

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/A/2015/000367

Dated 29.11.2016

Appellant : Shri D.K. Bose,
K.2099-A SF,
C.R. Park,
New Delhi-110019.

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

Date of Hearing : 29.11.2016

Relevant dates emerging from the appeal:

RTI application filed on : 16.02.2015

First appeal filed on : 09.04.2015

FAA's order : 06.05.2015/20.05.2015

Second appeal filed on : 20.07.2015

ORDER

1. Shri D.K. Bose filed an application dated 16.02.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Department of Revenue, Ministry of Finance seeking all documents related to his complaint dated 06.01.2015, including replies, statement(s), documents made and collected as well as the status report of the complaint filed by him.

2. Shri D.K. Bose filed a second appeal dated 20.07.2015 before the Commission on the grounds that the CPIO, Directorate General of Vigilance, Customs & Central Excise (DGVC&CE), New Delhi neither replied to his RTI application nor furnished the information sought by him and did not comply with the Order of the First Appellate Authority who directed him to pass a speaking order in the matter and has not furnished the information/documents sought by him. The appellant requested the Commission to direct the CPIO to furnish the information/documents sought by him, impose penalty on the CPIO under Section 20(1) and take disciplinary action against the CPIO under Section 20(2) of the RTI Act, 2005.

Hearing:

3. The appellant Shri D.K. Bose was present in person. The respondent was not present despite notice.

4. The appellant submitted that no reply was furnished in response to his RTI application dated 16.02.2015. The appellant further submitted that the FAA vide order dated 20.05.2015 had directed the CPIO to pass a speaking order regarding the RTI application. The appellant submitted that the CPIO instead of passing a speaking order submitted a copy of the reply dated 20.07.2015 stating that the UO note dated 03.12.2014 had already been forwarded to CVC for closure of the case against the appellant. The appellant was also informed that the CVC vide OM No.010/CEX/063 dated 30.12.2014 had advised closure of the case and the same has already been conveyed to the appellant in compliance of the CIC's order dated 20.03.2015 in case file no. CIC/KY/A/2014/001314.

Decision:

5. The Commission, after hearing the submissions of the appellant and perusing the records, notes that the FAA vide order dated 20.05.2015 had directed the CPIO to pass a speaking order regarding the RTI application. The Commission finds that the CPIO has in his reply dated 20.07.2015 stated that the matter is still pending and hence, the disclosure of information and inspection of documents/files at that stage will impede the process of investigation.

6. The Commission, further observes that in the absence of the respondent, it cannot be ascertained as to whether the investigation in the matter is over or not. The Commission, therefore, directs the respondent to provide the information sought by the appellant in case the investigation in the matter has been completed within a period of four weeks from the date of receipt of a copy of this order.

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

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

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer