

CENTRAL INFORMATION COMMISSION
2nd Floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi -110067
Tel : +91-11-26186535

Complaint No. CIC/VS/C/2015/000017

Complainant: Mr. Rajesh Kumar
R/o 35, Lawrence Street,
Block 13/B, Flt NO. -D,
PO/PS- Uttarpara,
Distt. Hoogly-712258, WB.

Respondent: Central Public Information Officer
Dy. GM(G), Eastern Rly H.Q., Fairly Place,
17, Netaji Subhash Road, Kolkata-700001.

Date of Hearing: 28.10.2016
Dated of Decision: 9.11.2016

ORDER

Facts:

1. The complainant filed RTI application dated 08.10.2014 seeking information on 8 points with reference to a letter no. RPH/48/482 dated 09.09.2014 viz date and time of the flying inspection/checking being conducted, name and designation and present posting place of the officer/s who conducted the flying inspection/checking etc.

2. The CPIO responded on 28.11.2014. The complainant filed first appeal on 24.11.2014 with the First Appellate Authority (FAA). The FAA responded on 22.12.2014. The complainant filed a complaint on 05.01.2015 before the Commission to compensate him u/s 19(8)(b) of the RTI Act.

Hearing:

3. The respondent participated in the hearing. The complainant did not participate in the hearing.

4. The respondent stated that the complainant has various grievances related to his posting and non-promotion, etc. The respondent further stated

that several RTI applications of the complainant have been received and related information has been given to him. Apart from this, he has been requested several times through registered post to come to the office to inspect the relevant documents but he did not turn up. The respondent stated that in the year 2015, Commission has heard 27 cases of the complainant and he has been replied to as per direction of the Commission.

5. During the course of the hearing the respondent has submitted a copy of letter No.E/4/Misc/ACC & ACP/PT.II dated 21.10.2016 written by Shri S. Bhattacharya, Sr. Divisional Personnel Officer/HWH addressed to complainant which reads as follows:-

“It’s a typical case of chronic grievance emanating from you time and again in different fora viz RTI, CIC, Vigilance and the latest being the instant application to the Hon’ble Minister of Railway. From a through scrutiny of your voluminous grievance, it is seen that all of your grievances mainly pertain to the following four fold aspects as below:-

- i) Injustice and wrongful transfer
- ii) Non-promotion
- iii) Harassment for non-issuance of NOC for obtaining international passport
- iv) & so on so forth.

In disposing your above quoted grievances in different fora, suitable replies along with supportive documents were provided to the respective constitutional bodies, of which 27 times before RTI/CIC forum alone, comprising the same nature of grievances based on the unfounded allegation of harassment. Apart from that time & again you have been asked to visit this office for inspecting the relevant documents on your own but neither did you nor your representative turn up or attended in the RTI forum.

However, you are requested to note down the following points in accordance to the moot points of your allegation.

- i) Regarding your transfer, relevant copies of letter of concerned Branch Officer i.e. Sr. DEE/G/HWH enclosed for reference.
- ii) Regarding non-promotion, it is to be stated that you never qualified in the competitive exam like LDCE for promotion to the post

of Tech-III, the last of which was held on 27.2.2016. Moreover, as per your seniority position you didn't come up to the zone of consideration to be called for trade test for promotion to the post of Tech.III against promotional quota.

iii) Regarding "NOC" for international passport, certain norms are to be followed before sending such cases to HQ for approval. Firstly, you didn't follow the requisite norms and supply relevant documents. After pursuance, you only submitted the relevant documents in the year 2016 which was sent to HQ for approval vide this officer letter No. E/Elect/ACC/Permission dated 13th April, 2016 followed by reminder dated 7th July, 2016 and 3rd Oct 2016 (Copy enclosed). As & when we receive approval from HQ, the same will be issued to you.

In view if the above, you are once again requested to feel free to meet the undersigned for an open discussion on any array of your grievances and allegations for exhausting the proper channel of grievance redress prior to approaching any other higher constitutional bodies."

6. The Sr. Divisional Personnel Officer & PIO, vide mail dated 2.11.2016 has informed the Commission that during 2015-16 (till 13.10.2016) 32 hearings have already been given by the Commission to the complainant but he/his nominated representative never turned up in the hearing.

Discussion/ observation:

7. The action/steps taken by the respondent in dealing with the RTI application are satisfactory.

8. From the statement submitted by the respondent, it is observed that the complainant is habitual in filing the RTI applications on similar nature of subject.

9. The Hon'ble High Court of Delhi in its decision dated 05th February, 2014 in the W.P.(C) 845/2014 Shail Sahni Versus Sanjeev Kumar has held that:

"This Court is also of the view that misuse of the RTI Act has to be appropriately dealt with; otherwise the public would lose faith and confidence in this "Sunshine Act". A beneficent Statute, when made a

tool for mischief and abuse must be checked in accordance with law. A copy of this order is directed to be sent by the Registry to Defence and Law Ministry, so that they may examine the aspect of misuse of this Act, which confers very important and valuable rights upon a citizen.”

10. If the complainant does continue this practice of filing RTI applications repeatedly on the similar subject, it will be open to the Commission to disqualify or blacklist him from sending further representations/appeals/complaints, as it amounts to abuse of the process of law.

Decision:

11. No intervention is required in the matter at the level of this Commission.

12. The complainant is cautioned to be more careful in future in filing the RTI applications with the aforesaid Public Authority.

The complaint is disposed of. A copy of the order be given to the parties free of cost.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy
(S.C. Sharma)
Dy. Registrar