

CENTRAL INFORMATION COMMISSION

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File No : CIC/CC/C/2014/000245

In the matter of:

Sh. K Arumugam

Door No. III/377, Mountain Dew Colony,

Wellington Barracks Post

The Nilgiris 643231

..Complainant

Vs.

Central Public information Officer

M/o Defence

Wellington Cantonment Board,

Tamilnadu 643232

..Respondent

Dates

RTI application	:	23.07.2014
CPIO reply	:	08.09.2014
First Appeal	:	26.08.2014
FAA Order	:	Not on record
Complaint	:	09.09.2014
Date of hearing	:	04.11.2016

Information sought:

The complainant had sought certified copy of the relevant page pertaining to his building situated in Wellington from the finalised assessment list prepared in the years 2004 to 2014.

Grounds for Complaint:

The CPIO did not provide the desired information.

Order

Complainant : Rep. of complainant

Respondent : PIO, Shri Krishnan Office Suptdt.

During the hearing the rep. of the complainant submitted that no information was provided in connection with the RTI application dated 23.07.2014.

On perusal of the case record, it was seen that information was denied on a mere technical ground by the respondent CPIO stating that the information sought was vague.

A Show Cause Notice is issued to the then CPIO to explain why such information was not provided to the complainant on a mere technical ground. The said Show Cause notice is to be served through the present CPIO to the then CPIO. The present CPIO is also directed to submit a report to the Commission indicating the name, address, mobile no. and designation of the then CPIO working at that relevant time. The explanation to the said Show Cause Notice is to be submitted to the Commission within 21 days of the receipt of the order. On receipt of the explanation to the Show Cause Notice, further action as deemed appropriate will be taken.

Final Order: 13.02.2017

Respondent: 1. W. Mustafa

2. Shri P.Krishnan

Shri P. Krishnan, office superintendent cum CPIO, submitted through his written submission that the applicant was already forwarded a reply vide their office letter No. RTI/KA/X/Rev dated 19.09.2014, it was seen that the applicant was provided with the following reply:

“No. RTI/KA/X/Rev

19 September, 2014

To

Shri K. Arumugham

*D.No. III/377 Mountain Dew Colony
Wellington Barracks Post,
The Nillgiris-643231*

Sub: Information under RTI Act, 2005-Reg.

Ref: Your Appeal no Nil dated 10.09.2014.

With reference to the above copies of Assessment calculation sheet, special Notice issued by this office, Your objection letter, hearing letter issued by this office and copy of the property tax finalized by the Assessment committee are enclosed herewith in respect of Asst. No. V/6 B (new) IV /250 (b) old Mountain Dew colony, Wellington stands in your name.

*Public Information Officer
Cantonment Board, Wellington.”*

On perusal of the above reply it was seen that the reply dated 19.09.14 was in response to appeal of the applicant dated 10.09.14, whereas this complaint was filed by the complainant against the CPIO's letter no RTI/General/218/05 dated 08.09.2014 in respect of his RTI application dated 23.07.2014 and First appeal dated 26.08.2014.

In his complaint to the Commission dated 09.09.14, the complainant specifically mentioned that he had filed an RTI application on 23.07.2014 and first appeal on 26.08.2014 in response to which the CPIO had replied on 08.09.2014. The then CPIO who had provided the impugned reply was **W. Musthafa, Revenue Inspector.**

This complainant had further stated in his complaint that despite his specific and clear RTI application, the CPIO had not provided the information deliberately. He also alleged that from the dates of the application, appeal and the reply it is apparent that the CPIO had not acted within the time limits prescribed under the Act.

With the above discussed averments and submission, the Commission found that the CPIO had deliberately denied the information on 08.09.2014 in regard to which the then CPIO had not provided any explanation.

Therefore the Commission provided an opportunity to the then CPIO, **Sh. W. Mustafa** to explain why action u/s 20 of the RTI Act should not be taken against him for denying the said information without any reasonable ground, and the present CPIO, **Shri Krishnan** for misleading the Commission with false submission.

The present CPIO was unable to explain the reason for the false submissions as well the then CPIO was unable to explain reason for denial of information.

W.Mustafa submitted that he was not the then CPIO. However, the records shows that the reply dated 08.09.14 was provided by him, in which information was denied on a wrong ground. Despite specific information sought by the applicant, the then CPIO chose to deny the information sought for by the complainant.

Sec 20 (1) of the RTI Act reads as follows:

20. Penalties.—

*(1) Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion **that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information**, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees: Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him: **Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.***

In view of the above, the present CPIO, Shri P. Krishnan is issued a warning to be more careful in future, while submitting facts before the Commission. The then CPIO, W.Mustafa had committed gross violation of the RTI Act in the following manner:

1. He had denied the information vide his letter dated 08.09.2014 without any reasonable ground.
2. There was no reply from him on the RTI dated 23.07.2014.
3. He had replied after first appeal was filed on 26.08.2014.
4. The reply dated 08.09.2014 was misleading and not proper.

5. The Commission had passed an interim order on 04.11.2016 to him for explaining the reason for denial, but no explanation was received from him.
6. During the hearing on 13.02.2017 also he was unable to justify its stand, and was trying to shift the responsibility on a wrong plea that he was not the concerned CPIO.

For the reasons mentioned above, the Commission finds it a fit case to impose penalty of Rs 25,000 upon W.Mustafa, deemed CPIO. The appellate authority is directed to recover the amount of Rs 25,000/- from the salary payable to W.Mustafa, by way of Demand Draft drawn in favour of 'PAO CAT' in 5 equal monthly instalments. The first instalment should reach the Commission by 15.04.2017 and the last instalment should reach by 15.08.2017. The Demand Draft should be sent to Shri S.P Beck, Joint Secretary & Additional Registrar, Room No 302, Central Information Commission, B-Wing, 2nd Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110066.

With the above direction, the complaint is disposed of.

[Amitava Bhattacharyya]
Information Commissioner

Authenticated true copy

(A.K.Talapatra)
Dy. Registrar