

CENTRAL INFORMATION COMMISSION

Room No. – 308, 2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110066.
Website: cic.gov.in

File No. CIC/CC/C/2015/000224/KY

Complainant : Shri. Rohit Sharma
Chamber No. 320, Lawyers Chambers
2nd Floor, District Courts, Bathinda-151001

Public Authority : The CPIO
PGIMER, Kairon Administrative Block
Chandigarh-160012

Date of Hearing : 22.11.2016

Date of Decision : 22.11.2016

Presence:

Complainant : Absent
CPIO : Shri Sanjay Bhadada, Addl. Professor & ACPIO and
Shri Pankaj Aneja, Hindi Officer & Nodal ACPIO

FACTS:

- I. Vide RTI application dated **18.09.2014**, the Complainant sought information on **4 issues**.
- II. CPIO, vide its response dated **22.09.2014 & 16.03.2015**, reportedly not provided the information to the Complainant.
- III. The First Appeal (FA) is not on record.
- IV. First Appellate Authority (FAA), order is not on record.
- V. Grounds for the Complaint filed on **04.03.2015**, are contained in the Memorandum of Complaint.

HEARING

Complainant opted to be absent despite of our due notice to him. Respondents appeared before the Commission personally and made the submissions at length.

DECISION

It would be seen here that the complainant, vide his RTI Application dated **18.09.2014**, sought information from the respondents on 4 issues as contained therein. Respondents vide their response dated **22.09.2014**, **transferred** the complainant's RTI application to the concerned Public Authority for taking necessary action. Being aggrieved by the aforesaid response, complainant has filed his complaint dated **04.03.2015** before the Commission.

2. During hearing of the case, it is submitted by the respondents that they vide their response dated **16.03.2015**, has provided the required information to the complainant on his RTI application dated **18.09.2014**. Thus, it is legally inferred that there is a **delay of more than five months** in providing the required information to the complainant.
3. Further, a query was posed by the Commission to Shri Sanjay Bhadada, Addl. Professor & ACPIO & Shri Pankaj Aneja, Hindi Officer & Nodal ACPIO, as to what were the **reasons** for providing the required information to the appellant at such **belated stage** i.e. **after expiry of more than five months**, which is much beyond the **statutory period of one month** as provided under the provisions of RTI Act 2005. On this very aspect, Shri Sanjay Bhadada, Addl. Professor & ACPIO & Shri Pankaj Aneja, Hindi Officer & Nodal ACPIO, seems to be not in a position to respond the query posed by the Commission except **lame excuses** in this regard. Thus, it shows that officers of PGIMER, Chandigarh have been acting at their **whims and fancies** and not in accordance with the provisions of Law. Therefore, it is against the very spirit of the RTI Act 2005 and also against the service **rules and regulations**. As such, the respondents are hereby warned not to act at their whims & fancies but to act in accordance with the Law, **in future**, otherwise, the Commission would be **left with no option but to take necessary action** as per provisions of RTI Act 2005.
4. It is pertinent to mention here that **most important criterion among the other criteria** mentioned under **Section 18(1) (a) to (e) of the RTI Act 2005**, appears to be that complainant must be given **incomplete, misleading and false information**. However, the other criteria seems to be, refusal of access, not given response, charging unreasonable fee and even refusal of accepting the application for information etc. etc.
5. It is further stated here that, as per **Section 18(2) of the RTI Act 2005**, in the **complaint cases**, it is **mandatory** on the part of Hon'ble Commission **to be satisfied first** that there are **reasonable grounds** for getting the matter inquired from the O/o respondents before proceeding under **Section 18 read with 20 of the RTI Act 2005** and the main satisfaction of the Hon'ble Commission seems to be the fulfillment of either criteria as mentioned under **Section 18(1) (a) to (e) of the RTI Act 2005**.
6. The Commissioner has perused the case-file **thoroughly**; specifically, **nature of issues** raised by the complainant in his RTI application dated **18.09.2014**, respondent's responses dated **22.09.2014 & 16.03.2015**, other material made available on record and also the memorandum of complaint.
7. In view of the **position** above and in the **circumstances** of the case, the Commission feels, **not satisfied**, under section 18(2) of the RTI Act 2005, that there are **reasonable grounds** for getting the matter inquired simply because the complaint, under reference, **miserably failed to qualify** the criteria as mentioned under **Section 18(1) of the RTI Act 2005**. As such, the Commission is of the considered view that complainant's

complaint devoids of merit and deserves to be **dismissed** forthwith. Therefore, it is hereby **dismissed**.

8. Apart from above, the Commission also thinks that complainant must have appeared, in person or through some one, in such situations, to press his complaint before the Commission, after all, it is his case to be pursued strongly. However, the complainant is absent **deliberately**, to press his complaint, despite of our due notice. Thus, it shows the intention of the complainant that he is not interested, **at all**, in pursuing his own case before the Commission.

The Complaint is dismissed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The CPIO

PGIMER, Kairon Administrative Block

Chandigarh-160012

Shri. Rohit Sharma

Chamber No. 320, Lawyers Chambers

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