

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

F. No. **CIC/YA/A/2016/002160**

Date of Hearing : **12.06.2017**
Date of Decision : **12.06.2017**

Date of Decision (Show Cause) : **16.10.2017**
Appellant/Complainant : **Smt. Sarita Devi**

Respondent : **CPIO, South Delhi Municipal Corporation, Central Zone,**

Information Commissioner : Shri Yashovardhan Azad

Penalty Proceedings u/s 20 of the RTI Act, 2005

While hearing the captioned appeal, the Commission deemed it expedient to initiate penalty proceedings against the then PIO for having caused obstruction in flow of information. To recapitulate, the decision dated 12.06.2017 is reproduced hereinafter:

Vide RTI application dated 18.03.2016, the appellant sought information regarding her candidature for the post of Safai Karmchari and correspondence sent by the Employment exchange to SDMC, Lajpat Nagar in the said context. The PIO intimated the appellant that information sought is not available. The first appeal remained unheard. Feeling aggrieved, the appellant approached the Commission.

Relevant facts emerging during hearing:

Both the parties are present and heard. The appellant states that inconclusive reply was furnished by the CPIO. The appellant states to have applied for the position of the Safai Karmchari. She alleges that her details were duly forwarded to SDMC Central Zone for consideration by Employment Exchange. She states that her candidature was not considered by SDMC/CZ citing reason that her name was not contained in the list forwarded by Employment Exchange. The respondent present states that the appellant was advised to visit the office of CPIO and inspect the relevant records. Upon a query from the Commission the respondent present could not answer material queries w.r.t. the candidature of appellant.

Decision:

After hearing parties and perusal of record, the Commission finds that the then CPIO has caused prima facie obstruction in flow of information. The appellant has been denied basic information qua her candidature. To aggravate the same, the respondent present before the Commission is unaware of the facts of the case and hence, unable to assist the Commission. In this factual premise, the Commission directs the present PIO to furnish complete information to the appellant clearly stating if her candidature for the aforesaid post was received by the public authority vide request id 2012001401 dated 21.11.2012. The information shall be furnished within 02 weeks of receipt of present order.

*The designated officer of this bench is directed to issue show cause u/s 20 of the RTI Act for maximum penalty to the then CPIO, stated to be one Shri K.J. Lamba. The notice shall be at liberty to submit his written explanation by **27.06.2017** and remain present for personal hearing on 06.07.2017.*

The reply tendered by noticee is on record. The same reads as:

In this regard, it is submitted that in the present case, the applicant had asked to furnish the information whether her request ID No.2012001401 dated 21.11.2012 was forwarded for interview for the post of Safai Karamchari or not. In this regard, it is informed that IDs of all those persons who were registered with employment exchange at that point of time, which ran into thousands, were sponsored to the Municipal Corporation. As per the requirement of the Department, candidates were considered out of these thousands of IDs. Any specific names were not sponsored by the exchange for consideration. Whether any particular person was considered or not by any particular Department could have also been seen by the candidate herself at that point of time on employment exchange portal. The candidates were sponsored in the year 2012 whereas the applicant has attached Directorate of Employment's print out of year 2014 and sought the information in the year 2016. Status of outcome of sponsoring the names can be seen on Employment Exchange's website itself by the concerned persons and such record is not maintained by the Department. Further, the applicant has concealed the fact that First Appellate Authority had also given her an opportunity of hearing on an appeal filed by her. The First Appellate Authority vide orders dated 27.05.2016 had provided her a copy of reply during the appeal hearing itself with another opportunity to file a fresh appeal before her if not satisfied with the reply of PIO

(copy enclosed) . However, the applicant has not filed any further appeal with the First Appellate Authority. She has also not brought this fact to the knowledge of the Hon'ble Commission which shows here malafide intention.

In view of the above mentioned facts and circumstances, it is submitted that there was not any intention of the undersigned to obstruct the flow of information in any way to the applicant. The said information could easily have been obtained by the applicant from employment exchange's website at that point of time. Hence, it is requested that the show cause notice issued to the undersigned may kindly be withdrawn please.

The case is taken up on 06.07.2017; however, the noticee abstained from attending hearing. A written request praying for adjournment from noticee was received by the Commission citing his inability to attend the hearing due to deteriorating health. The reply submitted by the noticee is perused. It has been averred that the employment exchange was the custodian of the information sought and the appellant has presented her candidature in year 2014 whereas, the names were sponsored by the employment exchange in year 2012. In view of the foregoing, the Commission finds that there had been no intent of the noticee to obstruct the flow of information. Notice is recalled. Noticee is discharged.

(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:-

Assistant Commissioner-Central Zone, South Delhi Municipal Corporation, Central Zone, Zonal Office Building, Near Shiv Mandir, Lajpat Nagar, Delhi-110024.	First Appellate Authority under RTI Deputy Commissioner - Central Zone, South Delhi Municipal Corporation, Central Zone, Zonal Office Building, Room No.-105, Near Shiv Mandir, Lajpat Nagar-II, Delhi-110024.
Shri K.J. Lamba	Assistant Commissioner-DEMS / HQ., South Delhi Municipal Corporation, DEMS Department /Headquarters, Dr. B. R. Ambedkar Stadium, New Delhi-110002.