

**Central Information Commission, New Delhi**  
File No. CIC/SH/C/2016/000063  
File No. CIC/SH/A/2016/000294  
File No. CIC/SH/C/2016/000083  
File No. CIC/SH/C/2015/000361  
File No. CIC/SH/C/2016/000082  
Right to Information Act-2005-Under Section (18) / (19)

**Date of hearing** : 30th September 2016

**Date of decision** : 30th September 2016

**Name of the Complainant / Appellant** : Shri Kamal Mohan Verma  
Managing Director, M/s. Som Bioherb  
Products Pvt. Ltd., E-14, Kuber Industrial  
Area, Ranpur, Kota, Rajasthan- 325003

**Name of the Public Authority/Respondent** : Central Public Information Officer,  
Union Bank of India,  
Regional Office, Udaipur, 2A, New  
Fatehpura, Udaipur, Rajasthan-313001

Central Public Information Officer,  
Union Bank of India,  
Union Bank Bhawan, 12th Floor, 239,  
Vidhan Bhawan Marg, Nariman Point,  
Mumbai - 400 021

The Complainant / Appellant was not present.

On behalf of the Respondents, the following were present:-

1. Shri Anshu Alok, Senior Manager was present at the NIC Studio, Mumbai.
2. Shri Nilesh Kumar Shah, DGM was present at the NIC Studio, Udaipur.

**Information Commissioner** : **Shri Sharat Sabharwal**

These files contain four complaints and an appeal concerning the RTI applications dated 3.10.2015, 10.7.2015 and 25.4.2015, filed by the Complainant / Appellant to seek information regarding delayed payment of his pension and related

issues. Not satisfied with the response of the Respondents, he has approached the CIC in four complaints and an appeal in the above cases.

2. The Complainant / Appellant was not present in spite of a written notice having been sent to him.

3. In the RTI application dated 3.10.2015 (File No. 63), the Complainant had sought information on seven points regarding payment of his pension and related issues. The Respondents drew our attention to the CPIO's point-wise reply dated 26.10.2015. It is noted that in response to some points of the RTI application, the CPIO referred to an earlier reply dated 19.10.2015 in which information had been provided. In his complaint, the Complainant has stated that the CPIO deliberately provided him incorrect information, particularly when he stated in response to point No. 4 that interest was not payable because it was not an issue of payment of arrears, but pension was not paid because of non-submission of life certificate. He states that this is against the scheme of payment of pension to central government pensioners, which requires that in case pension has not been credited by the bank to the account of the pensioner for a period exceeding one year, the reasons for not crediting the same should be communicated to the CPAO. He further states that the inordinate delay caused in submission of his life certificate in the month of December 2014 was entirely attributable to the Respondent Bank. He has also stated that no information was ever provided by any CPIO of the bank on 19.10.2015, as claimed in the CPIO's reply dated 26.10.2015. The FAA did not dispose of his first appeal. He has sought imposition of penalty on both the CPIO and the FAA. In response to our

query, the Respondents stated that some information was sent to the Complainant vide their letter dated 19.10.2015 (referred to in the CPIO's reply dated 26.10.2015) and assured us that a copy of this letter would be sent to the Complainant by registered post at the earliest.

4. We have considered the records concerning the RTI application dated 3.10.2015 and take note of the assurance of the Respondents that a copy of the reply dated 19.10.2015 would be sent to the Complainant with reference to the CPIO's reply to points No. 1 and 2. Having perused the records, we see no ground to interfere with the CPIO's reply. The Complainant has questioned the action of the Respondents in withholding payment of his pension on the ground that a life certificate had not been submitted by him and maintains that the CPIO gave him a wrong reply in response to point No. 4. The position of the bank conveyed by the CPIO, however, is that the delayed payment was on account of non-submission of life certificate. The Complainant contests this stand taken by the bank. This, we note, is not an issue that can be resolved under the RTI Act. The bank having taken a clear position in the matter, it is up to the Complainant to take up his grievance on this issue at an appropriate forum. We see no ground for imposition of penalty on the CPIO. The FAA clearly failed to discharge his duty to dispose of the appeal of the Complainant within the period stipulated in the RTI Act. In fact, as stated by the Complainant, he did not dispose it of at all. While recalling to the FAA his responsibility under Section 19 to dispose of the first appeals filed to him within the time-frame stipulated in the above Section, we note that the RTI Act has no provision for imposition of penalty on the FAA.

