

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-11006

Decision No. CIC/SB/A/2016/000497

Dated 07.08.2017

- Appellant** : Shri K.K. Sukumaran,
4-A, Gendalal Colony,
Devreitha No.1, Shahganj,
Agra (U.P) – 282010.
- Respondent** : The Central Public Information Officer,
Central Information Commission,
2nd Floor, B-Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi.
- Date of Hearing** : 07.07.2017/27.07.2017

Relevant dates emerging from the appeal:

- RTI application : 19.09.2015
First appeal : 31.10.2015
FAA' s Order : 21.12.2015
Second Appeal : 20.02.2016

ORDER

1. The appellant filed an application under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Central Information Commission (CIC), seeking information on ten points pertaining to letter No. P1/A/1711140071 dated 17.11.2014 of the President's Secretariat, including, inter-alia, (i) the date of receipt of the said letter in the Commission and (ii) the diary number vide which the said letter was received in the Commission along with the date of receipt.

2. The appellant filed a second appeal before the Commission on the grounds that the CPIO did not provide the information despite the Order of

the FAA. The appellant requested the Commission to direct the CPIO to provide all the information sought by him, to impose a penalty on the CPIO and to recommend disciplinary action on the CPIO, to award him compensation.

Hearing on 07.07.2017:

3. The appellant Shri K.K. Sukumaran attended the hearing through video conferencing. The respondent Shri S.P. Beck, Joint Secretary, CIC was present in person.

4. The appellant submitted that no reply in response to his RTI application dated 19.09.2015 has been provided to him by the respondent despite the order of the FAA dated 21.12.2015. The appellant requested the Commission to impose a penalty or, and to take disciplinary action against the erring CPIO. The appellant further requested the Commission to grant compensation for the mental harassment he suffered.

5. The respondent submitted that on receipt of the notice of hearing from the Commission, a reply dated 05.07.2017 has been provided to the appellant.

Interim Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that no reply within the stipulated time was provided to the appellant. The appellant had requested for grant of compensation on account of mental harassment and financial loss caused to him. However, due to connectivity issues, the appellant could not be heard properly and therefore, the reasons for the financial loss and harassment caused to him could not be ascertained. The Commission, therefore, in the interest of justice, grants one more opportunity to the appellant to explain the reasons as to why compensation should be granted to him. The Commission directs the appellant to file a brief written submission explaining the reasons for the grant of compensation on or before

20.07.2017, both by post and through e-mail at do.icsb-cic@gov.in. The matter would next be taken up for hearing on **27.07.2017 at 01.30 pm**.

7. The Commission, further, directs the Registry of this Bench to issue a Show Cause Notice to Shri S. P. Beck, Joint Secretary, CIC, for explaining as to why action under Section 20(1) of the RTI Act should not be initiated against him.

Hearing on 27.07.2017

8. The appellant, Shri K. K. Sukumaran participated in the hearing through video- conferencing. The respondents, Shri S. P. Beck, Joint Secretary (Administration) and Shri A. K. Sharma, CPIO, RTI Cell, Central Information Commission were present in person.

9. The appellant submitted that he had sent his written submissions, in terms of the Order of the Commission dated 07.07.2017. The appellant further submitted that as per the information received from the Department of Posts the consignment containing his written submission has been delivered to the addressee on 24.07.2017.

10. The respondent submitted that vide letter dated 20.07.2017 point wise and complete information has been furnished to the appellant.

Interim Decision

11. The Commission, after hearing the submissions of both the parties and perusing the records, notes that the appellant was directed to submit a written submission explaining the reasons for the grant of compensation on or before 20.07.2017 by both post and through e-mail. The Commission also notes the appellants' submissions that he had sent the written submission only by post which was delivered in the Commission on 24.07.2017. On perusal of the records and checking with the Registry of this Bench, the Commission observes that no written submissions from the appellant were received in the Registry of this Bench. In view of this, the appellant is

directed to send his written submission by e-mail at do.icsb-cic@gov.in before the next date of hearing while efforts would be channelized to trace the written submission sent by post. The matter is adjourned to **08.09.2017 at 1:45 p.m.**

12. Copy of the interim decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(S.S. Rohilla)
Designated Officer