

CENTRAL INFORMATION COMMISSION
2nd Floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi -110066
Tel : +91-11-26717355

Complaint No. CIC/VS/C/2015/000092

Complainant: M.V. Vishwabhadran
Munduvadackal House Eravukadu Ward, Alleppey-
688002, Kerala

Respondent: Central Public Information Officer
Sr. DCM Southern Rly Divisional Office,
Commercial Branch, Thiruvananthapuram.

Date of Hearing: 11.11.2016
Dated of Decision: 11.11.2016

ORDER

Facts:

1. The complainant filed RTI application dated 29.12.2014 seeking information on 6 points regarding copy of specific instructions/guidelines issued to TTE restricting allotment of vacant seats in train no. 12075/12076 to unreserved open ticket holders etc.
2. The CPIO responded on 20.01.2015. The complainant filed complaint on 24.02.2015 before the Commission with the plea that the sought for information has not been provided to him.

Hearing:

3. The complainant and the respondent both participated in the hearing.
4. The complainant stated that he is seeking reservation chart of coach no. D7 of the train no. 12075 from Trichur (Kerala) station dated 13.09.2014. The complainant stated that the respondent demanded copying charges @ of Rs 750 per page. The complainant stated that as per the Government of India instructions, the copying charges are Rs 2 per page. The complainant stated that the section 22 of the RTI Act must prevail upon the rules of the Railways. The complainant stated that the sought for information is in 2-3 pages only.

5. The respondent stated that they have submitted their written submission to the Commission vide letter dated 26.10.2016. The respondent stated that as per Railways circular 2006/TG-I/20/P/LTC dated 10.01.2007 the copying charges for reservation chart is Rs. 750/- per PNR and they have demanded the copying charges accordingly. The respondent stated that they are ready to furnish information to the appellant as per Rules.

Discussion/ observation:

6. The first appeal was filed on 18.02.2015 and the first appellate authority disposed of the first appeal on 12.03.2015. The complaint stands converted into the appeal.

7. It is settled legal position that where the rules of the public authority are inconsistent with the RTI Rules, the RTI rules prevail over the public authority rules. The Supreme Court in its decision 09-05-2014 in the matter of Special Leave to Appeal (Civil) No(s).12692/2014 held that 'It is trite that an executive instruction if in violation of a statutory rule or a regulation must yield to the statutory rule or regulation.'

8. The respondent agreed to provide the information.

Decision:

9. The respondent is directed to provide to the appellant, information in context of the RTI application within 30 days of this order free of cost.

10. The Public Authority is advised to revise their rules regarding copy charges.

The appeal is disposed of. A copy of the order be given to the parties free of cost. A copy of this decision be sent to the Chairman Railway Board.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

(S.C. Sharma)

Dy. Registrar

Copy to: The Chairman Railway Board