Case No. CIC/MP/C/2014/000268

Appellant : Shri Kamlesh Kumar, Agra

Name of Respondent : State Bank of Patiala, Meerut

Date of Hearing : 23rd April, 2015
Date of Decision : 30th April, 2015

Present:

Date of show cause hearing : 25th August, 2015.
Date of decision of Show Cause : 10th September, 2015.

Respondent : Shri Banshi Dhar Bahuguna, AGM & Shri Kumar Panikar, Law Officer.

ADJUNCT ORDER

The Commission vide its order of even number dated 30.04.2015 held that the plea of the respondents for the delay in replying to the RTI application was not cogent. A show cause notice was issued to the CPIO u/s 20(1) of the RTI Act, 2005 to explain as to why a penalty should not be imposed on the CPIO for not replying to the RTI application within the stipulated time mandated under the Act.

2. Shri Banshi Dhar Bahuguna, AGM, State Bank of Patiala (SBP), Meerut stated that the complainant had filed his RTI application before the ACPIO i.e. Branch Manager, Nehru Nagar, Agra Branch. As per circular instructions of SBP,
ACPIO may receive requests for information from public and forward the same to the CPIO concerned. If the information sought by the applicant pertains to the Branch then the Branch Manager concerned will prepare the draft of reply and send the same to the CPIO concerned for consideration as well as for any other necessary action. Thereafter the CPIO may send the draft reply to the applicant as final by signing it or may claim exemption from disclosure under the provisions of the RTI Act. The RTI application was received on 28.2.2015 by the CPIO. The draft of reply of the RTI application was prepared by the Branch concerned Agra. The information sought for by the complainant was with respect to their employee against whom the complainant’s daughter had lodged a F.I.R. for demand of dowry, harassment etc. as stated in the complaint made to the Branch Manager of State Bank of Patiala, Agra. Since a legal/criminal matter was being contested by the complainant against the employee, in respect of whom information was sought for, the respondent had to obtain the legal opinion before replying to RTI application. As no law officer was posted in Meerut, they had obtained verbal opinion from Zonal Office, Lucknow. The legal opinion came a little late, the CPIO was unable to furnish the information in time stipulated under the RTI Act. The desired information was provided to the complainant by the CPIO vide letter dated 20.05.2014.

3. The Commission finds that Shri Banshi Dhar Bahuguna, AGM, SBP has failed to justify the delay in providing information to the complainant. The RTI application was received by him on 28.2.2015 and was replied to the complainant vide his letter dated 20.05.2014.

4. Having considered above submissions of the CPIO, the Commission observed that Shri Banshi Dhar Bahuguna, AGM, SBP, Meerut had caused a delay of 50 days in responding to the RTI application of the complainant. Hence a penalty of Rs. 12,500/- (Rupees twelve thousand fifty only) is imposed u/s 20(1) of the RTI Act, 2005 upon Shri Banshi Dhar Bahuguna, AGM, SBP, Meerut
which shall be recovered in five monthly instalments of Rs. 2500/- each from his pay and allowances from the month starting November, 2015 to March, 2016.

5. The CMD, State Bank of Patiala, Head Office, The Mall, Patiala is hereby directed to recover the amount of Rs. 12,500/- (Rupees twelve thousand five hundred) @ Rs. 2500/- (Rupees two thousand five hundred) per month from the salary of Shri Banshi Dhar Bahuguna, AGM, SBP, Meerut and remit by the 10th of every month starting from 10th of November, 2015, by a demand draft or a Banker's cheque in the name of the Pay & Accounts Officer, CAT, payable at New Delhi and send the same to Shri A.C. Patel, Joint Secretary (P&B) & Additional Registrar of the Central Information Commission, 2nd Floor, August Kranti Bhawan, New Delhi-110066. The total amount of Rs. 12,500/- will be remitted by 10th of March, 2016.

(Manjula Prasher)
Information Commissioner

Authenticated true copy:

(T.K. Mohapatra)
Deputy Secretary & Deputy Registrar
Telephone No. 011-26105027,
Address of the parties:

Shri Banshi Dhar Bahuguna,
Asstt. General Manager,
State Bank of Patiala,
Regional Office-II (Lko), 2nd Floor,
Meerut Mall,
Delhi Road,
Meerut-250002

The CMD [Head of Public Authority],
State Bank of Patiala,
The Mall,
Patiala (Punjab)

Shri Kamlesh Kumar [Complainant],
S/O Shri Chetram,
207, West Arjun Nagar,
Agra (U.P)

Copy for information:

Shri A.C. Patel,
Joint Secretary (P&B)/Additional Registrar,
CIC