

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

F. No. **CIC/SA/A/2016/001898**
F. No. **CIC/ADDDM/C/2017/184686**
F. No. **CIC/SA/A/2016/001921**

Date of Hearing : 01.08.2017
Date of Decision : 01.08.201

Appellant/Complainant : Rajeev Chadha
Respondent : Government of NCT of Delhi
Through: Sh. Ravi Prakash and Sh.
Gaurav Rajora

Information Commissioner : Shri Yashovardhan Azad

Relevant facts emerging from appeal:

Case No.	Filed on	PIO reply	First appeal	FAO
001898	18.03.2016	-	28.04.2016	31.05.2016
184686	29.06.2016	-	02.08.2016	05.09.2016
001921	12.04.2016	14.07.2016	25.05.2016	14.07.2016

Since the captioned appeals have been filed by the same appellant and involve similar queries, they are clubbed for the purpose of adjudication

Information sought and background of the case:

CIC/SA/A/2016/001898

Vide RTI application dated 18.03.2016, the appellant sought following information:-

1) Provide details prior to 1991 regarding the ownership of Plots no. 63,64 and 65 Khasra No. 41/16 situated in Yogi Raj Puram Jain Colony, Rani Khara, Delhi which were sold in 1991 to the following:

- 1. Plot No. 63- Mrs. Pukhraj Chaddha*
- 2. Plot No. 64- Mr. Rajeev Chaddha and Mrs. Raj Rani Chaddha*
- 3. Plot No. 65- Mrs. Raj Rani Chaddha*

2) Provide the contact addresses and other related documents of the owners of Plot No. 63,64 and 65 of Khasra 41/16 situated in Yogi Raj Puram Jain Colony, Rani Khera, Delhi prior to the year 1991.

Having not received any information from the CPIO, the appellant filed first appeal. The FAA vide letter dated 31.05.2016 directed the PIO to furnish the information within 15 days. Feeling aggrieved over non compliance of FAO, the appellant approached the Commission.

CIC/ADDDM/C/2017/184686

Vide RTI application dated 29.06.2016, the complainant sought the following information:

1) Provide copy of reply/letter containing the requisite information provided to the appellant by SDM/PIO (Rohini) vide order of Additional District Magistrate(NW) cum FAA dated 31.05.2016.

2) Provide certified copy of pages of the despatch register maintained in the office of PIO/SDM pertaining to despatch of reply forwarded to the appellant in connection with the order of the FAA.

3) Provide the details prior to year 1991 regarding the ownership of Plots no. 63,64 and 65 Khasra No. 41/16 situated in Yogi Raj Puram Jain Colony, Rani Khera, Delhi which were sold in 1991 to the following:

1. Plot No. 63- Mrs. Pukhraj Chaddha

2. Plot No. 64- Mr. Rajeev Chaddha and Mrs. Raj Rani Chaddha

3. Plot No. 65- Mrs. Raj Rani Chaddha

4) Provide the contact addresses and other related documents of the owners of Plot No. 63,64 and 65 of Khasra 41/16 situated in Yogi Raj Puram Jain Colony, Rani Khera, Delhi prior to the year 1991.

Having not received any reply from CPIO, the appellant filed first appeal. The FAA vide letter dated 05.09.2016 directed the PIO/SDM (Rohini) to furnish the information within 15 days. Feeling aggrieved over non compliance of FAO, the appellant approached the Commission.

Relevant facts emerging during hearing:

Both the above mentioned cases arise out of the same issue, and hence are being clubbed together for the convenience of adjudication. In view of the plea of the applicant, the complaint is hereby being converted into a Second appeal. The appellant present during the hearing while narrating the background of the case stated that the plot in question was purchased by his father in 1991 out of his life's savings. The land was simply fenced for

sometime. By the time it was decided that a house will be built for the appellant's family to reside, it was discovered to the horror of the entire family that the said land had been illegally sold to someone else who claimed ownership over the piece and parcel of land even prior to the year 1991. The other set of buyer claiming ownership over the same piece of land also claim that the same plot had been sold prior to 1991 to them.

Decision:

After hearing parties and perusal of record, the Commission notes that despite clear and specific directions issued by the FAA vide orders dated 31.05.2016 and 05.09.2016, the PIO/SDM(Rohini), Sh. Tapan Jha has failed to furnish the requisite without any reasonable cause.

The Commission directs the PIO/SDM(Rohini) to provide information about the current status of the plot of land in question viz. 63,64 and 65 Khasra No. 41/16 situated in Yogi Raj Puram Jain Colony, Rani Khera, Delhi and answer all the queries as raised by the appellant vide his RTI applications. Response to the applicant should be provided to the appellant within two weeks of receipt of this information and a copy should be marked mandatorily to the Commission.

In view of the complete dereliction of duty and violation of provisions of the RTI Act and deliberate obstruction in the dissemination of information by the PIO, Registry of this Bench is directed to issue Show Cause Notice upon Sh. Tapan Jha, PIO/SDM(Rohini), returnable atleast a week before the hearing.

