

Central Information Commission

Mr.Satish M Ghiya vs Ministry Of Railways on 24 January, 2011

In the Central Information Commission  
at  
New Delhi

File No:

Date of Hearing : January 24, 2011

Date of Decision : January 24, 2011

Parties:

Applicant

Shri Satish M. Ghiya  
#504, Honeylisha Apartment  
Behind Bhakti Vihar Complex  
Chhapru Chowk  
Lakadganj  
Nagpur 440 008

The Applicant was represented by Shri Y. Saraf during the hearing.

Respondents

Ministry of Railways  
O/o EDV(S) and PIO-V  
Railway Board  
Rail Bhawan  
New Delhi

Represented by : Shri Vikas Purwar, Dir/Vig., Shri Jagdish Pandey, SO/Vig.,  
II/Vig.

Information Commissioner : Mrs. Annapurna Dixit

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Decision Notice

The Commission directs the PIO to transfer the RTI application to PIO, Central Railway, this order of the Commission directing the PIO to provide the Appellant the information 24.2.11 and the Appellant to submit a compliance report to the Commission by 5.3.11. In availability of records, the PIO, Central Railway, Nagpur to provide an affidavit to the

to the Appellant affirming the non availability of information and also giving reasons

The Affidavit should reach the Commission/Appellant by 5.3.11.

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## ORDER

### Background

1 . T h e A p p l i c a n t f i l e d a n R T I application dt.19.6.10 seeking information on the action taken on his complaint dt.27.11.96. Shri Raj Singh, CPIO<sup>5</sup> replied on 21.7.10 enclosing the reply dt.20.7.10 furnished by Shri A.K.Singh, SO who stated that as per available record, no such complaint dt.27.11.96 was received in Vigilance Directorate of Railway Board. The Applicant filed an appeal dt.25.7.10 with the Appellate Authority stating that no information has been received by him till date. Shri A.K.Mitra, Appellate Authority replied on 6.9.10 enclosing the reply furnished by the concerned officer who gave the reply as follows:

"In the reply to RTI application of Shri Satish M. Ghiya, it was informed that the records pertaining to his complaint dt.27.11.1996 were not readily available. After receipt of his application all records were thoroughly searched and after a lot of efforts, ultimately it was found that complaint of shri Satish M. Ghiya had been received in Railway Board's Office and dealt on File No.1997/V2/CR/G/4 during the period of 14.1.1997 to 1.9.1997. In accordance with extant instructions regarding maintenance of records, the case file had been destroyed".

Being aggrieved with the reply, the Applicant filed a second appeal dt.1.10.10 before CIC. Decision

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During the hearing, the Respondents submitted that the case pertains to misuse of LTC and that an investigation was conducted by the Vigilance officials of the Central Railway and since this involved a Group A officer, the matter came to the Railway Board Vigilance Section who disposed of the case with the remarks 'Case Closed. No action taken'. He added that the file however, was destroyed by the vigilance section on 5.7.05. When queried whether the copy of the complaint and investigation report are available with the Central Railway, the Respondents were unable to give a proper reply.

3. The Commission after hearing the submissions of both sides directs the PIO to transfer the RTI application to the PIO, Central Railway, Nagpur along with this order of the Commission directing the PIO to provide the Appellant the information requested by him, by 24.2.11 and the Appellant to submit a compliance report to the Commission by 5.3.11. In the event of non availability of records, the PIO, Central Railway, Nagpur to provide an affidavit to the Commission with a copy to the Appellant affirming the non availability of information and also giving reasons for its non

availability. The Affidavit should reach the Commission/Appellant by 5.3.11.

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

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

1. Shri Satish M. Ghiya #504, Honeylisha Apartment Behind Bhakti Vihar Complex Chhapru Chowk  
Lakadganj Nagpur 440 008

2. The Public Information Officer Ministry of Railways O/o EDV(S) and PIO V Railway Board  
Rail Bhawan New Delhi

3. The Appellate Authority Ministry of Railways O/o Advisor (Vig.) and AA V Railway Board  
Rail Bhawan New Delhi

4. Officer Incharge, NIC