

Central Information Commission

Mr.Usha Mann vs Government Of Nct Of Delhi on 25 October, 2011

In the Central Information Commission
at
New Delhi

File No: CIC/

Date of Hearing : October 25, 2011

Date of Decision : October 25, 2011

Parties:

Applicant

Ms.Usha Mann
R/o 13-B, Super Deluxe Flats
Sec-15A
Noida 201 301

The Applicant was present during the hearing

Respondents

Home Department
Govt. of NCT of Delhi
5h Floor
Delhi Secretariat
ITO
New Delhi

Represented by : Shri M.A.Ashraf, Jt.Secretary (Home)

Information Commissioner : Mrs. Annapurna Dixit

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Background

1

The Applicant filed an RTI Application dt.30.8.11 with the PIO, Home Department, GNCTD seeking documents and also permission to inspect certain files dealing with her promotion case (numbers indicated in the RTI application) against seven points. On not receiving any reply, she filed a complaint dt.7.10.11 before CIC.

Decision

2

During the hearing, the Respondents submitted that information has been provided on 30.9.11 which the Appellant admitted to having received on 12.10.11. The Respondents stated that out of the seven files against point (a) five files are under submission to Directorate of Vigilance. They further submitted that the files had been further sent to office of the Chief Secretary. The Appellant refuted this statement by stating that her files were sent to the Directorate of Vigilance only after the Public Authority had received her RTI application, on 5.9.11 in an effort to harm her promotional chances. She added that no information has been provided to her even after the file mentioned against point

(a)(vii), was returned to the Public Authority by the Directorate of Vigilance on 16.9.11.

3

The Respondents at this stage pointed out that they have already initiated action with regard to the promotion of the Appellant and that in this connection, a new file, after taking on it the approval of the LG to include the Appellant's name in the promotion list, had been sent to the vigilance for their clearance. They further added that the vigilance had made certain observations after which the file has been sent to the Chief Secretary who is also the Chief Vigilance officer, for his final decision on the matter.

4

The Appellant who was informed about the present status of her promotion case for the first time, during the hearing, decided not to pursue the matter in the RTI application until such time that she receives the Chief Secretary's final decision. Since according to the Respondents the final decision is expected to be taken within a week, the PIO may provide all the information sought by the Appellant within 15 days of the issuance of the final decision by the Chief Secretary, irrespective of whether the decision is in favour of the Appellant or not..

5

The Commission also directs the PIO to show cause as to why the five files mentioned in the PIO's reply dt.30.9.11 had been forwarded to Directorate of Vigilance after they had received the RTI application. The PIO to also inform in his explanation the date of receipt of the file mentioned

against point (a)(vii) from the Directorate of Vigilance. He is directed to submit his written response to the Commission, with a copy to the Appellant by 1.12.11.

6. The appeal is disposed of with the above directions.

(Annapurna Dixit) Information Commissioner Authenticated true copy (G.Subramanian)
Deputy Registrar Cc:

1. Ms.Usha Mann R/o 13B, Super Deluxe Flats Sec 15A Noida 201 301

2. The Public Information Officer Home Department Govt. of NCT of Delhi 5h Floor
Delhi Secretariat ITO New Delhi

3. Officer in charge, NIC Note: In case, the Commission's above directives have not been complied with by the Respondents, the Appellant/Complainant may file a formal complaint with the Commission under Section 18(1) of the RTI Act, giving (1) copy of RTI application, (2) copy of the Commission's decision, and (3) any other documents which he/she considers to be necessary for deciding the complaint. In the prayer, the Appellant/Complainant may indicate, what information has not been provided.