

Central Information Commission

Sh Maan Singh vs Municipal Corporation Of Delhi on 2 February, 2010

CENTRAL INFORMATION COMMISSION

Club Building (Near Post Office)

Old JNU Campus, New Delhi - 110067

Tel: +91-11-26161796

Decision No. CIC/SG/A/2009/002835/5763Penalt

Appeal No. CIC/SG/A/2009/00283

SHOWCAUSE HEARING:

Appellant : Sh Maan Singh  
R/o 5-6, near 8/74, Double Storey, Vijay Nagar  
Delhi - 110009

Respondent : Mr. Nirwan,

UDC Municipal Corporation of Delhi Veterinary Services Department, Room 14, Old Barracks, Near Meva Hotel, Town Hall, Delhi - 110006.

RTI application filed on : 24/06/2008  
PIO replied : 24/07/2008  
First appeal filed on : 31/07/2009  
First Appellate Authority order : 06/08/2009  
Second Appeal filed on : 24/10/2009

S. No	Information Sought	Reply of the PIO
1.	Complete certified copy of decision	Copy of the minutes of the meeting w

of Stray Cattle Committee in respect attached. of allotment of dairy plots.

2. The market rate fixed by the As per Modality of Stray Cattle department for another plot. Committee, the second plot would be allotted to the applicant maintaining dairy in the premises belonging to him at the applicable DDA market rate of Rs 36,560/- provided by DDA.

3. Whether any public comments were It was the discretion of the Stray Cattle taken by the Committee through Committee and that probably no such publication in newspaper in respect comments were invited. of change in allotment policy, and if so copies of such newspapers.

4. Why the intimation had not been It was available on the MCD website provided in respect of change in www.mcdonline.gov.in allotment of dairy plot?

5. Name, designation and address of The allotment was being considered by the officer liable to allot the dairy and eight member Allotment Committee plots. and not by any one officer.

First Appeal:

Unsatisfactory information provided by the PIO.

Page no. 1 of 3 Order of the FAA:

The FAA directed the Veterinary Officer (HQ) to provide the information to the Appellant within 10 days.

Ground of the Second Appeal:

That the Appellant has still not been supplied with the proper information.

Decision dated 7 December 2009:

The Appeal was allowed. The PIO was directed to provide the following information to the Appellant before 31 December 2009:

- Copy of minutes of the Stray Cattle Committee
- Information regarding change of allotment of Dairy plot
- Name, designation and other details of the members of allotment committee

As from the facts before the Commission it was apparent that the Veterinary Officer (HQ) was guilty of not furnishing the complete information within the time specified under sub-section (1) of Section 7 and he had also not obeyed the orders of his superior officer, a show cause notice was issued to the Veterinary Officer (HQ). He was directed to present himself before the Commission on 5 January 2010 at 12 p.m. along with his written submissions to show cause why penalty should not be imposed on him as mandated under Section 20 (1).

Relevant facts arose during the show cause hearing held on 05/01/2010: The following persons were present :

Appellant: Absent Respondent: Dr. Y Kumar During the show cause hearing on 05/01/2010, Dr. Y. Kumar submitted that he had forwarded the First Appellate Authority's order dated 06/08/2009 to the Head Clerk on 07/08/2009 with a note that the information should be provided to the Appellant within 7 days. After that the file was not put up to him and it was only on receiving the order of the Commission dated 07/12/2009 that he provided the information.

The Commission therefore decided to schedule another hearing on 02/02/2010 at 11 a.m. to apportion the responsibility of delay between persons. A show cause notice dated 05/01/2010 was issued to Dr. Y Kumar, Mr. ML Sharma, Head Clerk and Mr. KC Nirwan, UDC. Relevant facts arising during the show cause hearing held on 02/02/2010: The following persons were present :

Appellant: Mr. Maan Singh;

Respondent: Dr.Y.Kumar PIO, Mr. M.L.Sharma(Head Clerk), Mr. KC Nirwan UDC, Mr. Dharam Pal LDC (Diary Dispatcher);

Mr. M.L. Sharma Head Clerk states that he received the First Appellate Authority's order on 07/08/2009 and he immediately forwarded it to the UDC Mr. Nirwan. Mr. Nirwan states that he never received a copy of the Order. Mr. Dharam Pal submits that he handed over the order to Mr. Nirwan. Mr. Nirwan first told the Commission that the information was not held by him. When asked by the Commission why he did not point this out to the Head Clerk he stated that he may not have received the application. Mr. ML Sharma positively stated that he had given the RTI application to Mr. Dharam Pal to affirm that he had given the RTI application to Mr. Nirwan. Mr. Nirwan again took the position that he may not have received the RTI application. Mr. Nirwan when asked for the reasons for the delay states that he is not sure when the paper was mixed with other papers. The LDC Mr. Dharam Pal states that this paper has been attached very clearly by UDC Mr. Nirwan with the file. From the deposition of Mr. Sharma, Mr. Nirwan Page no. 2 of 3 and Mr. Dharam Pal it appears that the RTI application had been given to Mr. Nirwan on 07/08/2009 and he has been negligent in providing the information for this. Mr. Nirwan is not able to give any reasonable explanation for not giving information in time. He only keeps saying that the head clerk had marked the application wrongly to him whereas the information should have been with some other UDC. If the information was not with him he should have immediately returned the RTI application to the head clerk. The information has finally been given to the Appellant on 14/12/2009. The RTI application appears to have been given to Mr. Nirwan on 07/08/2009 and the information was provided to the Appellant on 14/12/2009. Since the delay is over 100 days and it appears that the responsibility is rest with Mr. Nirwan. The Commission orders levy of penalty on Mr. Nirwan, UDC of Rs.25000/- which is the maximum penalty under the Act.

**Decision:**

As per the provisions of Section 20 (1) of the RTI Act 2005, the Commission finds this a fit case for levying penalty on Mr. Nirwan, UDC Since the delay in providing the correct information has been over 100 days, the Commission is passing an order penalizing Mr. Nirwan, UDC for Rs. 25000/ which is the maximum penalty under the Act.

The Commissioner, Municipal Corporation of Delhi is directed to recover the amount of Rs.25000/- from the salary of Mr. Nirwan, UDC and remit the same 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 Pankaj K.P. Shreyaskar, Joint Registrar and Deputy Secretary of the Central Information Commission, 2nd Floor, August Kranti Bhawan, New Delhi - 110066. The amount may be deducted at the rate of Rs.5000/ per month every month from the salary of Mr. Nirwan, UDC and remitted by the 10th of every month starting from March 2010. The total amount of Rs.25000 /- will be remitted by 10th of July, 2010.

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 02 February 2010 (In any correspondence on this decision, mention the complete decision number.)Rnj 1- Commissioner Municipal Corporation of Delhi Town Hall, Delhi- 110006

2. Shri Pankaj K.P. Shreyaskar, Joint Registrar and Deputy Secretary Central Information Commission, 2nd Floor, August Kranti Bhawan, New Delhi - 110066 Page no. 3 of 3