5. The Complainant / Appellant has filed an appeal and a complaint in respect of his RTI application dated 10.7.2015 (Files No. 294 and 83). In this RTI application also, he sought information on five points concerning the payment of arrears of his pension and related issues. The Respondents stated that this application was filed to their Centralised Pension Processing Centre (CPPC) and was not received by the CPIO. After the Complainant / Appellant filed an appeal to the FAA, a reply was sent to him on all the points on 19.10.2015. The FAA disposed of the first appeal on 27.10.2015. In his appeal dated 8.1.2016 to the Commission, the Appellant has prayed for direction to the CPIO and the FAA to provide him the specific information and accurate data pertaining to the claim of his pension and has sought action against them under Section 20 of the RTI Act on the ground that they maintained silence over his application and the appeal. In the complaint dated 14.1.2016 concerning the same application, he has sought action under Section 20 (1) and 20 (2) against the CPIO and the FAA.

6. We have considered the submissions of both the parties. From the appeal / complaint of the Complainant / Appellant, it appears that he did not receive the CPIO's reply dated 19.10.2015 and the FAA's order dated 27.10.2015, referred to by the Respondents during the hearing. Therefore, with reference to the appeal on File No. 294, we direct the CPIO to forward copies of the above communications by registered post to the Appellant, free of charge, within five days of the receipt of this order, under intimation to the Commission. With regard to the complaint registered on File No. 83, it is seen that the RTI application was filed by the Complainant to the CPPC and this fact was mentioned by him in his appeal dated 3.9.2015 to the FAA

also. However, in his complaint to the Commission, he has stated that he had submitted the application to the CPIO and Assistant Manager (Law), Shri Rakesh Kumar Gupta. As stated by the Respondents, a reply was sent by the CPIO on 19.10.2015. This was clearly not within the period of thirty days stipulated in Section 7 (1) of the RTI Act. The Complainant has prayed for imposition of penalty on the CPIO. In this context, we note the following observations made by the High Court of Delhi in Bhagat Singh vs. CIC & Ors. [W.P.(C) No. 3114/ 2007]:-

*“17. This Court takes a serious note of the two year delay in releasing information, the lack of adequate reasoning in the orders of the Public Information Officer and the Appellate Authority and the lack of application of mind in relation to the nature of information sought. The materials on record clearly show the lackadaisical approach of the second and third respondent in releasing the information sought. However, the Petitioner has not been able to demonstrate that they malafidely denied the information sought. Therefore, a direction to the Central Information Commission to initiate action under Section 20 of the Act, cannot be issued.”*

The Complainant has a dispute with the bank on the issue of delayed payment of his pension and his demand for payment of interest on that count. As stated above in this order, this issue cannot be resolved under the RTI Act. Further, we have three applications of the Complainant before us seeking information concerning the various aspects of the same issue. The Complainant has not established any malafide intent on the part of the CPIO to deny the information or provide it in a delayed manner. Therefore, we do not regard it as a fit case for imposition of penalty on the CPIO or action against him under Section 20 (2). As for the FAA, as stated by the

Respondents, the first appeal dated 3.9.2015 was disposed of by the FAA on 27.10.2015. While this was not within the period of thirty days stipulated in the RTI Act, the Act has no provision for action against the FAA. However, we would again recall to the FAA his responsibility to dispose of the appeals filed to him on RTI matters strictly within the time-frame stipulated in the RTI Act.

