

FIRST APPEAL u/s 19(1)

18.9.17

To,
The First Appellate Authority
Dy Commissioner of Police
East district, Patparganj
Mandawali, Fazalpur, Delhi

Dear Sir,

I filed an online RTI Ref No. DEPOL/R/2017/52267 Dtd 17.8.17 [1] for which PIO responded vide his reply ref no ID/2002/2017/8419 Dtd 13.9.17 [2]. Since the PIO has obstructed information. Hence; I am filing this first appeal.

BACKGROUND

Particulars of Information required:

1. **Subject matter of information:** The appellant is known that the false information is submitted to Hon'ble MP Shri Maheish Girri Ji vide enclosed letter.
2. **The period to which information relates:** From the date of issuing letter till the Date of this RTI application.
3. **Description of Information required:** Please provide certified copies of following information:
 1. Names, designations, and contact details of all the officials who has confirmed that all the confiscated vehicles have been removed from the vicinity.
 2. Details of all the confiscated vehicles which were dumped in the area prior to removal.
 3. Date and details of all the vehicles which were removed as per the letter to Hon'ble MP.
 4. Grounds available in records based upon which some vehicles are still found in the corner of the road.
 5. Details of action taken by the controlling authority against erring official, if official has submitted false information to Hon'ble MP.
 6. If no action has been initiated as above, reasons on record be made known to me, with name, designation and contact details of controlling authority of these employees. [Ref: section 4.1.d of RTI Act]
 7. Present status and date by which all the vehicles will be removed.

GROUND OF APPEAL

1. **PIO is obstructing information for Sno 2, 3, 5, 6:**

A Public Information Officer, while dealing with a request for information can come across two specific situations:

Situation A –Requested information is not available with the PIO with whom the RTI Application has been filed, but it is available with another PIO within the **Same Public Authority**, Section 5(4) read along with section 5(5) has been laid down for such situations.

Situation B - Requested information is not available with the PIO with whom the RTI application has been filed, but it is available with another PIO of **another Public Authority**. Section 6(3) of the RTI Act has been laid down for such situations.

The PIO has neither invoked section 5(4) nor section 6(3) and as such, he has disposed of my RTI application in violation of the provision of section 5(4) read along with section 6(3) of the RTI Act by stating **“Not Related”**.

Information Sought	PIO’s reply
<p>2. Details of all the confiscated vehicles which were dumped in the area prior to removal.</p> <p>3. Date and details of all the vehicles which were removed as per the letter to Hon’ble MP.</p> <p>5. Details of action taken by the controlling authority against erring official, if official has submitted false information to Hon’ble MP.</p> <p>6. If no action has been initiated as above, reasons on record be made known to me, with name, designation and contact details of controlling authority of these employees. [Ref: section 4.1.d of RTI Act]</p>	<p>Not Related</p>

2. PIO provided misleading information for Point 4

Information Sought at Sno 4	PIO’s reply
<p>Grounds available in records based upon which some vehicles are still found in the corner of the road.</p>	<p>Only 4 vehicles lying parked near road and are in damaged condition. A demand letter for the crane has been sent by this office vide letter no. 1278/R.SHO/NAN dtd 9.9.17 to the concerned deppt. As soon as the crane will be available, the damaged vehicles will be removed.</p>

From the above reply it can be inferred that PIO has obstructed to provide grounds

available in records based upon which vehicles are found in the corner of the road. PIO has also not provided the copy of letter mentioned above in order to prove whether he is providing correct information.

3. PIO provided misleading information for Point 7

Information Sought at Sno 7	PIO's reply
Date by which all the vehicles will be removed.	As soon as the crane will be available the damaged vehicles will be removed.

PIO has again obstructed to provide proper information as it must be available in records.

RELIEFS SOUGHT

1. Personal hearing is DEMANDED **in the interest of Natural justice** from the concerned Appellate Authority telephonically & comments of PIO be provided in advance prior hearing date.
2. Strictures to be passed against APIO/PIO for not performing his duty properly and violating past CIC's order.
3. In the light of the above my RTI should be accepted and information should be provided as per the provisions of RTI Act immediately by registered/speed post free of cost u/s 7(6).

Yours Sincerely,

Varun Krishna

213 Gobind Appts, B-2, Vasundhara Enclave, Delhi-110096
Mobile: 9910946207 & Email:krishna.varun@gmail.com

Enclosures:

1. Copy of RTI Dtd 17.8.17
2. Copy of PIO Reply Dtd 13.9.17

Application for Information under Right to Information Act, 2005

17.8.17

To
The Public Information Officer
Delhi Police, East Delhi

1. Full name of Applicant: Varun Krishna

2. Address: 213 Gobind Appts, B-2 Vasundhara Enclave, Delhi-110096

3. Particulars of Information required:

- (i) **Subject matter of information:** The appellant is known that the false information is submitted to Hon'ble MP Shri Maheish Girri Ji vide enclosed letter.
- (ii) **The period to which information relates:** From the date of issuing letter till the Date of this RTI application.
- (iii) **Description of Information required:** Please provide certified copies of following information:
 1. Names, designations, and contact details of all the officials who has confirmed that all the confiscated vehicles have been removed from the vicinity.
 2. Details of all the confiscated vehicles which were dumped in the area prior to removal.
 3. Date and details of all the vehicles which were removed as per the letter to Hon'ble MP.
 4. Grounds available in records based upon which some vehicles are still found in the corner of the road.
 5. Details of action taken by the controlling authority against erring official, if official has submitted false information to Hon'ble MP.
 6. If no action has been initiated as above, reasons on record be made known to me, with name, designation and contact details of controlling authority of these employees. [Ref: section 4.1.d of RTI Act]
 7. Present status and date by which all the vehicles will be removed.

