

CENTRAL INFORMATION COMMISSION
2nd Floor, 'B' Wing, August Kranti Bhawan,
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Appeal No. CIC/VS/A/2015/000756

Appellant: Abhinav Seth
159, D, Block, Floor III, Gali No. 6, Laxmi Nagar,
Delhi 92

Respondent: Central Public Information Officer
A/c Officer, RTI Cell, Rly Board, Rail Bhawan,
Raisina Road, New Delhi.

2. Central Public Information Officer
Sr. DCM, Northern Rly, Divnl. Office,
Ambala, Cantt. Haryana.

Date of Hearing: 15.12.2016

Dated of Decision: 15.12.2016

ORDER

Facts:

1. The appellant filed RTI application dated 21.10.2014 seeking information on action taken on his complaint dated 16.08.2014 against TTE with regard to misbehaviour and not issuing receipt of extra charged amount etc.

2. The CPIO responded on 11.11.2014. The appellant filed first appeal on 31.12.2014 with the First Appellate Authority (FAA). The FAA response is not on record. The appellant filed appeal on 30.03.2015 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 had filed a complaint dated 16.08.2014 against TTE with regard to misbehaviour and not issuing receipt of extra charged amount. The appellant stated that as he did not receive any feedback on action taken on his complaint, he moved an RTI application to

know the action taken on his complaint. The appellant stated he has not received reply of his RTI application within time as prescribed in the RTI Act. The appellant stated that even after order of the first appellate authority dated 06.01.15, the respondent failed to provide information within 15 days as directed by the first appellate authority. The appellant stated that a penalty be imposed upon the respondent for not following the provisions of the RTI Act and giving delayed reply to him.

5. The respondent stated that they received complainant's letter dated 13.03.15 along with other papers including complaint on 17.03.2015. It is not clear as to what happened to RTI application dated 21.10.2014. The respondent stated that on having received the papers on 17.03.15, they had immediately inquired in to the matter and the concerned TTE was chargesheded and a penalty was imposed. The respondent stated that thereafter, the action taken was informed to the appellant on 19.02.2016.

Discussion/ observation:

6. The reply to the RTI application has not been given within time as per the RTI Act. There was delay in handling RTI application in Railway Board as well as in Divisional Office. It is evident that the appellant filed RTI application on 21.10.2014 (in between the RTI application was transferred from one office to another dated 11.11.2014, 14.11.2014, 20.11.2014) and he was replied to on 19.02.2016. It is not clear as to when the respondent actually received RTI dated 21.10.2014 and what action was taken on it. The reply, in compliance of the first appellate authority's order was also not given in the time line prescribed by FAA.

7. The information has been provided to the appellant.

Decision:

8. The respondent and the CPIO Railway Board are directed to show cause why action should not be taken against them for contravening the timeline as prescribed in the RTI Act within 30 days of this order.

9. The matter may be listed after 45 of this order for compliance.

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