Secretary  
Central Information Commission,  
2nd Floor, August Kranti Bhawan,  
New Delhi – 110066