

CENTRAL INFORMATION COMMISSION
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

F. No. **CIC/YA/C/2016/000047**
CIC/YA/C/2016/000046

Date of Hearing : **30.06.2016**
Date of Decision : **01.07.2016**
Date of Final Disposal of Non Compliance : **24.11.2017**

Appellant/Complainant : **Shri S K Bajaj, Delhi**

Respondent : CPIO, Safdarjung Hospital & VMMC, Delhi
Through: Dr. Kashika, M.O./CPIO, Dr. Sanjiv Mahajan, CPIO, Dr. Mukesh Nagar, CPIO, Dr. K T Bhowmik/Addl. Medical Supdt., Dr. N N Mathur, Principal, Mr. Gian Singh Thakran, Dr. B B Thukral, Dr. B. Srinivas

Information Commissioner : Shri Yashovardhan Azad

Since both the parties are same in the above mentioned complaints, these cases are clubbed together for hearing and disposal to avoid multiplicity of the proceedings.

Relevant facts emerging from appeal:

Case No.	RTI filed no.	CPIO reply	First appeal filed	FAA order	Complaint filed on
0047	11.05.2015	No reply	29.06.2015	21.08.2015	26.02.2016
0046	05.05.2015	08.06.2015	29.06.2015	No order passed	10.08.2015

CIC/YA/C/2016/000047

Information sought and background of the case:

Vide RTI application dated 11.05.2015, the complainant sought information under 5 points regarding policy/rules/regulations governing allotment of

DNB candidates eligible supervisors, rules/regulations regarding eligibility to become supervisor/guide to DNB candidates and such other related queries.

CPIO replied stating that RTI application for points 1, 2 & 4 has been referred u/s 6(2) of RTI Act 2005 to CPIO, NBE by letter dated 27.05.2015(though CPIO's reply is not placed on record). The complainant preferred first appeal dated 29.06.2015 being aggrieved with the response of the CPIO. FAA vide order dated 21.08.2015 decided the FA and upheld the reply of CPIO. Feeling aggrieved the complainant approached the Commission.

Relevant facts emerging during hearing:

Both parties were present during the hearing. The Complainant has explained that he has been denied the supervision of DNB candidates in the last 5 years. DNB is a post graduation Diploma and equivalent to MD or MS degrees awarded by normal medical universities. He has placed reliance on the decision of the Kerala High Court in the case of Sathyan A.V. Payyoli Service Co-operative VS. Govt of Kerala & Anr. [WP (C) No. 9265/2008] and the Apex Court's decision in the case titled Daya Ram vs. Raghunath & Ors.[Civil Appeal 2900/2007] emphasising the importance of reason and stating that failure to give reason amounts to denial of justice and hence right to reason is an indispensable part of the judicial system. And thus the Complainant contended that response from the public authority unless backed by reason is not admissible unless the public authority chooses to reason its decision. He has further elaborated that the Section 4(1)(d) of the RTI Act provides that every public authority shall reason its administrative or quasi judicial decisions. And this mandate of law has been violated by the Respondent in this case, as per the Complainant.

The Respondent has placed some documents on record one of which is a document dated 23.06.2016 from the Principal, VMMC providing copy of rules and regulations as well as the information bulletin available with them and forwarding remaining queries to the Department of Radiology for response. In response to the query no. 4, Department of Radiology has also submitted some response dated 22.06.2016.

Decision:

After hearing parties and perusal of record, the Commission finds that the denial of the DNB to the complainant has been cause of great distress to him. Moreover, denial of information by way of the unreasoned order of the Respondent has further aggravated the position. Even the information bulletin provided to him lays down only the generic guidelines but no specific policy in this regard has been found on record. In view of such facts of the

matter, the Commission finds it imperative to convert the instant complaint into an appeal for purpose for effective adjudication and directs the Respondent to furnish a revised reply within two weeks of receipt of this order. The Respondent is cautioned and directed to provide clarification while denying any information even in future.

CIC/YA/C/2016/000046

Information sought and background of the case:

Vide RTI application dated 05.05.2015, the complainant sought information under 5 points regarding experience certificates to specialists/consultants of Non teaching sub-cadre between Jan 2009- Dec 2012 issued by the Principal/college authorities of VMCC and other related information.

CPIO vide letter dated 08.06.2015 furnished point wise information as available on record. The complainant preferred first appeal but no order was passed by FAA. Feeling aggrieved the complainant approached the Commission.

Relevant facts emerging during hearing:

Both parties were present during the hearing and reiterated their respective contentions. The Respondent has submitted a written note indicating that RTI application was responded on 08.06.2015 furnishing 10 pages of information to the complainant. It has further been stated that the First appeal filed by the complainant was also duly heard on 14.08.2015 and copy of desired information furnished by hand to the complainant. Some more pages of information received from concerned departments were furnished even as recently as on 23.06.2016. The Complainant contends that information as sought by him has been provided only after the intervention of the First Appellate Authority, after a delay of 5 to 6 months. He complains of being aggrieved due to incomplete information being furnished.

