

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/SB/A/2015/000305

Dated 17.11.2016

Appellant : Shri Vinay Kumar Jain,
509, Block-III,
Lawyers Chambers,
Delhi High Court,
New Delhi-110003.

Respondent : Central Public Information Officer,
Directorate General of Vigilance
Customs & Central Excise,
3rd Floor, Samrat Hotel,
Kautilya Marg, Chaakyapuri,
New Delhi-110021.

Date of Hearing : 17.11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 26.12.2014

First appeal filed on : 24.01.2015

FAA's order : 27.02.2015

Second appeal filed on : 10.08.2015

ORDER

1. Shri Vinay Kumar Jain filed an application dated 27.11.2014 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO)/Dy. Commissioner (Vigilance), O/o Directorate General of Vigilance (DGoV), Customs and Central Excise seeking copy of the CVO

'Register 1' maintained in the DGoV office for category 'A' officers for the period from 01.01.2012 to 31.12.2014.

2. The appellant filed a second appeal dated 10.08.2015 before the Commission on the grounds that the CPIO neither replied to his RTI application nor provided the information despite the Order of the First Appellate Authority (FAA). The appellant requested the Commission to direct the CPIO to furnish the information sought by him in his RTI application, impose penalty of Rs.250/- per day upon the respondent in terms of Section 20 of the RTI Act and direct the competent authority to initiate disciplinary proceedings against the CPIO for utter defiance of law.

Hearing:

3. The appellant Shri Vinay Kumar Jain was not present despite notice. The respondent Shri Ayaz Ahmed Kohli, Deputy Commissioner, DG(Vigilance), was present in person.

4. The respondent submitted that the appellant in his RTI application had sought copy of the CVO 'Register-I' maintained for category 'A' officers for the period from 01.01.2012 to 31.12.2014. The appellant was informed vide letter dated 07.10.2016 that the information is not maintained in a centralised manner. The respondent further submitted that the information is not maintained in a uniform manner and that the information regarding complaints against the officers is maintained by ten different Vigilance Officers, zone wise and that such information was not maintained on the computer centrally and therefore, no physical register as sought by the appellant is available. The respondent also stated that now the said register is being maintained centrally from 02.02.2016 onwards. The respondent also stated that there was no malafide intention to withhold or obstruct the information from the appellant as the appellant had unambiguously sought copy of the register, whereas, no such physical register was available and, hence, information could

not be provided to the appellant. In view of this the respondent requested the Commission to condone this lapse.

Decision:

5. The Commission, after hearing the submissions of the respondent and perusing the records, notes that the FAA had directed the CPIO to provide the information sought for by the appellant. However, no information was provided to the appellant since the information sought was not maintained centrally in a register. On a specific query, the Commission was informed by the respondent that the information is maintained in different formats by the Vigilance Officers. In view of this, the Commission directs the respondent to obtain the information sought from the different Vigilance Officers in the manner maintained by them and provide it to the appellant within a period of six weeks from the date of receipt of a copy of this order. The Commission takes a very serious note of the fact that no reply in response to the RTI application was provided to the appellant despite the direction of the FAA. The CPIO, is, therefore, counselled to be careful in future while responding to the RTI applications so that such lapses do not recur.

6. With the above observations, the appeal is disposed of.

7. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer