

Central Information Commission

Mr.Chirag Saini vs Mcd, Gnct Delhi on 14 April, 2010

CENTRAL INFORMATION COMMISSION

Club Building (Near Post Office)

Old JNU Campus, New Delhi - 110067

Tel: +91-11-26161796

Decision No. CIC/SG/C/2010/000192/7459

Complaint No. CIC/SG/C/2010/000192

Complainant	:	Mr. Chirag Saini 4447, Arya Pura Subzi Mandi Ghantaghar, New Delhi-110007
Respondent	:	Deemed Public Information Officer Executive Engineer (B) Municipal Corporation of Delhi Sadar Paharganj Zone, Idgah Road Behind Sadar Police Station, Sadar Pahar Ganj , New Delhi

Facts arising from the Complaint:

Mr. Chirag Saini had filed a RTI application with the PIO, MCD, Sadar Pahar Ganj Zone on 14/11/2009 asking for certain information. However on not having received any further information within the mandated time, the Complainant filed a complaint under Section 18 of the RTI Act with the Commission. On this basis, the Commission issued a notice to the PIO, MCD, SP Zone on 24/02/2010 with a direction to provide the information to the Complainant and further sought an explanation for not furnishing the information within the mandated time.

The Commission has received a copy of letter dated 18/03/2010 of the SE, MCD/SP Zone vide which the Executive Engineer (B), MCD, SP Zone has been directed to provide the requisite information to the Complainant. Further, the said letter states O/o the SE has already given such directions to the EE (B) vide letters dated 24/02/2010 and 03/03/2010 as also the Commission's notice has been served to the EE (B) vide a letter dated 05/03/2010. However, the Commission has neither further received a copy of the information sent to the Complainant, nor has it received any explanation from the deemed PIO for not supplying the information to the Complainant. Therefore, the only presumption that can be made is that the deemed PIO has deliberately and without any reasonable cause refused to give information as per the provisions of the RTI Act.

Decision:

The Complaint is allowed.

In view of the aforesaid, the deemed PIO is hereby directed to provide the complete information in regard to the RTI Application dated 14/11/2009 to the Complainant before 07/05/2010 with a copy to the Commission. From the facts before the Commission, it appears that the deemed PIO has not provided the correct and complete information within the mandated time and has failed to comply with the provisions of the RTI Act. The delay and inaction on the deemed PIO's part in providing the information amounts to willful disobedience of the Commission's direction as well and also raises a reasonable doubt that the denial of information may be malafide.

The deemed PIO is hereby directed to present himself before the Commission on 14/05/2010 at 02.30 pm along with his written submissions to show cause why penalty should not be imposed and disciplinary action be recommended against him under Section 20 (1) and (2) of the RTI Act. Further, the deemed PIO may serve this notice to such person(s) who are responsible for this delay in providing the information, and may direct them to be present before the Commission along with the deemed PIO on the aforesaid scheduled date and time. If the information has already been supplied to the complainant, bring a copy of the same to the Commission with your written submissions, and also proof of seeking assistance from other person(s), if any.

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, 2005.

Shailesh Gandhi Information Commissioner 14/04/2010 Encl: Copy of RTI Application dated 14/11/2009.

CC:

Public Information Officer Superintending Engineer Municipal Corporation of Delhi O/o the Suptdg. Engineer Sadar Paharganj Zone, Idgah Road New Delhi (In any correspondence on this decision, mention the complete decision number.)(SP)