Decision:

After hearing parties and perusal of record, the Commission finds that the FAA hearing took place on 14.08.2015 which is after filing of the instant Complaint before the Commission on 06.08.2015. However, admittedly after the intervention of the First Appellate Authority, the information was furnished to the Complainant. Since the information as sought has already been provided by the Respondent no further directions are passed in this regard. However, the Respondent is warned to be more diligent while dealing

with RTI matters. Furnishing of accurate and complete information should be the rule and need not await the direction from the First Appellate Authority. The Commission takes a lenient view of the matter for only this one time because information has been furnished and makes it amply clear that no such indulgence shall be granted in future.

The cases are disposed of accordingly.

NON COMPLIANCE DECISION

Pursuant to the Commission's aforementioned order dated 01.07.2016, the Commission has received the following documents from the Respondents:

1. Letter dated 12.08.2016 and Letter dated 09.09.2016 from the Principal, VMMC denying holding any information about denial of DNB Supervisor-ship to the applicant.
2. Letter dated 27.09.2016 from Consultant, Department of Radiology stating that all information/directives pertaining to UG and PG teaching and training activities come under the purview of the office of the Principal and Academic Section, VMMC.

Both of the above officials viz. Principal, VMMC and the Consultant, Department of Radiology apart from denying their own role/s in holding the information sought by the applicant, both have passed the onus of holding the information upon each other.

3. An Information Bulletin of Fresh/ Renewal of Accreditation and Appellant Form for DNB.
4. Circular dated 09.03.2009 from the Nodal Officer, DNB, VMMC specifying the requirements and specifications to be undertaken for running DNB Training.
5. An office note dated 12.08.2013 from the Admn Officer, Safdarjung Hospital notifying joining of two new trainees.
6. A circular dated 31.08.2010 from the CMO, VMMC wherein allocation & allotment of PG Supervisors to PG Degree students have been specified.

7. A letter dated 06.10.2015 from the Dy. Director (Medical), NBE providing "Clarification regarding nomination of Dr. Sunil Bajaj (the applicant) and Dr. Rupie Jamwal as Guide-Regd." Relevant extracts of the said letter are as follows:

The matter has been examined and you are hereby informed that Dr. Sunil Kumar Bajaj cannot be considered as a guide for DNB Radio-Diagnosis programme at the hospital as his name is not included in the list of surplus faculty members available for DNB Radio Diagnosis programme as submitted earlier by your hospital vide letter No. 9-1/14-DNB/Acad dated 13.03.2014.

Further, you are requested to provide the details regarding PG teacher criteria, as prescribed by MCI, being fulfilled by Dr. Rupie Jamwal for necessary action in the matter.

Apart from the aforementioned documents, the Commission is in receipt of number of Non compliance applications filed by the applicant alleging that denial of existence of information, was never averred before by the Respondent indicating that it is an afterthought. By the repeated Non compliance applications, the applicant has urged that **reason for denial of DNB Supervisorship** has not been furnished to him and this has resulted in Non-compliance of the Commission's orders.

Before proceeding further, it will be worthwhile to revisit the exact queries of the Applicant vide his RTI application dated 11.05.2015. They are as follows:

- 1. What is the policy/rules/regulations governing allotment of DNB candidates to eligible supervisors. Please provide copy of documents detailing these.*
- 2. Are medical officers with PG degree eligible to be allotted DNB students for thesis supervision/guidance? Please provide copy of rules/regulations regarding eligibility to become supervisor/ guide to DNB candidates.*
- 3. Was any communication recommending Dr S K Bajaj as DNB supervisor by HOD Radiology received in Academics/ Principal office of VMMC in last 3 years. If yes please provide the copy of such communication, copy of reply to it and notings on the file dealing with such communication.*
- 4. On what basis has Dr Sunil Kumar Bajaj having PG degree in Radiodiagnosis been denied supervisorship of DNB candidates, while giving the same repeatedly to other faculty members every year upto 4-5 times consecutively. The reasons for this action may be provided under section 4 (1)(d) of RTI Act.*

5. *I may be granted opportunity to inspect the documents/files related to conduct of DNB courses in VMMC and take photocopies therefrom as required.*

Considering the documents furnished so far by the Respondents, particularly the circular dated 09.03.2009 from the Nodal Officer, DNB, VMMC specifying the requirements and specifications to be undertaken for running DNB Training, circular dated 31.08.2010 and the letter dated 06.10.2015 from the Dy. Director (Medical), NBE providing "Clarification regarding nomination of Dr. Sunil Bajaj (the applicant) and Dr. Rupie Jamwal as Guide-Regd, there appears no further reason to hold that the direction of the Commission has remained un-adhered or non complied. The queries as raised by the applicant may not have been point wise responded earlier, but post the directions of this Commission, vide the documents as discussed above enough information has been provided by the Respondent.

Under the circumstances, it appears that no specific document/information about denial of the Supervisorship to applicant is available on record with the Respondent. The Applicant is at liberty to agitate his grievance seeking appropriate legal remedy. In so far as information available on records is concerned, the same has been provided already. Hence no purpose will be served by keeping this case pending and the case is directed to be closed.

File be consigned to Record Room.

(Yashovardhan Azad)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(R.P.Grover)
Designated Officer

Copy to:-

