

CENTRAL INFORMATION COMMISSION
2nd Floor, 'B' Wing, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi -110066
Tel : +91-11-26186535

Complaint No. CIC/BS/C/2015/000034

Complainant: Vidya Sankari,
Kashish Park, Lxn-2, Flat No. 6,
Saikrupa Co-operative Housing Society,
LBS Marg, Thane West-400604.

Respondent: Central Public Information Officer
GM(E-1), MTNL,
O/o The General Manager, E-1,
MTNL, 3rd Floor,
Mityanand Nagar Tele. Exch. Bldg.,
Link Road, Ghatkoper (W),
Mumbai-400086.

Date of Hearing: 01.06.2017

Dated of Decision: 01.06.2017

ORDER

Facts:

1. The complainant filed RTI application dated 07.07.2014 seeking information on 8 points regarding the APAR's procedure: time frame for writing APARs of the sub-ordinate officers by the retired officers and whether MTNL follows the same; no. of officers who had written the CRs after three months from retirement which got accepted by their superiors; date of retirement of Mr. D.G. Deshpande, DGM (IFA) East I; name of the officers for whom Mr. Deshpande had written the APARs; whether any objection was raised by the officers for the delayed submission of APARs etc.

2. The CPIO responded on 08.09.2014. The complainant filed first appeal dated 20.08.2014. The FAA response is not on record. The complainant filed a complaint on 21.01.2015 before the Commission on the ground that information should be provided to her.

Hearing:

3. Both the parties participated in the hearing through video conferencing.

4. The complainant stated that the respondent has intentionally refused to supply the information sought. Further, she stated that incomplete information had been given to her, which is not within the time frame stipulated under the RTI Act. She has undergone immense mental trauma and damage has been done to her reputation due to the late reply. She requested the Commission for imposition of the penalty and awarding her a suitable compensation as she is being harassed by the respondent for the past 3 years. The subject matter pertains to her APAR. She also stated that the sought for information is very vital for her case before the Central Administrative Tribunal (CAT). In fact, she has herself objected to the said APAR but the respondent has replied indicating that there were no objections against the APAR submitted by Mr. Deshpande. Promotion has been denied to her based on the APAR, therefore, she wanted to challenge the contents of the APAR. This has resulted into a huge loss for her professional growth.

5. The respondent stated that the sought for information has been provided to her vide letter dated 13.11.2014 in pursuance of the first appellate authority's order dated 18.10.2014.

Discussion/ observation:

6. There is a substantial delay in furnishing the sought for information.

7. With regard to the 'objection' part of the RTI, there appears to be a prima facie lacuna in the reply furnished by the respondent as the complainant herself had objected to the APAR. However, the respondent has stated in his reply dated 13.11.2014 that there were no objections against APAR submitted by Mr. Deshpande. The General Manager (East-I), MTNL, Mumbai should conduct an enquiry into the matter to find out the veracity of the reply given by the CPIO and submit a report to the Commission, within 30 days from the date of receipt of this order.

Decision:

8. The General Manager (East-I), MTNL, Mumbai is directed to take action as per para 7 above.

9. The respondent is directed to show cause, within 30 days from the date of receipt of this order, why penalty should not be imposed on him for not providing the sought for information within the timelines prescribed in the RTI Act.

Copy of the order be given to the parties free of cost.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

(S.C. Sharma)
Dy. Registrar

Copy To:-

The General Manager (East-I), MTNL
Mityanand Nagar Tele. Exch. Bldg.,
Link Road, Ghatkoper (W),
Mumbai-400086.