

CENTRAL INFORMATION COMMISSION

2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi-110066

Decision No. CIC/YA/A/2014/003260/SB

Dated 10.10.2016

Appellant : Ms. Uma,
76 P & T Colony,
Tirumalagiri,
Secunderabad-500015.

Respondent : The Central Public Information Officer,
Central Information Commission,
2nd Floor, B-Wing, August Kranti
Bhawan Bhikaji Cama Place,
New Delhi-110 066.

Date of Hearing : 10.10.2016

Relevant dates emerging from the appeal:

RTI application filed on : 11.08.2014

CPIO's reply : No reply

First appeal filed on : 09.10.2014

FAA's order : No order

Second appeal filed on : 25.11.2014

ORDER

1. Ms. Uma filed an application dated 11.08.2014 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Central Information Commission (CIC) seeking information/documents on eight points relating to Commission's Order No. CIC/SS/A/2013/002687/RM for which hearing was held on 03.04.2014, including (1) copy of show cause notice issued to CPIO, Secunderabad

Cantonment Board as per point 7 of the Decision, (2) written submission received from the CPIO in response to the show cause notice and (3) details of action taken on CPIO by CIC as per Section 20(1) of the RTI Act.

2. The appellant filed a second appeal before the Commission on 09.06.2014 on the grounds that she did not receive any response either from the CPIO or the First Appellate Authority (FAA).

Hearing:

3. The appellant Smt. Uma attended the hearing through audio conferencing. The respondent Shri A.K. Sharma, CPIO, CIC was present in person.

4. The appellant submitted that information sought by her was not provided to her by respondent. The appellant submitted that the FAA had vide order dated 13.01.2015, directed the CPIO to provide information within 7 days but no information was provided to her.

5. The respondent submitted that the RTI application was not received in the RTI section as well as the Dak Section of the CIC. Hence, no response to the RTI application was sent to the appellant. Further, the order of the FAA was send directly to the then DR to IC(RM). The respondent further submitted that CIC(RM) has since left the Commission w.e.f. 30.09.2016.

Interim Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that the FAA, CIC's order dated 13.01.2015 wherein Shri Raghbir Singh, DR and CPIO was directed to provide information available on the file no. CIC/SS/A/2013/002687/RM within seven days of the receipt of the order free of cost has not been complied with.

It is correct that despite of FAA's order dated 13.01.2015 no information was provided to the appellant. Thus, the CPIO deliberately did not furnish the information to the appellant. Therefore, the then CPIO and DR is liable for imposition of penalty in terms of provision under Section 20(1) of the RTI Act, 2005.

The then CPIO, Shri Raghbir Singh is hereby directed to submit an explanation both by post and through e-mail at do.icsb-cic@gov.in before the Commission, on or before 05.12.2016 explaining why action under Section 20(1) of the RTI Act should not be initiated against him. Shri A.K. Sharma, CPIO, RTI Cell, CIC will ensure that a copy of this show cause notice is served upon the officer within one week from the date of receipt of a copy of this order.

The then CPIO, CIC, Shri Raghbir Singh is further directed to appear before the Commission **on 12.12.2016 at 1.00 p.m.** along with a copy of his written explanation.

The CPIO is also directed to inform if there is/ are other person(s) responsible for knowingly not providing complete information to the appellant and if so to inform such persons of the show cause hearing and direct them to appear before the Commission **on 12.12.2016 at 1.00 p.m.** along with his/ their written explanations.

7. The Commission also directs the CPIO, CIC to provide the information sought for by the appellant within a period of four weeks from the receipt of a copy of this order.

8. Copy of decision be given free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer