

Central Information Commission

Mr.Rajendra Gupta vs Gnctd on 3 November, 2010

CENTRAL INFORMATION COMMISSION

Club Building (Near Post Office)

Old JNU Campus, New Delhi - 110067

Tel: +91-11-26161796

Decision No. CIC/SG/A/2010/001768/88

Appeal No. CIC/SG/A/20

Relevant Facts

emerging from the Appeal Appellant : Mr. Rajendra Gupta 704, G.T. Road, Shahdara Delhi-110032
Respondent : Mr. Rajinder Sharma Public Information Officer & Administrative Officer Municipal Corporation of Delhi Central Establishment Department Town Hall, Delhi-110006 RTI application filed on : 11/03/2010 PIO replied : 30/04/2010 First appeal filed on : 11/05/2010 First Appellate Authority order : Not ordered Second Appeal received on : 24/06/2010 Sl. Information Sought Reply of the PIO

1. Please let the Appellant know about the present status of This matter is sub-judice. the resolution No. 569 dated 14/01/2008 passed by the Corporation and the detail of the procedures that is followed after the proposal is passed and was this proposal passed after consulting the Public Authorities and if yes then please provide the diary no. and date along with the certified copy of the same.

2. Which department was responsible for making of the This is an administrative matter. above said proposal and under what provisions was it kept in the house? Despite of this resolution being passed why has it not been implemented so far? The Hon'ble CAT had also ordered for its implementation but the same has not been done so has the MCD applied in the High Court for going against the same?

3. Detail of the designations and the no. of designations that Total 71 designations have been filed. have been filled by the Central Establishment Department From upper to chief clerical posts 60 from the past 3 years. seats have been filled up and from chief to superintendent posts 109 seats have been filled up.

4. Which all members are there in the Departmental This is answered as per the rules.

Promotion Committee? What is the system and the work procedure of this committee and is there a specific date, month or year for this. Please also provide the detail of the action taken and the minutes of the meeting.

5. Has the Central Establishment Department uploaded As query no. 3 anything on the website regarding the same for bringing transparency in the department? Can a qualified employee apply for the vacant post through the website? What steps are being taken for implementation of the paperless office?

6. Detail of the amendments that take place in the RR and the As per the Manual of Office procedure followed for the same and the time taken for the Procedures. same?

7. Detail of the employees who have been employed in the No such information is available in Central Establishment Department with their name, this office. designation and working experience with the department for the period three, five and seven years.

Grounds for the First Appeal:

Unsatisfactory information provided by the PIO.

Order of the First Appellate Authority (FAA): Not ordered.

Grounds for the Second Appeal:

Unsatisfactory information provided by the PIO and no order by the FAA.

Relevant Facts emerging during Hearing dated August 3, 2010: The following were present
Appellant: Mr. Rajendra Gupta;

Respondent: Mr. Anil Gupta AO, Mr. M. K. Bhardwaj AO on behalf of Mr. Rajinder Sharma, Public Information Officer & Administrative Officer;

"The PIO has provided adequate information to the appellant and some lists which the PIO claims have been sent the appellant is stating have not been received. The appellant would like to inspect the records. The Commission directs the PIO to facilitate an inspection of the records by appellant on 19/08/2010 from 11.00am onwards at the office of Administrative Officer, Establishment-II at Room no. 124, Town Hall, Delhi - 110006. The PIO will also provide a copy of the Court Decision in which the department has challenged the CAT Order. The PIO states that he had provided some information on 31/03/2010. In view of this there can be no ground for penalty imposition."

Decision dated August 3, 2010:

The Appeal was allowed.

"The PIO will facilitate an inspection of the records by the appellant on 19/08/2010 from 11.00onwards. The PIO will give attested photocopies of records which the appellant wants free of cost upto 300 pages."

Facts leading to hearing held on November 3, 2010: The Commission received a letter dated 08/09/2010 from the Appellant stating that on 19/08/2010, he had received 42 pages after inspection of the records. The Appellant alleged that on 19/08/2010, Mr. Rajendra Sharma, PIO assured him that the residual information shall be provided within 10 days. However, no information was provided to the Appellant after 19/08/2010. By notice dated 22/09/2010, the

Commission scheduled a hearing on 03/11/2010 to decide whether there has been non- compliance of the Commission's order dated 03/08/2010.

Relevant facts emerging in hearing held on November 3, 2010: The following were present:

Appellant: Mr. Rajendra Gupta, Mr. Rajesh Nigam and Ms. Ranju Gupta; Respondent: Mr. Rajendra Sharma, PIO & AO and Mr. Gajendra Singh, UDC;

The appellant has done the inspection in one office and subsequently there was an understanding between the PIO and the Appellant that the other PIOs would send the information to him. The appellant is not happy with the information provided and the Commission believes that he would get the satisfactory information only if he would inspect the records.

Adjunct Decision:

The PIO is directed to facilitate an inspection of the records with Mr. Anil Gupta, Mr. M. K. Bhardwaj and Mr. Tanuj Bhanot on 17, 18 & 19 November 2010 from 10.30AM onwards. All three officers are directed to cooperate with the inspection. The appellant would be given attested photocopies of records which he wants free of cost upto 300 pages.

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 November 3, 2010 (In any correspondence on this decision, mention the complete decision number.)(IN)