

CENTRAL INFORMATION COMMISSION
2nd Floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi -110066
Tel : +91-11-26186535

Appeal No. CIC/BS/A/2016/001998

Appellant: Mr. Sharad Kumar,
S/O. Sh. Omprakash Chaudhary,
Sarki Line, Khamgaon-444303,
Buldhana, MS, (9420555333).

Respondent: Central Public Information Officer
AGM (Admn./HR) BSNL,
O/o. General Manager Telecom
Distt. Buldhana, Nr Post Office,
At. Khamgaon-444303.

Date of Hearing: 18.07.2017

Dated of Decision: 18.07.2017

ORDER

Facts:

1. The appellant filed RTI application dated 07.03.2016 seeking information regarding: period in which U/G cable was laid down in Omkar Nagar & Gajanan Nagar; date on which landline connection was provided to subscribers of above mentioned areas; date on which landline connection was provided to Hindustan Welding Works & NCC office, Nandura road; etc.
2. The CPIO responded on 07.04.2016 and did not provide the requested information. The appellant filed First Appeal dated 16.04.2016 with First Appellate Authority (FAA). The FAA responded on 13.05.2016. The appellant filed second appeal on 24.06.2016 before the Commission on the ground that information has not been provided to him.

Hearing:

3. The appellant and the respondent Shri S. S. Rajoria (AGM) participated in the hearing through video conferencing.

4. The appellant stated that the sought for information has not been provided to him. The appellant stated that he was replied in a single line that ' the information is not available'. The appellant stated that the sought for information is not exempted under section 8 of the RTI Act. The appellant stated that despite his specific request before the disposal of the first appeal, the first appellate authority did not provide him an opportunity of being heard. The appellant referred to some decisions of the Commission and stated that the respondents do not habitually comply with the order of this Commission. He has filed non compliance petitions which are pending for disposal in the Commission.

5. The respondent stated that the information available in their office has been provided to the appellant. The respondent stated the appellant has been shown 20-25 files when he had visited their office in compliance of appellant's other matter heard on 08.06.2017 in the Commission. The respondent stated that the appellant had identified several pertinent documents. The respondent stated that the identified documents have been provided to the appellant. The respondent stated that appellant may inspect all the relevant files. The respondent stated that they have nothing to hide in the matter. The respondent stated that the appellant was simultaneously filing complaint with the vigilance. Consequently, the sought records as per RTI application of the appellant were being seized by the vigilance wing. They were, therefore, incapacitated from replying.

6. The appellant stated that either the respondent should collect the information from the vigilance wing or his application should be transferred to the Vigilance wing. In any case, he should be provided the sought for information. The appellant stated that as corruption would be exposed, therefore, the respondent are deliberately not providing the information.

Discussion/ observation:

7. The Commission observed that the sought for information would not affect the vigilance case. The respondent may seek assistance from the concerned vigilance wing u/s 5(4) of the RTI Act.

Decision:

8. The respondent is directed to provide the sought for information within 30 days of this order.

9. The first appellate authority is advised to perform his duties as per RTI Act including providing opportunity of hearing to the appellant.

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

Copy : Vigilance wing through CPIO
AGM (Admn./HR) BSNL,
O/o. General Manager Telecom
Distt. Buldhana, Nr Post Office,
At. Khamgaon-444303