

CENTRAL INFORMATION COMMISSION

Club Building (Near Post Office)

Old JNU Campus, New Delhi - 110067

Tel: +91-11-26161796

Decision No. CIC/SG/C/2011/000017/13790

Complaint No. CIC/SG/C/2011/000017

Relevant Facts emerging from the Complaint:

Complainant : Mr. Bhagirath Kumar,
Sharda Bhawan, Kathpur road,
West Lohanipur Kadamkuan,
Patna- 800003.

Respondent : Ms. Uma Mandal
PIO & RPF-C-I
Vigilance Directorate (headquarters)
Employees' Provident Fund Organization
Ministry of labour, Govt. of India
Head office,14, Bhikaiji Cama Place,
New Delhi-110066.

RTI application filed on : 19/10/2010
PIO replied : 07/12/2010
Complaint received on : 03/01/2011

Information sought:-

- 1) Total 81 complaints were received against the Group A officer from 2005-to-2008 as per Vigilance Directorate
 - a.) How many of those complaints have been closed?
 - b.) Provide copies of enquiry report and nothings vide which cases referred in (a) has been closed.
 - c.) For how many cases first stage advice was taken from CVC to initiate departmental proceedings?
 - d.) In how many cases charge sheet has been issued so far for cases referred in (c)
 - e.) How many departmental proceedings have been finalized so far for cases referred in (d)?
 - f.) Provide copies of inquiry report and nothings of concerned vide which inquiry report was placed before disciplinary authority for cases referred in (e) the nothings and final order should also be provided.
- 2.) How many complaints against Group-A officers have been received in the Head Office in year 2008-09 & 2009-10? In how many cases action like transfer etc. has been taken provide names and numbers of officers and the action taken.
- 3.) How many disciplinary cases are pending against Group-A officers at present?
- 4.) list out the reasons for the delay w.r.t cases referred at 3(a)
- 5.) how many cases are being investigated by CBI in respect of EPFO officials at present? How many are being investigated for more than a year?

Reply from PIO:-

Confirm whether the said communication had been sent by him to the addressee mentioned therein and also confirm that it bears his genuine signature and send in his reply within 10 days of its receipt otherwise it will be treated as pseudonymous.

Ground of the Complaint:

I had asked for certain information from CPIO,EPFO, RO, Kolkata on 19/10/2010 when information was not given. I preferred First appeal with Appellate Authority, EPFO, Kolkata.

On 21/12/2010,two persons who introduced themselves as EPFO Inspector, vigilance, Patna arrived at my residence and asked for my identity. When I asked the reason they told me that they had been sent by Sh. P. C. Pati, EPFO commissioner, Patna.

They called EPFO Patna over their phone and asked me to talk to Mr. Pati. Mr. Pati asked me not to ask for information under RTI Act and threatened me if I continue with it. When I refused to act as per his order he became furious. Thereafter I am receiving threatening calls from 0612-2227139, EPFO, Patna office. The said officials, who introduced himself as Ajay Kumar, handed me a letter which is enclosed herewith. In the said letter Sharad Singh, CPIO/RPFC I(vig) EPFO HO New Delhi is asking for verification before supplying the information. It appears that they are making hindrance in free flow of information.

Relevant Facts emerging during Hearing:

The following were present:

Complainant: Mr. Bhagirath Kumar on video conference from NIC-Patna Studio;

Respondent: Ms. Uman Mandal, PIO & RPFC-I;

The respondent claims that information has been sent on 07/01/2011 but the Complainant states that he has not received any such communication. The Commission also notices that to most of the queries no information has been provided and the respondent has stated that the Complainant may visit and inspect the required files. The Commission finds it very surprising that for vigilance complaints against Group-A officers Vigilance Department is not keeping any information in any reasonable manner. As per the PIO's admission in the 07/01/2011 communication there are 81 complaints for which information had to be provided in query-1 and 225 matters in which complaints against Group –A Officers were received from CVC and others. In query-5 the PIO has stated that the Vigilance Department has no idea about how many cases are being investigated by CBI. The Head Quarter Vigilance of any organization must proactively know about matters like CBI Cases in various regional offices. This is the only way in which it would be possible to proactively correct situations where they may be problems.

The Complainant states that he has been receiving threatening phone calls from telephone no. 06122227139 threatening the Complainant for filing this RTI application and asking him to withdraw the RTI application. The Commission has to take cognizance of threats reported by RTI applicants. The Commission therefore recommends to the Police Commissioner of Patna to take cognizance of the Complainant's complaint about receiving threats and ensure that no harm comes to the Complainant. The Commission hopes that the Police commission will take appropriate measures and ensure the safety of the Complainant.

Decision:

The complaint is allowed.

The PIO is directed to collect the information and provide it to the Complainant before 25 August 2011.

The Commission also recommends that EPFO must monitor this data in the whole country and use it to correct wrong doing wherever there are number of cases reported.

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
02 August 2011

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

Copy to Police Commissioner, Patna through Appellant Mr. Bhagirath Kumar;