

CENTRAL INFORMATION COMMISSION

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

File No. CIC/KY/C/2016/000273

Complainant : Shri Sarvajeet Kumar
183, AF-Block, Central Govt. Staff Quarters(CPWD)
Sec-1, Salt Lake City, Kolkata-700064

Public Authority : The S.O. & CPIO
M/o Science and Technology
National Atlas and Thematic Mapping Organisation (NATMO),
3rd MSO Building, 7th Floor, CGO Complex, D.F. Block,
Salt Lake City, Kolkata-700064

Date of Hearing : 30.09.2016
Date of Decision : 30.09.2016

Presence:

Complainant : Absent
CPIO : Mrs. Swagata Chatterjee, Research Officer & Appellate Authority

FACTS:

- I. Vide RTI application dated **26.08.2015**, (as per Complaint) the Complainant sought information on **sole issue**.
- II. CPIO, vide its response dated **28.08.2015, 28.10.2015, 10/15.12.2015, 13.04.2016 & 28.01.2016**, reportedly not provided the information to the Complainant.
- III. The First Appeal (FA) was filed on **06.10.2015, 16.03.2016**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **28.10.2015**, upheld the decision of CPIO.
- V. Grounds for the Complaint filed on **11.07.2016**, are contained in the Memorandum of Complaint.

HEARING

Appellant 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 appellant, vide his RTI Application dated **26.08.2015**, sought information from the respondents on **sole issue**. Respondents, vide their response dated **28.08.2015, 28.10.2015, 10/15.12.2015, 13.04.2016**, allegedly **transferred** the appellant's RTI application to the concerned Public Authority for taking necessary action.

Further, Shri Maduchhanda Sen, S.O. & CPIO, NATMO, vide his response dated **28.01.2016**, informed the complainant as under:

“Information regarding the date and year of the requisition letter for advertising the post of Research Assistant in NATMO published in Employment News has sought from the SSC, Kolkata, **this office is not liable to furnish the reply.**”

2. In view of the above, the Commission feels that respondents have provided the vague & unwarranted information to the complainant. Further, being aggrieved by the aforesaid response, FA was filed by the appellant on **06.10.2015** before the FAA, who vide his order dated **28.10.2015**, upheld the decision of CPIO, **without application of his mind**, as to whether the complete & categorical information has ever been provided to the appellant **on all issues or not**.
3. 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.
4. 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**.
5. The Commission heard the submissions made by respondents at length. The Commission also perused the case-file **thoroughly**; specifically, **nature of issues** raised by the complainant in his RTI application dated **26.08.2015**, other material made available on record and also the contents of complaint.
6. By virtue of position above, the Commission seems to be, **prima facie, satisfied** under Section 18(2) of the RTI Act 2005, that there are **reasonable grounds** to proceed further by making a proper inquiry in the matter. As such, the Commission feels that it would be appropriate and even justified to direct Dr. Bhoop Singh, Director, NATMO, to depute an officer (not below the rank of Joint Secretary) to conduct an inquiry in the matter and **submits the complete inquiry report** to the Commission, highlighting the reasons (i) for not provided the correct & complete the Complainant's RTI application dated **26.08.2015**, and also (ii) **identify the erring officers** of the respondents who are responsible, within 4 weeks **from the date of receipt of this order** to enable the

Commission to proceed in the matter further. Thus, Dr. Bhoop Singh, Director, NATMO, is hereby directed accordingly.

7. Furthermore, Dr. Bhoop Singh, Director, NATMO, may also depute the learned First Appellate Authorities and/or CPIOs concerned along with the **exhaustive inquiry reports** and also **the complete record** of the case, to present the case on behalf of respondents, before proceeding under **Section 18 read with 20 of the RTI Act 2005**. In case of failure, the Commission will be left with no option but to proceed u/s **18 read with Section 20 of the RTI Act 2005** on the basis of record made available in the case file.
8. Let the case be listed on **05th November, 2016 at 1500 hours** in the room no. 308, 2nd Floor, Bhikaji Cama Place, August Kranti Bhawan, New Delhi-110066, for further hearing/order. The parties concerned be informed accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)
Deputy Secretary

Dr. Bhoop Singh,
Director
(M/o Science and Technology)
National Atlas and Thematic Mapping Organisation (NATMO),
3rd MSO Building, 7th Floor, CGO Complex, D.F. Block,
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