

Central Information Commission

Mr.Krishan Kumar vs Gncd on 31 August, 2010

CENTRAL INFORMATION COMMISSION

Club Building (Near Post Office)  
Old JNU Campus, New Delhi - 110067  
Tel: +91-11-26161796

Decision No. CIC/SG/A/20

Appeal No. CIC/SG

Relevant Facts

emerging from the Appeal Appellant : Mr. Krishan Kumar S/o Sh. Daya Nand, Village Kanganheri, P.O Chhawla, New Delhi- 110071.

Respondent : Mr. R. A. Dohrey  
Public Information Officer & BDO  
Government of NCT of Delhi,  
BDO Office Complex,  
Old Roshanpur road,  
Najafgarh, New Delhi-110043

RTI application filed on : 24/01/2010  
PIO replied : 14/05/2010  
First appeal filed on : 28/04/2010  
First Appellate Authority order : 10/06/2010  
Second Appeal received on : 12/07/2010

Information Sought:

The appellant sought information regarding:

1. Mention as to under whose orders Girdavari of the land of Khasra No. 20/8 was not registered in the documents in the name of Daya Nand S/o Late Sohan Lal.
2. Provide the copy of orders under which Girdavari of Khasra No. 20/8 was discontinued wef 1983 onwards.

Reply of the Public Information Officer (PIO) No information asked by the Appellant is available on record.

Grounds for the First Appeal:

Unsatisfactory information provided by the PIO.

Order of the First Appellate Authority (FAA): The RTI application had been transferred to APIO -Tehsildar (Palam) on 13/04/2010. The FAA directed the Tehsildar (Palam) to furnish the information sought by the Appellant within 7days.

Grounds for the Second Appeal:

Unsatisfactory information provided by the PIO. Relevant Facts emerging during Hearing:

The following were present:

Appellant: Mr. Krishan Kumar;

Respondent: Mr. Kuldeep, Panchayat Secretary on behalf of Mr. R. A. Dohrey, Public Information Officer & BDO;

The First Appellate Authority had directed the Deemed PIO/Tehsildar (Palam) Mr. Rana to provide the information to the appellant within seven working days. The appellant states that he has not received any information so far.

Decision:

The Appeal is allowed.

The Deemed PIO/Tehsildar (Palam) Mr. Rana is directed to give the information as directed by the First Appellate Authority to the appellant before 20 September 2010.

The issue before the Commission is of not supplying the complete, required information by the Deemed PIO/Tehsildar (Palam) Mr. Rana within 30 days as required by the law. From the facts before the Commission it is apparent that the deemed PIO 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 deemed PIO's actions attract the penal provisions of Section 20 (1). A showcase 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.

Deemed PIO/Tehsildar (Palam) Mr. Rana will present himself before the Commission at the above address on 12 October 2010 at 10.30am 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.

If there are other persons responsible for the delay in providing the information to the Appellant the PIO is directed to inform such persons of the show cause hearing and direct them to appear before the Commission with him.

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 August 2010 (In any correspondence on this decision, mention the complete decision number.) (VN) CC: to, Mr. Rana Deemed PIO/Tehsildar (Palam) Govt. of NCD of Delhi BDO Complex, Nazafgarh, Palam, New Delhi