

**CENTRAL INFORMATION COMMISSION**  
**Club Building, Opposite Ber Sarai Market,**  
**Old JNU Campus, New Delhi - 110067.**  
**Tel: +91-11-26161796**

**Decision No. CIC/SG/A/2009/001812/4832**  
**Appeal No. CIC/SG/A/2009/001812**

**Appellant** : Mr. Ali Mohd. Saifi,  
21/324 Indira Camp,  
Kalyanpuri, Delhi-110091

**Respondent** : PIO & Asst. Commissioner (East),  
Food Supplies & Consumer Affairs  
Department, GNCTD, DDA  
Shopping Complex,  
Dayandand Vihar, Delhi-110092

**RTI application filed on** : 02/04/2009  
**PIO replied** : Not mentioned.  
**First Appeal filed on** : 25/05/2009  
**First Appellate Authority order** : 26/06/2009  
**Second Appeal Received on** : 27/07/2009

**Information sought:**

Appellant sought information regarding his application for Ration Card:

1. Did Appellant mentioned House in the I. E column of his application form?
2. Appellant requested for photocopy of application form.
3. Has the order to give 12 Kg wheat instead of whole and when?
4. Appellant requested for inspecting receipts from November, 2008 to March, 2009. Why is 12 kg. of sugar and 5 kg. of rice are given?

**PIO's Reply:**

Not enclosed.

**Grounds for First Appeal:**

Appellant mentioned that he didn't receive any information from PIO till date.

**Order of the First Appellate Authority:**

Respondent was directed to give requisite information to the RTI Application dated 02/04/2009. Regarding non-receipt of 25 kgs. of ration, it was explained by the PIO, that there was some clerical error. The FAA also ordered the PIO to provide the correct information within 15 days. *A photocopy of BPL card is enclosed in the file.*

**Grounds for Second Appeal:**

Neither information nor any notice had been provided by PIO.

**Relevant Facts emerging during Hearing:**

The following were present

**Appellant:** Absent

**Respondent:** Mr. O.P.Gupta (APIO Food and Supply)

The PIO states that the RTI Application was not received by him. However, the Appellant has included the receipt no. ED844602289IN issued by Speed Post on 02/04/2009. It is also significant that no such plea of non-receipt of the RTI Application has been recorded in the order of FAA. Mr. O.P.Gupta states that he has joined recently and the person responsible for this delay is Mr. K.D.Trehan (Asst. Commissioner East Zone & PIO). The Respondent shows no evidence that the information has been provided to the Appellant but is only showing that on 09/09/2009 the grievance of the Appellant appears to have been resolved. The Appellant in his second appeal has alleged that a bribe of Rs. 1000 is demanded by the Public Authority official to correct mistakes in the name mentioned in the card. The Respondent appears to be showing the Commission that the bribe may not have been taken but no information has been given.

**Decision:**

The appeal is allowed.

The PIO is directed to give the complete information to the Appellant before 30 September 2009. From the facts before the Commission it is apparent that the PIO, Mr. K.D.Trehan is guilty of not furnishing information within the time specified under sub-section (1) of Section 7 by not replying within 30 days, as per the requirement of the RTI Act. He has further refused to obey the orders of his superior officer, which raises a reasonable doubt that the denial of information may also be malafide. The First Appellate Authority has clearly ordered the information to be given.

It appears that the PIO's actions attract the penal provisions of Section 20 (1).

A showcause notice is being issued to him, and he is directed give his reasons to the Commission to show cause why penalty should not be levied on him.

He will present himself before the Commission at the above address on 09 October 2009 at 12.30pm alongwith his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1). He will also submit proof of having given the information to the appellant.

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**  
**17 September 2009**

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