

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

**F. No. CIC/YA/A/2016/002363**

**Date of Hearing** : 21.09.2017  
**Date of Decision** : 21.09.2017  
**Appellant/Complainant** : Kamal Kujmar Rajouria  
**Respondent** : PIO /Navyug Educational Society  
Through:-  
Mrs. S.R.Spolia, NSES  
Shri Vikash Mathur AO(APIO)  
**Information Commissioner** : **Shri Yashovardhan Azad**

**Relevant facts emerging from appeal:**

RTI application filed on : 30.06.2016 (Not enclosed)  
PIO replied on : 08.04.2016  
First Appeal filed on : 29.03.2016  
First Appellate Order on : -  
2<sup>nd</sup> Appeal/complaint received on : 14.07.2016

**Information sought and background of the case:**

The appellant (Kamal Kumar Rajouria) sought copy of complaint filed against him by the students and presents. The CPIO vide letter dated 08.04.2016 furnished the following information.

1. *No employee in NSES is placed under the current duty charge.*
2. *(a to d) complaint received by the schools from the students and parents of the students are forwarded to the vigilance department which conduct inquiry, if any. As such no information is available with this office. However the same can be had from the NDMC Vigilance Department Complaint received from the schools are forwarded to the higher authorities of NDMC for further action.*
3. *You have not been confirmed till date and as such copy of confirmation letter is not available in this office.*

Dissatisfied with response received from CPIO, the appellant filed first appeal. FAA did not adjudicate in the matter. Feeling aggrieved, the appellant approached the Commission.

**Relevant facts emerging during hearing:**

Both parties are present during the hearing and the appellant states that since he had at one point of time deposed against some teachers and a Principal of the School, hence the Respondents vindictively conspired and connived to frame him, chargesheet was issued to him, and he was subsequently put under suspension.

Respondent states that the case is with the Vigilance department and the complaints filed by students of the concerned School have been forwarded thereto directly from the School. On being asked by the Commission, the PIO admitted ignorance as to whether a formal chargesheet has been issued or a preliminary enquiry has been initiated against the appellant.

**Decision:**

After hearing parties and perusal of record, the Commission notes this is yet another instance where the First Appellate Authority has abdicated his role. The appellant is seeking all the documents relied upon for disciplinary proceedings instituted against him. Normally, such appeal should have gone to the inquiry officer who in the interest of natural justice has to provide to the appellant, all the documents based on which the inquiry has been instituted.

The Commission hereby directs the First Appellate Authority to call the appellant for a hearing and ensure that all the documents relied upon for instituting the inquiry against the appellant is provided to him within 3 weeks of receipt of this order. A copy of the action taken and documents furnished shall be marked to the Commission.

Appeal is 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**