

CENTRAL INFORMATION COMMISSION
2nd Floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi -110066
Tel : +91-11-26186535

Appeal No. CIC/VS/A/2015/000164

Appellant: Mr. S. K. Akhtar Hussain
C/o Samir Manil, Kaji Maholla, Panchberia,
P O –Inda, PS- Kharagpur- 721305, Dist- Paschim
Medinipur, West Bengal

Respondent: Central Public Information Officer
South Eastern Rly, Kharagpur Divin, Engg. Deptt.
O/o DRM 9Eng), Kharagpur, West Medinipore, W.B

Date of Hearing: 04.01.2017

Dated of Decision: 04.01.2017

ORDER

Facts:

1. The appellant filed RTI application dated 01.02.2014 seeking information regarding (i) whether Notice no W/L/Cell/Shop/Plot dated 01.04.2009 had been severed by DEN (HQ)/S.E Railway KGP as per the Extant Rly Rules (ii) the Action taken on the documents submitted by Appellant on 26.04.013. (iii) any kind of dispute raise by the allottee or legal heir in respect of shop/plot.

2. The response of CPIO is dated 27.03.2014. The appellant filed First Appeal dated 10.04.2014 with First Appellate Authority (FAA). The response of FAA dated 26.05.2014. The appellant filed second appeal on 06.04.2015 before the Commission on the ground that information should be provided to him.

Hearing:

3. The appellant and the respondent participated in the hearing through video conferencing

4. The appellant stated that he has received reply from the CPIO on 27.03.2014 but information was not provided and the First Appellant Authority took a plea vide its Order dated 26.05.2014, that information may hamper the merit of the pending court case.

5. The respondent stated that they provided the copies of two circular through letter dated 13.07.2016, against the issue no 1. Further, the Commission queried, as to whether respondents have provided the required information on point no. 2 and 3 on his RTI application to the appellant. On this very aspect, respondent submitted that the matter is sub judice in District Court and information is very sensitive in nature so they cannot provide the information to the Appellant.

Discussion/ observation:

6. The Commission observed that the respondent has provided the information to the appellant against the issue no 1 but not in stipulated period of time. The Commission further observed that there is no provision in the RTI Act to restrict the public authority to provide the information on a matter which is pending in court.

Decision:

7. The respondent is directed to furnish the information on point nos 2 and 3 of the RTI Application dated 01.02.2014 within 15 days.

8. The respondent is directed to show cause in writing that why action should not be taken against him for not giving the information on time to the appellant.

The appeal is disposed of. Copy of the order be given to the parties free of cost.

(Radha Krishna Mathur)
Chief Information Commissioner

(S.C. Sharma)

Dy. Registrar