

Central Information Commission

Shri Z.U.Nizami vs North Central Railway, Allahabad on 13 January, 2010

Central Information Commission

CIC/OP/C/2009/000083-AD

Dated January 13, 2010

Name of the Applicant : Shri Z.U.Nizami

Name of the Public Authority : North Central Railway, Allahabad

Background

1. The Applicant filed an RTI application dt.12.10.08 with the PIO, NCR, Allahabad requesting for information against 3 points including the number of employees who after the suspension period and not being chargesheeted have been promoted. He also wanted orders for promotion of one Mr.Avtar Singh and also information regarding time frame for issuing the chargesheet and the time limit. He also sought rules which allow non promotion to any employee who has been suspended and has not been issued charge sheet even after suspension has been revoked. The Divisional Finance Manager replied on 11.11.08 stating that since the Applicant has not passed prescribed appendix IIA Examination for departmental promotion, he was allowed to appear for seniority cum suitability test held on 20.5.06 in HQ as a pre-requisite for promotion to the next grade in which he was not declared successful and hence he was not promoted. Not satisfied with the reply, the Applicant filed an appeal dt.28.11.08 with the Appellate Authority requesting for copies of some documents. The Appellate Authority replied on 29.12.08 informing him that PIO had already replied on 11.11.08 giving complete information. Being aggrieved with the reply, the Applicant filed a second appeal dt.nil before CIC stating that he had filed the RTI application for obtaining the rules as provided by Railway Board in regards to issue of charge sheet to C.O who was under suspension by the Order of Railway Board and also wanted the rules on the basis of which an employee who was placed under suspension by Railway Board and whose suspension also has been revoked as per order of Railway Board in absence of issue of major penalty charge sheet, the total period can be treated as duty by the Divisional authority. He further stated that the CPIO has not given any document on the basis of which he can ascertain the genuineness of the order.

2. The Bench of Mrs. Annapurna Dixit, Information Commissioner, scheduled the hearing for January 13, 2010.

3. Shri Mudit Chandra, Sr.DPO, Shri Vineet Dwivedi, Sr.Divisional Finance Manager, Shri R.K.Singh and Shri J.Chatterjee, SWLI represented the Public Authority.

4. The Appellant was heard through audio conferencing.

Decision

5. Shri Mudit Chandra, Sr. DPO submitted that police raided the house of the Appellant and sized illegal arms in a factory being run in it in 1990, and an FIR was lodged by the police and criminal

case was registered against the Appellant and that the Appellant was suspended from service. He added that his suspension was later revoked and the Appellant is now seeking information in connection with the suspension and the subsequent revoking of the suspension. He further stated that they were unable to provide information with regard to Mr.Avtar Singh without having any details about his post, designation etc. and that the Appellant was invited to come to the office personally to provide the details and inspect the files but he did not turn up.

6. The Commission after hearing the submissions made by the Respondent holds that no information as available on records has been sought by the Appellant. However, the Appellant may provide the details of Shri Avtar Singh such as his designation, department where he works etc. to the PIO within 5 days of receipt of this Order and the PIO may allow the applicant to inspect the files of Shri Avtar Singh on a mutually convenient date and time and provide him with certified copies of documents he requires, free of cost.

7. The information to be provided by 15.2.2010.

8. The appeal is accordingly disposed of.

(Annapurna Dixit) Information Commissioner Authenticated true copy:

(G.Subramanian) Deputy Registrar Cc:

1. Shri Z.U.Nizami Accounts Clerk H.No.90 Baidan Tola Allahabad
2. The PIO North Central Railway Divisional Railway Manager's Office Allahabad Division Allahabad
3. The Appellate Authority North Central Railway Divisional Railway Manager's Office Allahabad Division Allahabad
4. Officer incharge, NIC
5. Press E Group, CIC