CIC/SA/A/2016/001921

Vide RTI application dated 12-04-2016, the complainant sought following information:-

1. *Has this complaint been sent after going to the main page of the official website of the department by typing the address www.edudel.nic.in using school login ID and password.*
2. *whether the complaint ID: 201201285 is only generated at the top after it is saved and gets registered in RD- Office of DO .*
3. *The IP address and time of log in of the computer from which this fake online complaint under ID; 201201285 has been generated against me.*
4. *Is it correct that the online complaint in question under ID was generated on 20-09-2012 using school ID and password.*
5. *Provide details of the complaint in question under ID 201201285 under the following:-*
 - i) when this module came into operation.*
 - ii) detail of the working/function of this module used by department website i.e. www.edudel.nic.in*

6. *whether internal email system is required for sending the online complaint in question.*
7. *Whether information such as log time/off time/ IP address of the computer in connection with the complaint in question is maintained in the Del. E/MIS database.*
8. *Is it correct that the HOS is authorised to lodge the complaint.*
9. *Is it correct that no email ID is required to be filled in the complaint in question when sent through school ID and password.*
10. *Is it correct that the school phone no will be automatically generated with the complaint in question.*
11. *Why the online complaint module through which the complaint in question was sent to RD office of DO has been scrapped now.*
12. *Whether the module used in the complaint in question connected with MIS or EIS in the year 2012-2013.*
13. *Apart from MIS or EIS is there any other provision available on the department website for sending such online complaint in question to RD-office of DO*
14. *Is there any complaint monitoring system available in the MIS module of the department .If yes , provide the details.*

The CPIO (HQ) transferred the RTI application to the ADE (South West) vide letter dated 13.04.2016. Thereafter, the same was transferred to the PIO, RTI Cell, Directorate of Education. Having not received any information from the CPIO, the appellant filed first appeal. The FAA vide letter dated directed the JDE(IT Branch) to provide the requisite information to the appellant within 7 days. Therefore, in compliance of FAO's, the CPIO furnished the information as under:

“In this matter, as discussed with team leader Shri Avinash Kumar Singh, It is submitted that currently, there is no provision, in MIS, for online complaint against Teacher working in Govt. Schools. However it may be functional in 2012 but may be withdrawn later. It is also not traceable in MIS by the Team Leader.”

Feeling aggrieved as dissatisfied, the appellant approached the Commission.

Relevant facts emerging during the hearing:

Both parties are present during the hearing. The appellant alleges that a fake complaint against him was sent by someone. He being a teacher in the school sought to know the details behind the fake complaint. Respondent states that no action was taken in view of the fake complaint against the appellant, only inputs were sought. The appellant seeks to know the procedure adopted for filing of the complaint. Respondent states that the very system of online complaint had once been commenced on an experimental basis but upon malfunctioning of the system and receipt of various complaints, the same has now been discontinued. Hence no

information in this regard is available nor can it be provided. This has already been apprised to the appellant.

Decision

In the facts and circumstances of the case, the Commission notes that the Respondent has been consistently stating that due to discontinuation of the system of filing online complaint, no information is available with them. Deliberations above reveal that the fake complaint against the appellant was treated with the seriousness it deserved and hence no action has been taken on the basis of the same against the appellant, so as to cause him any detriment.

In view of the non existence of information with the Respondent in this regard, it is prudent not to further prolong this non issue of a matter. No further action is required in this case.

The appeals are accordingly disposed of with the above directions.

(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:-

RAJEEV CHADHA House No.: B-98, Ground Floor, D.D.A. Colony, Naraina Vihar, New Delhi-110028.	Public Information Officer under RTI, Sub-Divisional Magistrate- (Rohini), O/o. the Deputy Commissioner-NW, (Government of NCT of Delhi), North-West District, Kanjhawala, Delhi-110081.
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<p>First Appellate Authority under RTI Additional District Magistrate-NW, O/o. the Deputy Commissioner-NW, (Government of NCT of Delhi), North-West District, Kanjhawala, Delhi-110081.</p>	<p>Public Information Officer under RTI, Shri Prabhjot Singh-PIO/HQ Directorate of Education (Government of NCT of Delhi), RTI Cell, Room No.-220, Old Secretariat, Delhi-110054.</p>
<p>Public Information Officer under RTI, O/o. the Joint Director of Education-IT Branch, Directorate of Education (Government of NCT of Delhi), IT Branch, Old Secretariat, Delhi-110054.</p>	<p>First Appellate Authority under RTI O/o. Spl. Director of Education-RTI, Directorate of Education (Government of NCT of Delhi), RTI Cell, Room No.-220, Old Secretariat, Delhi-110054.</p>
<p>Public Information Officer under RTI, Sub-Divisional Magistrate-(Rohini), O/o. the Deputy Commissioner, Department of Revenue, (Government of NCT of Delhi), North-West District, Kanjahawala, Delhi-110081.</p>	<p>First Appellate Authority under RTI Additional District Magistrate-N/W, O/o. the Deputy Commissioner, Department of Revenue, (Government of NCT of Delhi), North-West District, Kanjhawala, Delhi-110081.</p>