

CENTRAL INFORMATION COMMISSION

Appeal No. CIC/WB/A/2009/000137 dated 19.2.2009

Right to Information Act 2005 – Section 19

Appellant - Shri Tejram Singh
Respondent - Supreme Court of India

Decision announced: 15.3.2010

Facts:

By an application of 18.8.08 addressed to CPIO, Supreme Court of India, appellant Shri Tejram Singh of Jhansi, (U.P.) put 15 questions stemming from the following issues:

“Applicant was recruited Physical Instructor against a vacant post, after being found fit for the said post in the scale of Rs. 330-495, as per orders dated 2.5.84 of the Asstt. Director, Harijan & Samaj Kalyan, Moradabad Division, Moradabad (U.P) in Govt. Recognised school, Syaoo Chandpur, Bijnor (U.P.) Since the scale attached to this post, as approved by U.P. Govt., was Rs. 450-720, when applicant pointed out this mistake in the appointment to the concerned officers, he was informed that after he joins, the mistake in the pay scale will be corrected. Accordingly, the applicant joined the post on 3.5.84. The mistake has not been rectified till date. Can it be termed as legal? Kindly provided necessary information.”

To this, Shri Tejram Singh received a response dated 20.8.08 from CPIO Shri Ashok Kumar, Additional Registrar, informing Shri Tejram Singh, as below:

“Your request is to seek legal opinion and advice and is not covered under section 2 (f) of the Right to Information Act 2005.

You have already been informed vide this Registry’s letter Dy. No. 3404/H/SC/PIL/2007 dated 7.5.2008 that your letter petition dated 21.4.2008 had been on 5.5.2008.

As regards point 14 and 15, you may, if so advised, approach the appropriate authority for the purpose.”

Aggrieved, Shri Tejram Singh moved an appeal on 3.9.08 specifically with reference to points 14 & 15 of his original application. These points read as follows:

Point 14

Applicant is upset with the working of Women Welfare Department, U.P., Lucknow and Distt. Probation Officer, Bijnor. Since no corrective measures are being taken, applicant has started suffering from Hyper Tension / Diabetics. Applicant has four kids to support. Applicant's wife has also started suffering due to shortage of funds. How the expenditure on children's marriage etc. will be met? So far applicant has no house to live in. How to own a house without money? Applicant is fed up with red tapism and is unable to get legal rights. Advocates taking up cases in the Courts for justice are demanding huge amounts. In such circumstances, where from a person like applicant, who is having a big family to support, may arrange funds. Due to these problems, applicant is like a dead person working in the Women Welfare Department. Present Director of Women Welfare Department has issued some orders but no information is being made available to applicant whether these will be made applicable by the Distt. Probation Officer, Bijnor.

Point 15

If the applicant gets permissible dues from the Women Welfare Deptt., UP, Lucknow, his family will certainly become happy. In absence of these funds, applicant has no other alternative but to commit self-immolation. Kindly intimate the relevant rules for committing self-immolation. If Head of family is not capable to bring up his family and Govt. is not paying his dues, in such circumstances, should a person like applicant remain alive after seeing his family in financial hardships? There are limits to raise loans. Applicant wants to commit self-immolation due to harassment being met by him from Deptt. of Women Welfare Department, UP Lucknow and Distt. Probation Officer, Bijnor. Due to this the future of the applicant is getting ruined. Entire Service record of the applicant is missing from the Office of Distt. Probation Officer, Bijnor. Information to this effect has reached the applicant. What will be the role of office in such circumstances and what are the relevant rules for self immolation may kindly be intimated."

Upon this, Shri M. P. Bhadran, in his order of 24.9.08 on appeal No. 94 of 2008 has directed as follows:

"After hearing the appellant and after perusal of the records I find that the request of the appellant is not in respect of an information held by the CPIO in terms of section 2 (f) of the Right to Information Act, 2005. The CPIO has informed the appellant by way of impugned order that the request of the appellant is not covered under section 2 (f) of the Right to Information Act, 2005. CPIO has also informed the appellant to approach the appropriate authorities in respect of point nos. 14 and 15. I find no error in the impugned

order of the CPIO. There is no merit in this appeal and it is only to be dismissed.'

Appellant Shri Tejram Singh's prayer before us in his second appeal is as below:

“Sir, it is prayed that you may intervene in the matter to enable applicant to get arrears of pay scale / GPF / Group Insurance Funds / Small Savings Fund / Encashment of leave etc. Information sought from Information Service Commission of U.P., Lucknow, Chief Secretary, Women Welfare, Chief, Social Welfare Deptt. UP Admn. and Distt. Probation Officer, Bijnor is not being supplied. No action is being taken on appeals made in this regard. Matter is pending approximately for the last 16 years. Departmental Officer has no reply to furnish. Kindly arrange to get the information provided at your level on the address mentioned below. For this act, applicant will always remain grateful.”

The appeal was heard on 15.3.2010 with arrangement for videoconference. The following are present:

Respondents at CIC, New Delhi.
Shri Raj Pal Arora, Addl. Registrar / CPIO, SCI
Shri Devadatt Kamat, Advocate for SCI

Although arrangement has been made to hear the appeal through videoconference at NIC Studio, Jhansi (U.P.) and appellant Sh. Tejram Singh had been informed by Notice dated 22.2.2010 regarding the hearing, he has opted not to be present.

Shri Devadatt Kamat, Learned Counsel for respondents presented his *vakalatnama*, which has been taken on record. He submitted that appellant Shri Tejram Singh has a grievance against the decision of the Allahabad High Court which he has sought to challenge through the RTI Act before the Supreme Court of India.

DECISION NOTICE

Having examined the record, we find that all the questions of appellant pertain only to asking whether failure to comply with the decision of the High Court of Allahabad does not amount to contempt, or the injustice done to him by the Women Welfare Dep't., UP, Lucknow. These are hardly questions on which CPIO can be expected to adjudicate, since u/s 2(j), it is only information held by him or under his control to which he can provide access under the Right to Information Act, 2005. Point Nos. 14 & 15 in particular, centred around which the first appeal was moved, pertain to the action taken by Women Welfare Dep't., UP, Lucknow and failure to implement court orders by Shri Moti Lal, Director, Mahila Kalyan Vibhag, Lucknow. If indeed that is the case, redress can only be obtained by appellant Shri Tejram Singh by approaching Allahabad Court, which actually passed the order, or in the alternative moving an RTI complaint before the UP State Information Commission, Lucknow against the alleged failure to provide information by the Women Welfare Dep't., UP, Lucknow. In any event this Commission has no jurisdiction to decide in this case and the appeal is hereby dismissed.

Announced in the hearing. Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)
Chief Information Commissioner
15.3.2010

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges, prescribed under the Act, to the CPIO of this Commission.

(Pankaj K.P. Shreyaskar)
Joint Registrar
15.3.2010