

Central Information Commission, New Delhi
File No. CIC/MP/A/2016/000019/SH
Right to Information Act-2005-Under Section (19)

Date of hearing : 13th February 2017

Date of decision : 13th February 2017

Name of the Appellant : **SHRI CHAYAN GHOSH CHOWDHURY**
189, RABINDRAPALLI, LUCKNOW,
UP-226016

Name of the Public Authority/Respondent : **CENTRAL PUBLIC INFORMATION OFFICER,**
DENA BANK
ZONAL OFFICE, 1ST FLOOR,
PRAVEEN HOUSE, 28-A, VIDHAN
SABHA MARG, LUCKNOW, UP-226001

RTI Application filed on : 28/08/2015

CPIO replied on : 28/09/2015

First Appeal filed on : 05/10/2015

First Appellate Authority order on : 09/11/2015

2nd Appeal received on : 03/12/2015

The Appellant was present in person.

No one was present on behalf of the Respondents.

Information Commissioner : **Shri Sharat Sabharwal**

Information sought

This matter concerns an RTI application filed by the Appellant, seeking information on seven points regarding the representation received from the All India Dena Bank SC/ST/OBC Employees Federation regarding unauthorised temporary persons empanelled in the Zonal Office, Lucknow and related issues.

The CPIO reply

The CPIO responded point wise to the RTI application and stated, inter alia, that no representation had been received from the above mentioned federation and the Zonal Office had no list of the unauthorised persons empanelled.

Grounds of the First Appeal

Not satisfied with the CPIO's reply.

Order of the First Appellate Authority

The FAA stated that the information had already been provided to the Appellant.

Grounds of the Second Appeal

Not satisfied with the information provided by the Respondents.

Relevant facts emerging during the Hearing, Discussion and Decision

The Appellant stated that the queries of his RTI application were regarding the representation received from the All India Dena Bank SC/ST/OBC Employees Federation concerning unauthorised temporary persons empanelled in the Zonal Office, Lucknow. The CPIO stated that no such representation had been received and no letter had been issued by the bank to recognise the above mentioned federation. He also stated that the Zonal Office in Lucknow had no list of unauthorised persons empanelled. The Appellant made the following submissions regarding the reply of the CPIO, upheld by the FAA:-

- (i) He had sought a personal hearing from the FAA, which was not granted. (In this context, we note that the Commission is in favour of grant of hearing by FAAs in cases where such hearing is sought by an Appellant).
- (ii) Even though as per their website, the bank has a First Appellate Authority based at Lucknow, in the CPIO's reply dated 28.9.2015, he was given the name and address of the FAA at New Delhi. The Appellant claimed that this

was done to harass him and when he filed an appeal to the FAA in New Delhi, it was sent by him to the FAA in Lucknow.

- (iii) In an affidavit filed in the Allahabad High Court by Shri Shri Niwas Pathak, Senior Manager of the bank in the Lucknow Zonal Office in Dena Bank Staff Association and Anr. vs. Chairman & Managing Director & Ors. [W.P. No. 2970(S/S) of 2015], the bank stated the following:-

“That the Respondent Bank received a representation from All India Dena Bank SC/ST/OBC Employees Federation that unauthorized temporary persons were empanelled in Zonal Office (ZO), Lucknow. In the light of the said representation and after the due diligence the order dated 21/5/2015 bearing reference no. LZO/PER/929/2015 issued for the discontinuance of the services of the persons engaged in the branches of Lucknow and Dehradun Zone on temporary basis.”

The Appellant argued that in view of the above affidavit filed by the bank, the information provided to him by the CPIO and upheld by the FAA is false.

2. In the light of the foregoing, the Appellant prayed for direction to the Respondents to provide the correct and complete information sought by him, penal action against the CPIO and award of compensation to him in view of the harassment caused to him because of denial of information by the CPIO without any reasonable ground and without citing any section of the RTI Act.

3. The Respondents were not present in spite of a written notice having been sent to them. We take a serious note of their absence during the hearing, which has forced us to adjourn this matter. Accordingly, the matter is adjourned to be heard

again on 3rd April 2017 at 10.30 a.m. through video-conferencing. We direct the CPIO to be present himself at the next hearing to state the position of the bank in response to the above submissions made by the Appellant. The venue for video-conferencing for the hearing on 3.4.2017 will be as follows:-

For the Appellant and the Respondents

NIC Video Conferencing Studio,
Room No. 110, 1st Floor,
Yojana Bhawan, No. 9, Sarojini Naidu Marg,
Lucknow - 226001 (U.P.)

(Contact Officer: Shri Diwan Singh (Scientist-D) contact No. :0522-2238059/ 2298822/
2298823)

4. Copies of this order be given free of cost to the parties.

Sd/-
(Sharat Sabharwal)
Information Commissioner

Copy to:- Shri Suresh C. Buntolia,
Zonal Manager, Dena Bank,
Zonal Office, 28 A, Pravin House,
Vidhan Sabha Marg, Lucknow-226001

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.

(Vijay Bhalla)
Deputy Registrar