

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

Complaint No.CIC/BS/C/2016/000293

Complainant: Rohitashv
E-83, Meenakshipuram, Mavana Road, Meerut-
250001, UP.

Respondent: Central Public Information Officer
Sr. GM (NOW-CM) BSNL, O/o Sr. General Manager ,
IInd Floor Mahanagar Telephone Exchange,
Lucknow-226006

Date of Hearing: 10.04.2017
Date of Decision: 10.04.2017

ORDER

Facts:

1. The complainant filed RTI application dated 22.11.2012 and 12.10.2014 with the circle office of BSNL at Lucknow and on 07.12.2012 with the General Manager (Phones) Shahjahnpur seeking information regarding call details record of his mobile no. 9450449949 from 12.05.2012 to 13.05.2012 and 17.09.2012 etc
2. The CPIO, BSNL, Lucknow responded 13.12.2012 and 19.12.2014. The CPIO, Shahjahnpur responded on 08.01.2013 stating that the record is not available with their office. The complainant filed a complaint with the Commission on 09.05.2016 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 has filed RTI application with the respondent's Lucknow and Shahjahnpur office but sought for information has not been provided to him. The complainant stated that his SIM card was issued from the Shahjahnpur but he has been denied the information by BSNL stating that it is not available with them. The complainant stated that if the information was not available with them, they should have transferred the RTI application to the concerned office viz Chandigarh,

where all computerized records are maintained. The complainant stated that the respondent has violated the provision of the RTI Act thus they should be punished as per the provision of the RTI Act.

5. The respondent, BSNL Lucknow stated that complainant was replied to vide letter dated 13.12.2012 stating that he should submit RTI fee in favour of accountant. The respondent stated that the complainant was replied to vide letter dated 19.12.2014 stating that the call details are preserved in server for one year only as per the license conditions of BSNL. The respondent stated that the call details are preserved by only Chandigarh office.

Discussion/ observation:

6. The action taken by the respondent, BSNL Lucknow in dealing with RTI application is satisfactory. However, the action taken by the CPIO, BSNL Shahjahnpur is not correct as the RTI application should have been transferred by them to the Chandigarh Office where information was available and he is expected to know this fact.

Decision:

7. The CPIO/Telecom District Manager, Shahjahnpur and the then CPIO who has given the reply are directed to be present personally on next date of hearing before the Commission at New Delhi and show cause why action should not be taken against him for contravening the provisions of the RTI Act, including giving incorrect/evasive reply to the complainant, within 30 days of this order.

8. Dy. Registrar is directed to relist the case after 30 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