

CENTRAL INFORMATION COMMISSION
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Decision No. CIC/SG/A/2011/000452/12429

Appeal No. CIC/SG/A/2011/000452

Relevant Facts emerging from the Appeal

Appellant : Mr. Suresh Kumar Mishal,
Karichiyil, Attingal,
PO. Trivandrum,
Kerala 695101.

Respondent : Mr. Sharad Singh
Public Information Officer & RPFC-I
Vigilance Directorate,
EPFO, Ministry of Labour,
14, Bikaji Cama Place,
New Delhi 110066.

RTI application filed on : 22/09/2010
PIO replied : 21/10/2010
First appeal filed on : 18/12/2010
First Appellate Authority order : 06/01/2011
Second Appeal received on : 17/02/2011

Information Sought:-

A complaint had been filed by Mrs. Shimna P before Mr. Rajeev Kumar Chief Vig. Officer and Mr.K.Ganesh Babu, Vigilance Division RPFC-I. Mr. Santosh Kumar Asst. Director Vigilance on behalf of the Chief Vigilance Officer had by a letter of 27 July 2010, directed Mr. K. Gurusurthy Dy. Director ZVD (South Zone) to investigate and submit a report within a month. With regard to this information was sought on 11 points, seeking the copy of the vigilance report, all statements, action taken, discrepancies found etc.

Replies of the Public Information Officer (PIO):-

IPO not in favour of Central PF Commissioner, New Delhi, hence RTI application is not valid. - 21/10/2010.

Appellant sent new IPO on 9/11/2010 as per the demand of the PIO.

Only after completion of investigation/enquiry in the matter information can be provided.- 16/11/2010.

Grounds for the First Appeal:

No reply from PIO

Order of the First Appellate Authority (FAA):

CPIO has informed the appellant vide letter of 16/11/2010. The case is reported to be under investigation by ZVD South Zone and any divulgence of information at this stage may impede the process of investigation.

Grounds for the Second Appeal:

Disclose the information. The order from the CVO on 27/07/2010 had directed that the investigation report must be submitted within one month. Thus the investigation should be completed by August end.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Suresh Kumar Mishal on video conference from NIC-Thiruananthapuram Studio;

Respondent: Mr. Subhash Chandra, SO on behalf of Mr. Sharad Singh, PIO & RPFC-I;

The appellant had sought information regarding an investigation order by the CVO on 27/07/2010, based on a complaint lodged by Mrs. Shimna. The CVO had clearly ordered that the investigation should be completed within one month and the report should be sent. The PIO first erred in refusing to accept an IPO made in the name of accounts officer and asked the Appellant to send another IPO in the name of "Central PF Commissioner, New Delhi". This is contrary to the rules framed by the Central Government under the RTI Act. The rules clearly provide that applicants should send drafts or IPOs favouring accounts officer of the public authority. After the appellant sent the draft again as per the PIO's arbitrary demand he was informed that information would not be supplied to him until the investigation was over. This is clearly violation of the law. No claim had been made as to how providing the information would impede the process of investigation.

The CVO had ordered in July that investigation should be over in one month i.e. by End August. However, after nine months the respondent states that the investigation is not over as yet. This means that the CVO's direction to complete the investigation in one month is being completely flouted. The PIO is directed to provide the preliminary inquiry report and whatever information is presently available on the records to the Appellant. The Commission also directs the CVO to assess whether an inquiry which should be completed one month according to his assessment should be allowed to drag on indefinitely.

Decision:

The Appeal is allowed.

The PIO is directed to provide the information available on the inquiry to the Appellant before 05 June 2011.

The Commission also directs the CVO to assess whether an inquiry which should be completed one month according to his assessment should be allowed to drag on indefinitely. The CVO should send his findings to the Commission and the Appellant before 20 June 2011.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
18 May 2011

(In any correspondence on this decision, mention the complete decision number.)(SG)

CC:

To,

CVO through Mr. Sharad Singh, PIO & RPFC-I;