

Central Information Commission, New Delhi
File No. CIC/SH/A/2016/000094
Right to Information Act-2005-Under Section (19)

Date of hearing : 2nd February 2017

Date of decision : 2nd February 2017

Name of the Appellant : SHRI SHAMSHER
H. NO.-378 , FOUJI COLONY,
DADAN MOHALLA , BADARPUR,
NEW DELHI -110044

Name of the Public Authority/Respondent : CENTRAL PUBLIC INFORMATION OFFICER,
ORIENTAL BANK OF COMMERCE
REGIONAL OFFICE: NEW DELHI,
HARSHA BHAWAN, E-BLOCK,
CONNAUGHT PLACE,
NEW DELHI-110001

RTI Application filed on : 19/10/2015

CPIO replied on : 24/11/2015 and 14/12/2015

First Appeal filed on : 08/12/2015

First Appellate Authority order on : 10/12/2015

2nd Appeal received on : 11/01/2016

The Appellant was present in person.

On behalf of the Respondents, Shri Swaroop Singh, Chief Manager was present in person.

Information Commissioner : Shri Sharat Sabharwal

Information sought

This matter concerns an RTI application filed by the Appellant, seeking information on five points regarding details of employees of a branch of the Respondent Bank, details of salary paid to the employees along with HRA, transfer of employees and action taken on his complaint 14.8.2015.

The CPIO reply

The CPIO, Head Office, Gurgaon, vide letter dated 24.11.2015, transferred the application to the CPIO, Regional Office, New Delhi.

Grounds of the First Appeal

No reply given within the stipulated time period.

Order of the First Appellate Authority

The FAA, vide order dated 10.12.2015, directed the CPIO to dispose of the RTI application. In compliance with the order of the FAA, the CPIO, Regional Office, New Delhi, vide letter dated 14.12.2015, gave a point wise reply and denied the information on point Nos. 3 & 5 under section 8 (1) (j) of the RTI Act.

Grounds of the Second Appeal

Complete and correct information not provided.

Relevant facts emerging during the Hearing, Discussion and Decision

The Appellant stated that he was not satisfied with the information provided in response to points No. 3, 4 and 5 of his RTI application. The Respondents reiterated the reply given by the CPIO on 14.12.2015 and stated that the Appellant did not file an appeal to the FAA after the CPIO's reply dated 14.12.2015.

2. We have considered the submissions of both the parties and note that the Appellant's RTI application was dated 19.10.2015. Not having received a reply in thirty days, he filed an appeal to the FAA on 8.12.2015. The CPIO eventually provided his detailed response only on 14.12.2015. Having filed an appeal to the FAA earlier, it was not obligatory for the Appellant to approach the FAA again.

3. At point No. 3, the information sought was regarding the pay and HRA of each employee of a branch of the bank. The CPIO is directed to provide to the Appellant the pay scales applicable to the employees of different levels in the branch; as well as the rates at which HRA was paid to officials at various levels. The details of actual emoluments drawn by individual employees, including the deductions made therefrom, should not be provided. At point No. 4, the Appellant had sought information regarding the date of appointment of employees in the branch and their transfer etc. He stated that he has not been informed whether the transfers were made within the period mentioned in the relevant regulations and, if not, the reason for the same. The CPIO is directed to provide such information in this regard as is available on records. The Appellant also stated that in the names of employees given to him, there is one Shri Brij Lal Tiwari. However, the information regarding his predecessor, who was posted in the branch prior to the filing of his RTI application, has not been provided. The CPIO is directed to check the records and provide this information also. Further, we direct the CPIO to respond point-wise to each sub-point of point No. 5, providing such information as is available on records. In case information in response to any particular sub-point is not on records, the CPIO should state so in writing to the Appellant. The CPIO should comply with our above directives, within twenty days of the receipt of this order, under intimation to the Commission. Such information, as is provided, should be provided free of charge.

4. With the above directions and observations, the appeal is disposed of.

5. 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