

CENTRAL INFORMATION COMMISSION
2nd Floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi -110066
Tel : +91-11-26717355

Appeal No. CIC/VS/A/2015/000336

Appellant: Shri A. Z. Khan
150/77-A, Muir Road, Rajapur, Allahabad, UP.
(9889130454)

Respondent: Central Public Information Officer
Dy. CVO/RE/ALD-M/o Rly, GM (Vig), CORE, 1,
Nawab Yusuf Road, Civil lines, Allahabad-211001.

Date of Hearing: 17.11.2016
Dated of Decision: 17.11.2016

ORDER

Facts:

1. The appellant filed RTI application dated 01.12.2014 seeking inspection of two files of vigilance department in which his penalty/disciplinary action related documents are maintained.
2. The CPIO responded on 02.01.2015. The appellant filed first appeal on 12.01.2015 with the First Appellate Authority (FAA). The FAA responded on 19.01.2015. The appellant filed appeal on 10.02.2015 before the Commission with the plea that the sought for information has not been provided to him.

Hearing:

3. The appellant and the respondent both participated in the hearing.
4. The appellant stated that he has not been allowed to inspect the files related to his case citing sections 8(1)(g), (h) of the RTI Act.
5. The respondent stated that the appellant wants to inspect the vigilance investigation part, which has been denied under section 8(1)(g) and (h) of the RTI Act.

6. On query from the Commission, the respondent stated that the investigation has been completed, chargesheet has been served and punishment has been given to the appellant.

7. The appellant stated that he is pursuing his case before the CAT and CAT has allowed his OA on 25.03.2014.

8. The respondent stated that vigilance case file retention period is 10 year and the file has been destroyed.

9. The appellant stated that the Court case related file cannot be destroyed. He stated that the respondent is misleading the Commission. The appellant stated that recently the respondent have filed counter reply in response to an application filed before the CAT on 06.01.2016 for implementation of its order.

Discussion/ observation:

10. It is observed that the record retention period could have started, if at all from 2014, when the CAT case was closed. However, since a CAT case is still subsisting, it appears that the files could not have been destroyed.

11. It is observed that the provisions of section 8(1) (g) and (h) are not applicable in the matter as the investigation has been completed and punishment has been given to the appellant.

Decision:

12. Respondent is directed to allow the appellant to inspect the files in context of his RTI application within 30 days of this order on mutual fixed date and provide the copy of the documents free of cost as sought by the appellant after redacting the name of the author of notes.

13. The representative of the CPIO Shri A.K. Srivastva, Asst. Vigilance Office is directed to showcause , within 30 days of this order, why action should not be taken against him for trying to deny the information and apparently misleading the Commission during the hearing by stating that the record has been destroyed. The respondent is further directed to inform the Commission that if the record has been destroyed, who authorised the

destruction of record and the Memo of the destruction of the files in question be sent to the Commission.

The appeal is disposed of. A 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