7. The Complainant has filed two complaints (Files No. 361 and 82) in respect of his RTI application dated 25.4.2015. In this application, he had sought information on five points regarding detailed calculations of the arrears of his pension since November 2009 and certain related issues. In his complaint dated 22.6.2015 on File No. 361, he has stated that the information was not provided by the CPIO within thirty days. It was provided vide the CPIO's letter dated 3.6.2015, which he received on 11.6.2015. The CPIO enclosed only an arrear sheet of the pension from November 2009 to October 2014 (in response to point No. 1 of the application), but not the information in response to points No. 2 to 5. The Complainant has, therefore, sought punitive action against the CPIO under Section 20 of the RTI Act. In the complaint dated 8.1.2016 on File No. 82, the Complainant has stated that the FAA disposed of his appeal dated 22.6.2015 without hearing him in the matter. He also maintains that the FAA being a quasi-judicial authority was required to resolve the dispute between him and the CPIO. Instead, he invited the views of the concerned department to arrive at his decision. The Complainant has also stated that in the scheme of payment of pension to Central Government pensioners through authorised banks, as modified by correction slip No. 14 dated 30.6.2011, a pensioner can furnish his life certificate to the bank in the month of November, issued by any of the twelve

authorities mentioned therein, including a gazetted government officer. Accordingly, the life certificate given by the Registrar of Kota University who happened to be an IAS officer should have been accepted by the bank. The Complainant has sought action against the FAA under Section 20 (1) and 20 (2) of the RTI Act. The Respondents stated that the Complainant had not submitted a life certificate signed by an officer of the bank. Therefore, the release of his pension got delayed. In his reply dated 3.6.2015, the CPIO provided the arrear sheet of pension from 2009 to 2014 and stated that the arrears would be paid after submission of life certificate. This answered point No. 1 of the RTI application. Subsequently, in his order on the first appeal of the Complainant, the FAA recalled that the arrear chart was provided in response to point No. 1 and, according to the CPIO, the remaining points were not answered because they were a sequel to the main query at point No. 1. With reference to the remaining points of the RTI application, the FAA stated that arrears were not paid as the Complainant had not submitted life certificate authorised by a bank official but by the Registrar of the Kota University. The FAA enclosed extract of the relevant provisions of the CPAO manual which, according to him, required the life certificate to be authorised by a bank official. He also provided the position at that stage of the sanction sought from the competent authority.

8. We have considered the submissions of both the parties. The CPIO responded to point No. 1 on 3.6.2015 i.e. beyond the period of thirty days stipulated in the RTI Act. The Complainant states that the RTI application was received in the office of the CPIO on 2.5.2015 and he should have replied on or before 31.5.2015. However, he replied on 3.6.2015. The delay was around three days and we do not consider it

necessary to conduct an enquiry into this delay. Further, point No. 1 of the RTI application was responded to by the CPIO. While the CPIO should have responded point-wise to the RTI application, it is seen that at points No. 4 and 5, the Complainant sought an explanation from the CPIO regarding certain lapses on the part of the Respondents alleged by him. The CPIO is required to provide only the information available on record and not offer such explanations. At points No. 2 and 3, the information sought was regarding the sanction of the competent authority and the FAA provided the latest position in this regard. The crux of the matter, as stated above in this order, is the dispute between the Complainant and the Respondents regarding the life certificate to be submitted. The Complainant maintains that the certificate signed by a gazetted officer should have been accepted and the Respondents maintain that it should have been authenticated by an officer of the bank. This matter cannot be settled under the RTI Act and the Complainant is at liberty to pursue it at an appropriate forum. The CPIO provided him the information of arrears as per the record of the bank and conveyed to him the position of the bank on the life certificate issue. In view of the foregoing, we see no ground for action against the CPIO under Section 20 of the RTI Act. As regards the complaint on File No. 82, we note that the Commission has been of the view that in the interest of natural justice, the FAA should give a hearing to an Appellant, wherever requested by the Appellant, before disposing of an appeal. We also reproduce below the observations made by the Supreme Court in Civil Appeal No. 9095/ 2012 in Manohar vs. State of Maharashtra:-



*“Thus, the principle is clear and settled that right of hearing, even if not provided under a specific Statute, the principles of natural justice shall so demand, unless by specific law, it is excluded. It is more so when exercise of authority is likely to vest the person with consequences of civil nature.”*

We would recall the above to the FAA for his future guidance. However, as stated above in this order, the RTI Act does not provide for any penal action against the FAA.

9. With the above directions and observations, the four complaints and one appeal are disposed of.

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

Sd/-  
**(Sharat Sabharwal)**  
**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.

**(Vijay Bhalla)**  
**Deputy Registrar**