

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

Complaint No.CIC/BS/C/2014/000180

Complainant: Prasant Basu Ray
Deziray Complex, Bara Bazar, Chandan Nagar
Distt. Hooghly-712136 West Bengal

Respondent: Central Public Information Officer
Sr.Suptd. M/o Comm. & I.T.m Deptt. Of Posts,
O/o the Sr. Suptd. Of Post Offices, South
Hooghly Division Serampore 712201, W.B.

Date of Hearing: 20.04.2017

Date of Decision: 20.04.2017

ORDER

Facts:

1. The complainant filed RTI application dated 15.05.2014 seeking detail of family pension to the wife of Late Parimal Kumar Bose Ray with reference to DOP & PW's OM 38/37/08-P & PW (A) dated 28.01.2013 and details of excess payment drawn during the period 01.01.2006 to 23.09.2012 etc.
2. The CPIO responded on 21.05.2014. The complainant filed first appeal dated 09.06.2014 with First Appellate Authority (FAA). The FAA response is not on record. The complainant filed a complaint with the Commission on 23.07.2014 with a plea to provide information.

Hearing:

3. The complainant and the respondent participated in the hearing through VC.
4. The complainant stated that he wants clarification from the respondent as to whether they are bound to implement the wrong order of the Railway

Authority regarding the amount of pension and deduction of excess family pension paid.

5. The respondent stated that similar matter has been heard by this Commission vide order no. CIC/BS/C/2015/000177 dated 22.03.2017. The respondent stated that they have complied with the order and transferred all documents to the Railway Authority, on they are the pension sanctioning authority.

Discussion/ observation:

6. The Railways is the appropriate authority.

Decision:

7. The matter is adjourned. The Dy. Registrar is directed to issue notice to the parties viz present CPIO and the CPIO, Pension Department, Eastern Railway, Kolkata and relist the matter after 30 days of this order.

Copy of the order be given to the parties free of cost.

Sd/-

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

Sd/-

(S.C. Sharma)
Dy. Registrar

ADJUNCT ORDER DATED 22.06.2017

Complaint No.CIC/BS/C/2014/000180

Hearing:

1. The complainant participated in the hearing through VC. None appeared on behalf of the Railways Authority. The Postal Department participated in the hearing through their representative Mr. Banerjee in VC.
2. The matter is listed today for further hearing in the matter.
3. The complainant stated that the Railways Authority has reduced the family pension amount in contravention with the Constitutional provisions, the RBI circular and the Hon'ble Supreme Court's Judgment on the subject in *State of Punjab v. Rafiq Masish (white washer) & Ors* (C.A. No.11527 of 2014 dt. 18.12.2014). He further stated that an amount of Rs. 66,000/- has been deducted by the Railways Authority without any valid reasons. He also stated that deduction of more than 1/3rd amount is not in tune with the RBI circular and there has been a wrong deduction of the family pension contravening the provisions of the Rules 8 and 9 of the Railway Service (Pension) Rules, 1993.

Discussion/ observation:

4. The concerned CPIO of Railways should appear before the Commission along with all the documents/files relating to the issue of family pension of the complainant on the next date of hearing. The Postal Department is merely a disbursing authority, therefore, it has nothing to do with the present subject matter.

Decision:

5. The respondent CPIO is directed to take action as per para 4 above.
6. The matter is adjourned. The Dy. Registrar is directed to relist the matter after 15 days of this order.
7. The CPIO, Pension Department, Eastern Railways, Kolkata is directed to show cause, within 15 days from the date of receipt of this order, why action

should not be taken against him for trying to deny information by not attending the hearing.

Copy of the order be given to the parties free of cost.

Sd/-

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

Sd/-

(S.C. Sharma)

Dy. Registrar

ADJUNCT ORDER DATED 31.07.2017

Hearing:

1. The instant matter was earlier heard on 20.4.2017 and 22.6.2017. The matter is listed today for further hearing.
2. The appellant and respondent Mr. Mahadev Mondal representative of Railway participated in the hearing through video conferencing. Shri A. Kumar Rudra, Sr.FA, Postal Department was heard telephonically.
3. The respondent from Railways stated that the original calculation of pension had been done by their Personnel Branch in Kolkata. The respondent further stated that he is the Disbursing Officer and issues pension payment orders.

Discussion/ observation:

4. The concerned CPIO of Personnel Branch of Railways should appear in video conference before the Commission along with all the documents/files relating to the issue of family pension of the complainant on the next date of hearing.

Decision:

5. The matter is adjourned.

6. The Dy. Registrar is directed to relist the matter after 15 days of this order.

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

Copy to: The CPIO,
The Chief Personnel Officer,
Eastern Railway,
17, Netaji Subhash Chander Road,
Kolkatta-1.