

CENTRAL INFORMATION COMMISSION
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

F. No. **CIC/YA/C/2016/000008**

Date of Hearing : **01.11.2016**
Date of Decision : **01.11.2016**
Appellant/Complainant : **Shri Anil Kumar Dhali, Delhi**
Respondent : CPIO, South Delhi Municipal Corporation, Delhi
Through:
Information Commissioner : Shri Yashovardhan Azad

Relevant facts emerging from appeal:

RTI application filed on : 14.09.2015
PIO replied on : 01.10.2015
First Appeal filed on : 13.11.2015
First Appellate Order on : No order passed
2nd Appeal/complaint received on : 04.01.2016

Information sought and background of the case:

The complainant vide RTI application dated 14.09.2015 sought information under 7 points regarding his transfer from North Delhi Municipal Corporation to South Delhi Municipal Corporation.

CPIO vide order dated 01.10.2015 furnished point wise information as available on record. The appellant preferred first appeal but the same remained unheard. Feeling aggrieved the complainant approached the Commission.

Relevant facts emerging during hearing:

During the hearing both parties appeared and reiterated their respective contentions. This case revolves around the transfer of the Complainant to the NDMC post trifurcation of MCD. Since the Complainant resides in Janakpuri, he objected to the transfer stating that he was posted at the Headquarter prior to the division of MCD and in the absence of any guidelines he could not have been wrongfully transferred to NDMC. It was further pointed out by him

that he was posted at the SDMC in May 2012 and subsequently in Dec 2012, he was transferred to NDMC, in violation of the provisions of the DMC Act. The Respondent replied that at the time of trifurcation of the Municipal Corporation, officers were transferred to the three divisions based on their posting at that point of time. Likewise, the Complainant was transferred to NDMC. It was further submitted by the Respondents, that since lot of staff were offended with their respective transfers like the Complainant, number of objections have been received and are under consideration.

Decision:

After hearing parties and perusal of record, the Commission finds that the plea of the Complainant requires that the instant complaint may be converted into and heard as an Appeal. Hence the case is adjudicated as an appeal. It is observed that information as available on record has been provided. The query of the appellant pertaining to the Section 90 A of the DMC Act has also been responded. Moreover, the Respondent informed that the case is under consideration like many other similar cases. In the facts of the case, the Commission directs the Respondent to furnish a revised reply to the appellant, stating the current status of the transfer related issue, within two weeks of receipt of this order. A copy of the revised reply shall also be filed before the Commission.

The case is disposed of on the above terms.

(Yashovardhan Azad)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(R.P.Grover)
Designated Officer

Copy to:-

**Public Information Officer under RTI
Nodal Officer – CED / HQ,
South Delhi Municipal Corporation,
Central Establishment Department,
22nd Floor, Dr. S.P.M. Civic Centre,
Minto Road, New Delhi-110002.**

**First Appellate Authority under RTI
Law Officer & FAA,
South Delhi Municipal Corporation,
Central Establishment Department,
22nd Floor, Dr. S.P.M. Civic Centre,
Minto Road, New Delhi-110002.**

**Shri Anil Kumar Dhall
B-1/347,
Janak Puri,
New Delhi-110058.**