

CENTRAL INFORMATION COMMISSION

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

Decision No. CIC/SB/C/2015/900072

Dated 26.10.2016

Complainant : Shri D Vara Prasad,
H. No. 6-3-26/2 Premnagar,
Khairthabad,
Hyderabad-500004.

Respondent : Central Public Information Officer,
Directorate General of Vigilance
Customs and Central Excise,
3rd Floor, Samrat Hotel,
Kautilya Marg, Chanakyapuri,
New Delhi-110021.

Date of Hearing : 26.10.2016

Relevant dates emerging from the appeal:

RTI application filed on : 25.09.2014

CPIO's reply : 06.04.2015

First Appeal filed on : 05.08.2015

Second Appeal filed on : 15.09.2015

ORDER

1. Shri D Vara Prasad filed an application dated 25.09.2014 under the Right to Information Act, 2005 (RTI Act) before the Public Information Officer (PIO), O/o Director General (Vigilance), Central Board of Excise & Customs (CBEC), New Delhi seeking information on three points pertaining to his complaint dated 24.02.2014 regarding Violation of CBEC instructions, favouritism towards upper caste D.R. Inspector and discrimination against SC/ST by Shri B.B. Prasad, Chief Commissioner (HZ) and Shri M.K. Singh, Commissioner (CCA), Hyd-II Commissionerate of Customs, Central Excise

and Service Tax, Hyderabad addressed to the Central Vigilance Commission (CVC) that was subsequently forwarded to Shri M.D. Singh, Chief Vigilance Officer (CVO), CBEC, New Delhi, including (1) latest action taken by the CVO, CBEC, New Delhi on the complaint letter No. 9675/2014/Vigilance 5/251319 dated 30.06.2014 and (2) any action, if any, taken by the CVO or the competent authority of CBEC, New Delhi against Shri B.B. Prasad and Shri M.K. Singh for violation of CBEC instruction No.8.

2. Shri D. Vara Prasad filed a second appeal dated 15.09.2015 before the Commission on the grounds that neither the CPIO nor the FAA furnished the information sought in his RTI application dated 25.09.2014 and that the ADG (South Zone) who was to conduct an enquiry into the matter and submit his report, did not complete any investigation or furnish any report whatsoever so far.

Hearing:

3. Both the complainant Shri D Vara Prasad and the respondent were not present despite notice.

Decision:

4. The Commission, after perusing the records, observes that information regarding action taken on the complaint dated 30.06.2014 has not been provided to the complainant on the ground that the said complaint was not readily available in the CBEC and it was only on receipt of the RTI application that the said complaint was received and the same was forwarded to Additional Director General (DG), South Zone for further investigation and, thereafter, status of the same was not informed to the complainant. The Commission further observes that record keeping and proper maintenance of files is a key function of any public authority. In view of this, it is imperative to ascertain the facts leading to the misplacement of the records relating to the complaint dated 30.06.2014 filed by the complainant. The Commission,

therefore, directs the First Appellate Authority, CBEC to inquire into the matter of the 'missing' complaint and to ascertain as to whether the records were actually misplaced or the CPIO had taken that plea to deny information to the complainant. The FAA shall also, if required, take appropriate departmental action against the officers/officials responsible for the misplacement of the records. A copy of the inquiry report along with the action taken report may be provided to the Commission as well as to the complainant within a period of six weeks from the date of receipt of a copy of this order.

5. The Commission also observes that it is not a case of wilful obstruction of information with any malafide intent on part of the respondent, as a reply on the basis of available record had been furnished to the complainant within stipulated time. Hence, no case of imposition of penalty is made out.

6. With the above observations, the complaint is disposed of.

7. Copy of the decision be provided to both the parties free of cost.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(V.K. Sharma)
Designated Officer