

**CENTRAL INFORMATION COMMISSION**  
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Decision No. CIC/SG/A/2009/001500/4335  
Appeal No. CIC/SG/A/2009/001500

**Relevant Facts emerging from the Appeal:**

Appellant : Mr. Kamal Singh  
219, 1<sup>st</sup> Floor, Tagore Park,  
Near West Mukherjee Nagar,  
Delhi-110009.

Respondent : Mr. A.K.Verma  
Public Information Officer  
**Municipal Corporation of Delhi**  
Vigilance Department,  
16, Rajpur Road, Civil Lines,  
Delhi-110054.

RTI application filed on : 02/12/2008  
PIO replied : 02/01/2009  
First appeal filed on : 04/02/2009  
First Appellate Authority order : 02/03/2009  
Second Appeal received on : 03/06/2009

Sl..	Information Sought	PIO's Reply
1.	How many officials of MCD have been ordered to be charge sheeted during the last 3 years (from 11/01/2006 to 31/11/2008) for minor & major penalties? How many charge sheet have actually been issued during the above period?	Total officials charge-sheeted w.e.f. 1/1/2006 to 30/11/2008 are 1595. Out of these officials 1350 officials were charge-sheeted for major penalties while 245 officials were charge-sheeted for minor penalties. In this period 1472 charge sheets were issued.
2.	How many departmental inquiries were pending and what were the steps taken to ensure early conclusion of departmental inquiries?	This Para has already been referred to Director of Inquiries vide letter No. PIO(Vig.)/CRIA/HC/1493/2008/5853 dated 26/12/2008 for providing information directly.
3.	Did Vigilance Department of MCD actually consider and process the defence statements/representations received from the charged officers and put up the same to the concerned Disciplinary Authorities for their consideration for obtaining their specific orders on the same for accepting or rejecting them as required under the relevant rules i.e. DMC Services (Control and Appeal) Regulations, 1959? In how many cases charges during the last 3 years had been dropped	Defence statements/representation of the charged officials alongwith entire record of the case id placed before the Disciplinary Authority for consideration and passing appropriate orders. In no case charges were dropped during last 3 years after considering defence statements. Defence statements/representation are properly considered.

	after considering the defence statements? If there is no practice to consider the defence statements received from the charged. What are the reasons thereof?	
4.	What were the steps taken by the Vigilance Department to avoid delay in taking action on defence statement and processing Vigilance cases? Have any instruction been issued in this regard? If yes, kindly supply copies of the instructions. If not, what are the reasons for not issuing necessary instructions to the officers and staff of Vigilance Department?	In this regard CVC instructions are being followed (Copy has been provided).
5.	Are officers of Vigilance Department including DOV and CVO conscious and alive to their responsibilities o dispose of the files and papers put up to them expeditiously to set the good examples of efficiency to the lower staff of vigilance department? How many files had been disposed off during the last 3 years by ADVOS, ADCDOV and COV and what was the time taken in respect of each file. Kindly give the relevant information.	Yes, all the files and papers put up before CVO, DOV, ADC & ADOV's were disposed expeditiously taking necessary minimum time.
6.	It has been seen that wrong charges have been framed against some officials of MCD due to carelessness on the part of concerned officials/officers of Vigilance Department. In how many such cases of framing wrong and factually incorrect charges, disciplinary action has been taken for dereliction of duty?	None.
7.	What is the policy with regard to posting of staff and officers to vigilance department? Is there any tenure limit of posting in Vigilance Department? If yes, what is the maximum period of posting in Vigilance Department? Are steps taken to ensure that staff and officers do not overstay in Vigilance Department and develop any personal interest in staying in Vigilance Department? Give the number of such officers who had been in this department for more than 5 years.	As per CVC instructions posting and transfer in Vigilance Department is required to be done with the approval of CVO. Four Officers are continuing in Vigilance Department for more than 5 years.

**Ground of First Appeal:**

Unsatisfactory and incomplete information received from the PIO.

**First Appellate Authority ordered:**

“In view of fact arose during the hearing of the case, PIO/Vig. is directed to inform the Appellant within 15 days as to whether the CVC’s instructions in question have been circulated or not. So far information regarding number of files disposed of by various officers of the department and time taken in respect of each file is concerned, the Appellant is requested to inspect the relevant registers of various officers within 10 days as the information is bulky in nature which will divert the entire resources of the department, if collected..”

**Ground of the Second Appeal:**

Non-compliance of the order of FFA by the SPIO.

**Relevant Facts emerging during Hearing:**

The following were present:

Appellant : Mr. Kamal Singh

Respondent : Mr. A.K.Verma, PIO

The appellant is raising a fairly important issue and the information given by the PIO clearly shows that CVC's instructions are not even circulated or known. The Respondent claims that, "many times files are sent to CVC's for obtaining first stage advise or second advise which takes three to four months hence it is not possible to maintain any timelines."

The information has been provided late to the Appellant and the Respondent claims that this was due to the concerned officer having an illness in his family. The PIO is warned that if the timelines are not observed penalties under Section 20(1) will be imposed.

The Commission finds that whereas CVC has given timelines for enquiries and investigations it is apparent that these timelines are not followed, which is the main contention of the Appellant. The Respondent's statement only indicates that if CVC which issues that guidelines itself does not follow any time discipline, organizations like Vigilance Department are also likely to follow the bad example being set. The Appellant is understandably agitated about the fact that the combination of Vigilance and Enquiry setups in the country do not lead to any deterrent action for the wrong doing.

**Decision:**

The Appeal is allowed.

The information has been provided 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**  
**31 July 2009**

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

*(GJ)*