

CENTRAL INFORMATION COMMISSION
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Decision No. CIC/SG/A/2009/003264/6750/ Adjunct
Appeal No. CIC/SG/A/2009/003264

Appellant : Dr. Jai Singh,
Professor, Department of Animal
Husbandry & Dairying, Institute of
Agricultural Sciences, Banaras
Hindu University, Varanasi -221005

Respondent : Central Public Information Officer
O/o of the Registrar (Admin.)
Right to Information Cell,
Banaras Hindu University,
Varanasi-221005

RTI application filed on : 18/08/2009 & 29/08/2009
PIO replied : 29/09/2009
First Appeal filed on : 04/11/2009
First Appellate Authority order : Not enclosed.
Second Appeal Received on : 24/12/2009

Notice of Hearing Sent on : 09/01/2010
Hearing Held on : 08/02/2010

Information sought:

After reply of the PIO, Appellant had objection on following points (out of six):

- Point no.1: Certified complete report of Fact and Finding Committee constituted vide letter dated 05/04/2007 in the chairmanship of Prof. B. D. Singh, Dean, Faculty of Sciences, BHU.
- Point no. 5: Certified copies of all the memos issued to Dr. R. K. Pandey, Ex-Reader of the department by the university authorities

PIO's Reply:

Not enclosed.

Grounds for First Appeal:

In respect of Point no. 1;

- i. Whether an employee can be sanctioned leave other than applied for.
- ii. Under which rule Pro. Alok Jha was sanctioned different leave (Duty Leave) from that he requested (one time special causal leave) after nearly one month of his letter

In respect of Point no. 5; the last hearing of the fact Finding Committee was on 16/03/2009. In this regard following information is needed:

- i. Any request letter issued to chairman regarding submission of report, if yes, give a copy of his reply.
- ii. If not, it will indicate that university is not serious about the charges raised against Prof. Jha.

Order of the First Appellate Authority:

Not enclosed.

Reply after First Appeal:

Appellant was informed by Dy. Registrar (Admin.)-I/CAPIO vide letter dated 09/09/2009 that application was forwarded to FAA.

Grounds for the Second Appeal:

Appellant requested to provide the information as sought.

Relevant Facts emerging during Hearing held on 08/02/2010:

The following were present

Appellant: Absent

Respondent: Mr. Rajan Srivastava (PIO).

The PIO states that in response to the Appellant's RTI application dated 18/08/2009 (received on 19/08/2009) he had asked the Appellant to deposit Rs 16 as additional fees on 15/09/2009. The Appellant paid this amount on 23/09/2009 and the information was provided to him on 05/10/2009. Mr R Srivastava had provided information related to queries 2, 5 and 6. It appears the information has not been provided to queries 1, 3 and 4.

The PIO claims that he has given information on the queries raised in RTI application dated 29/08/2009 by his letter of 03/10/2009. The PIO states that the report of fact finding committee set up on 05/04/2007 regarding alleged plagiarism has not been received so far. It is a very deplorable state of affairs if a University takes over 2 years on a fact finding mission where allegations of plagiarism are involved. By such actions a University can only be encouraging plagiarism.

Decision dated 08/02/2010:

The Appeal was allowed.

The PIO was directed to give information to the Appellant on query 1, 3 and 4 of the RTI application of 18/08/2009. This information had to be provided to the Appellant before 25/02/2010. The Commission directed the PIO to provide the terms of reference of the fact finding committee to the Appellant.

Facts leading to Adjunct decision:

The Commission received a letter dated 26/02/2010 from the Appellant wherein he stated that he seeking information on Query No. 5 and not Query No. 4.

The Commission has also received a letter dated 19/02/2010 from Dy. Registrar (Dev.), Banaras Hindu University stating that the requisite information under Query No. 1 could not be provided in accordance with the exemption of Section 8(1) (h) of the RTI Act and under Query No. 2 because investigation is underway under the CCS (CCA) Rules.

Announcing Adjunct decision on 16/03/2010:

There has been an inadvertent typographical error in the Commission's order dated 08/02/2010 wherein the PIO has been directed to provide information on query No. 4 instead of query No. 5. Thus the Commission directs the PIO to provide information to the Appellant on query No. 5 of the RTI application dated 18/08/2009 **before 05/04/2010.**

Furthermore, the Commission does not find the Respondent's submissions with regard to exemption tenable as exemptions cannot be claimed after the order of the Commission. With regard Query No.2, the PIO is hereby informed that the mere fact that an investigation is underway is not enough to claim any exemption under the RTI Act.

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

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