(iv) **Whether information is required by post or in person:** By post

(v) **In case by post (Ordinary, registered or Speed post):** Speed Post

4. Whether applicant is below poverty line: No.

Place: Delhi.

Notes to PIO

- 1) If any information is denied, please quote the exemption clause of Section 8 (1) and a brief reason as to how it is applicable. This is mandated by RTI Act section 7(8)(i) read with section 19 (5)

Enclosure:

1. **Copy of letter addressed to Hon'ble MP Shri Maheish Girri Ji**

CC For Information:

1. Hon'ble MP Shri Maheish Girri
Email: contact@maheishgirri.com

(13) 12/10/17

कार्यालय उपायुक्त पुलिस यातायात, पूर्वी परिक्षेत्र :

प्रथम तल थाना शकरपुर, दिल्ली ।

संख्या /स्टा. अ./उपा. पु./याता./पूर्वी परिक्षेत्र, दिनांक / /२०१७

सेवामें

श्री महेश गिरी जी,
माननीय सांसद, लोकसभा, पूर्वी दिल्ली,
सी.३३०, दूसरा तल, बालाजी मंदिर रोड,
विवेक विहार, फेस-१, दिल्ली-११००९५ ।

विषय: - वसुंधरा एन्क्लेव/ न्यू अशोक नगर क्षेत्र में कूड़े कचरे की सफाई तथा ट्रैफिक की समस्या के बारे में ।

महोदय,

उपरोक्त विषय में आपके संदर्भ पत्र संख्या न. एम.पी.इ.डी.- ४४३३४/DP दिनांक ०८.०२.२०१७ के बारे में आपको सूचित किया जाता है कि उपरोक्त क्षेत्र में पुराने न्यू अशोक नगर थाने के पास जब्ती गाड़ियों को हटा दिया गया है तथा लोक निर्माण विभाग का कार्य भी पूर्ण हो चुका है। क्षेत्र में पर्याप्त संख्या में यातायात स्टाफ को तैनात कर दिया गया है ताकि यातायात बिना किसी रूकावट के चलता रहे। पुराने थाने के कमरे हटाने तथा कूड़े कचरे के सफाई के विषय में प्रस्तुत पत्र स्थानीय पुलिस और नगर निगम को प्रेषित किया जाता है।

भवदीय

(किमे कामिंग) भा.पु.से.
उपायुक्त पुलिस, यातायात,
पूर्वी परिक्षेत्र, दिल्ली ।

संख्या /स्टा. अ./उपा. पु./याता./पूर्वी परिक्षेत्र, दिनांक / /२०१७

प्रतिलिपि सूचनार्थ व आवश्यक कार्यवाही हेतु :-

१. उपायुक्त पुलिस पूर्वी जिला, आई. पी. एक्सटें, दिल्ली।
२. उपायुक्त, पूर्वी दिल्ली नगर निगम, प्लॉट न ४१९, उधोग सदन, पटपड़गंज उधोगिक क्षेत्र, दिल्ली।
३. सहायक आयु. पुलिस/याता./पूर्वी जिला ।
४. यातायात निरीक्षक कल्याण पूरी, दिल्ली।
५. शिकायत शाखा/यातायात, दिल्ली ।

- 5d -

(किमे कामिंग) भा.पु.से.
उपायुक्त पुलिस, यातायात,
पूर्वी परिक्षेत्र, दिल्ली ।

First Appellate Authority:

Duration: (Within 30 days from the date of receipt of this letter) Dy. Commissioner of Police,
East District, Patparganj,
Mandawali, Fazalpur, Delhi.

To

Sh. Varun Krishna,
R/o 213 Gobind Appts B-2 Vasundhara Enclave, Delhi-96.

Subject: - Reg. Supply of information/documents under Right to Information Act, 2005.

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This is with reference to your application under RTI Act, 2005 received in this office on 18.08.17. As per report received from SHO/New Ashok Nagar, the point wise reply is as under:-

1. No any information has been given by this office. Further, your RTI application is being transferred to PIO/Traffic
2. Not related.
3. Not related.
4. Only 4 vehicles (case property) lying parked near road and are in damaged condition. A demand letter for the crane has been sent by this office vide letter No. 1278/R.SHO/NAN dated 09.09.17 to the concerned deptt. As soon as the crane will be available, the damaged vehicles will be removed.
5. Not related.
6. Not related.
7. As soon as the crane will be available, the damaged vehicles will be removed.

(R. SATHIYASUNDARAM) IPS
PUBLIC INFORMATION OFFICER
ADDL. DY.COMMISSIONER OF POLICE-I,
EAST DISTRICT: DELHI, Ph. No. 22232194(RTI Cell)

No.ID/2002/2017/ /Info. Cell/East Distt., dated, Delhi the /2017.

Copy along with the copy of RTI application submitted by Sh. Varun Krishna forwarded to PIO/Traffic for providing the requisite information to the applicant as per RTI norms.

(R. SATHIYASUNDARAM) IPS
PUBLIC INFORMATION OFFICER
ADDL. DY.COMMISSIONER OF POLICE-I,
EAST DISTRICT: DELHI, Ph. No. 22232194(RTI Cell)