

**CENTRAL INFORMATION COMMISSION**

2<sup>nd</sup> Floor, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066

**Decision No. CIC/SB/C/2015/000073**

**Dated 22.09.2016**

**Complainant** : Shri H.K. Bansal,  
Kanta Niwas, 1011/24,  
Jagdish Colony,  
Rohtak-124001.

**Respondent** : The Central Public Information Officer,  
Department of Personnel & Training,  
North Block,  
New Delhi-110001.

The Central Public Information Officer,  
Department of Telecommunication,  
Sanchar Bhawan,  
20, Ashoka Road,  
New Delhi-110001.

**Date of Hearing** : 22.09.2016

**Relevant dates emerging from the complaint:**

RTI application filed on : 10.06.2015

CPIO's reply : 26.06.2015

Complaint filed on : 19.10.2015

**Order**

1. Shri H.K. Bansal filed an application dated 10.06.2015 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Department of Personnel & Training (DoPT) seeking information on eight points pertaining to DPC for promotion to the grade of Senior DDG(BW) and inspection of all concerned file(s), including (1) copies of information supplied

in respect of his earlier RTI application dated 23.01.2014 (2) copy of complete proposal as received from DOT including copy of Review DPC Minutes and (3) copy of Rules/Instructions/Circulars etc. concerning Notional Promotion.

**2.** Shri H.K. Bansal filed a complaint dated 19.10.2015 before the Commission on the grounds that in his RTI application dated 10.06.2015 he had inter-alia sought information about his earlier RTI application dated 23.01.2014 and transfer of his RTI application on 18.06.2015 to the DOT is a deliberate mischief to deny him the requested information. The RTI Cell of DOT transferred the same to Director (Civil) & CPIO, DOT and further the same was transferred to Director (E) & CPIO, DOT. The complainant requested the Commission to punish the concerned CPIOs of DoPT and DOT for not acting according to the law.

**Hearing on 22.09.2016:**

**3.** The complainant Shri H.K. Bansal attended the hearing through video conferencing. The respondents Shri. D.S. Parmar, Director Electrical and CPIO, DOT and Shri Naresh Arya, Deputy Director, DoPT were present in person.

**4.** The complainant submitted that he had sought information regarding action taken on his earlier RTI application dated 23.01.2014 addressed to the DoPT. However, the CPIO, DoPT instead of providing the said information wrongly transferred his entire RTI application to DOT under Section 6(3) of the RTI Act. The complainant further submitted that the transfer of the entire RTI application by the DoPT to the DOT is incorrect as the DoPT is the custodian of the information sought by him at point nos. 1.2 (a) and 1.2 (b) of the RTI application.

**5.** The respondent submitted that the matter raised in the RTI application pertains to the empanelment of an officer of Indian (P&T) Building Works Service to HAG. The respondent further submitted that the competent authority for the above empanelment is the ACC. The Department of

Telecom(DOT) had, therefore, submitted a proposal in this regard for seeking the approval of the ACC. The respondent also stated that the RTI application was transferred to DOT under a bonafide assumption that since the proposal in the present matter has been received from DOT, therefore, DOT would be the competent public authority to provide information to the complainant. The respondent further stated that there was no malafide intention to withhold the information from the complainant.

**Interim Decision:**

**6.** The Commission, after hearing both the parties and perusing the records, observes that the DoPT has incorrectly transferred the entire RTI application to the DOT when the DoPT itself could have provided some of the information sought by the complainant. Therefore, the CPIO, DoPT is liable for imposition of penalty in terms of provision under Section 20(1) of the RTI Act, 2005.

**7.** The CPIO, DoPT is hereby directed to submit an explanation both by post and through e-mail at [do.icsb-cic@gov.in](mailto:do.icsb-cic@gov.in) before the Commission, on or before, 13.10.2016 explaining why action under Section 20(1) of the RTI Act should not be initiated against him.

**8.** The CPIO, DoPT is further directed to appear before the Commission on **20.10.2016 at 01:15 pm** along with a copy of his written explanations.

**9.** The CPIO, DoPT is also directed to inform if there is/ are other person(s) responsible for knowingly not providing complete information to the complainant and if so to inform such persons of the show cause hearing and direct them to appear before the Commission on **20.10.2016 at 01:15 pm** along with his/ their written explanations.

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

**(Sudhir Bhargava)**  
**Information Commissioner**

**Authenticated true copy**

**(V.K. Sharma)**  
**Designated Officer**