

CENTRAL INFORMATION COMMISSION
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Appeal No.CIC/BS/A/2016/000419

Appellant: Mr.Ahmed Ali Mohamed Sab Shaikh,
Survey no.15/3/7,
Umar Manzil,
Santosh Royal,
Thergaon,
Pune-411033, Maharashtra

Respondent: Central Public Information Officer,
DGM (CFA-I) BSNL,
O/o GMTD,
MG Road,
Telephone Bhavan,
Sangli-416416

Date of Hearing: 17.07.2017

Dated of Decision: 17.07.2017

ORDER

Facts:

1. The appellant filed RTI application dated 15.09.2015 seeking information on 7 points regarding the action taken by the authority on his application dated 16.08.2014, all correspondence related to his application etc.
2. The response of CPIO is not on record. The appellant filed first appeal dated 09.10.2016 with First Appellate Authority (FAA). The response of FAA is dated 23.10.2016. The appellant filed second appeal on 04.02.2016 before the Commission on the ground that the information was denied to him.

Hearing:

3. The appellant (represented by advocate Shri Balakrishna) and respondent Shri M. D. Yadav (CPIO) participated in the hearing through video conferencing.

4. The appellant stated that he is seeking action taken on his complaint dated 16.08.2014 and all related documents. The appellant stated that the sought for information has not been provided to him. The appellant stated that he has been provided contradictory information in response to his other RTI applications. The appellant stated that the said complaint was filed against Mr. Aslam Mohd Gouse Arkate. The appellant alleged that Mr. Aslam Mohd Gouse Arkate had visited abroad without intimation to the respondent and he had also purchased property without taking permission from the respondent. The appellant alleged that the respondent are protecting Mr. Aslam Mohd Gouse Arkate and not providing the information as to what inquiry has been conducted and what documents were supplied to the vigilance wing. The appellant stated that Mr. Aslam Mohd Gouse Arkate had made a statement in a civil suit in Pune that he had not taken permission from the department for purchasing a property in Pune.

5. The respondent stated that an inquiry was conducted in the matter and they had provided the documents on 18.10.2014 and 27.11.2014 to the vigilance department. On query from the Commission, the respondent stated that the inquiry has been completed in the matter. The respondent stated that the leave details of Mr. Aslam Mohd Gouse Arkate have been provided to the appellant. The respondent stated that they have acknowledged the property declaration given by the Mr. Aslam Mohd Gouse Arkate. The respondent stated that they are not party in the civil suit and not aware about a contrary statement given by the Mr. Aslam Mohd Gouse Arkate in that case in his written statement. The respondent stated that the inquiry proceedings against employee are personal information of the employee.

Discussion/ observation:

6. The Commission observed that regarding contradictory information given to the appellant in response to his other RTI applications, and in the civil suit the appellant, if he so wishes, may file a separate complaint with the BSNL.

7. In fact, the inquiry proceeding of an employee is to be treated as personal information. However, following information on complaint may be provided viz (a) whether the complaint was received (b) whether an inquiry was conducted in the matter and (c) what was the outcome the complainant's complaint i.e. final action taken on the complaint.

8. The appellant wants to know specifically whether in response to his complaint on acquisition of a property in Pune, whether BSNL has inquired and confirmed that prior intimation/approval was taken. This information should be provided to the appellant.

Decision:

9. The respondent is directed to provide information, as stated in para 7 and 8 above, to appellant, free of cost, within 30 days of receipt of this order.

The appeal is disposed of. 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