

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/VS/C/2015/000011/SB

Dated 14.09.2016

Complainant : Shri Rahul Kumar Goyal,
67C – Ground Floor,
Parsvnath Panchvati,
Taj Nagri, Phase -II, Agra,
Uttar Pradesh-282001.

Respondent : Central Public Information Officer,
Delhi Police O/o the PIO,
Outer District,
Pushpanjali, Road No. 43,
Delhi-110034.

Date of Hearing : 14.09.2016

Relevant dates emerging from the complaint:

RTI application filed on : 20.09.2014

CPIO's reply : 22.10.2014

First appeal filed on : 01.11.2014

FAA's Order : 28.11.2014

Complaint filed on : 31.12.2014

ORDER

1. Shri Rahul Kumar Goyal filed an application dated 20.09.2014 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Outer District, Delhi Police seeking information on seven points pertaining to the police complaint filed by him withp the Additional Commissioner of Police, Outer District, Delhi vide diary No. 2726 on 01.09.2014 against Shri Shashi Kant Kalgaonkar.

2. Shri Rahul Kumar Goyal filed a complaint before the Commission on 31.12.2014 on the grounds that the CPIO's reply based on the report/comment/document obtained from SHO, Prashant Vihar did not provide specific information on point Nos. 2 to 6 of his RTI application and that the First Appellate Authority (FAA) in his order upheld the decision of the CPIO without calling him for hearing. The complainant states that the CPIO/FAA did not conduct any specific inquiry into his complaint. The appellant requested the Commission to inquire into his complaint under Section 18 of the RTI Act, take necessary action against the SHO, Prashant Vihar and impose penalties under Section 20 of the RTI Act.

Hearing:

3. The complainant Shri Rahul Kumar Goyal attended the hearing through video conferencing. The respondent Shri Dharamvir Singh, ACP, Public Grievance, Delhi Police was present in person.

4. The complainant submitted that he is not satisfied with the reply furnished by the respondent. The complainant further submitted that the FAA had not afforded an opportunity of hearing to him despite a specific request being made in the first appeal.

5. The respondent submitted that point wise information as per record has been provided to the complainant vide letter dated 22.10.2014. Hence, no further information remains to be provided to the complainant.

Decision:

6. The Commission, after hearing both the parties and perusing the records, observes that due information has been provided to the complainant. The Commission, further observes that despite a specific request being made by the complainant, an opportunity of hearing was not accorded to the

complainant. Also, the CIC vide order CIC/BS/A/2013/002675/6267 dated 30.10.2014 has held:-

“As regards the appellant’s submission that his 1st appeal was not decided by the FAA and he was also denied an opportunity of hearing, it is needless to say that deciding an appeal after rendering an opportunity of hearing to the parties is a fundamental principle of jurisprudence. The FAA should invariably decide an appeal and as far as possible also give the appellant including the third party, if any, an opportunity of hearing specially if he so requests, without forgetting that the essence of RTI Act is to provide complete, correct and timely information to the appellant.”

In view of the above, the Commission would like to counsel the FAA, Outer District, Delhi Police, to provide the appellants, as far as possible, an opportunity of hearing before deciding the appeals.

7. With the above observations, the complaint is disposed of.
8. Copy of decision be given free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer

