

Central Information Commission

Mr. Dinesh Yadav vs Government Of Nct Of Delhi on 20 December, 2010

CENTRAL INFORMATION COMMISSION  
Club Building (Near Post Office)  
Old JNU Campus, New Delhi - 110067  
Tel: +91-11-26161796

Decision No. CIC/SG/C/2010/001232/10505  
Complaint No. CIC/SG/C/2010/001232

Complainant	:	Mr. Dinesh Yadav, Khasra No. 791, Kushak No. 2, Kadipur Village, Delhi- 110036.
Respondent	:	Public Information Officer & Assistant Commissioner (North), Food Supplies and Consumer Affairs Department, Government of NCT of Delhi, 23-27, Shopping Complex, Gulabi Bagh, Delhi.

Facts

arising from the Complaint:

Mr. Dinesh Yadav filed a RTI application with the PIO/Asst. Commissioner (NZ), GNCTD on 09/04/2010 asking for certain information. However on not having received the information within the mandated time, the Complainant filed a complaint under Section 18 of the RTI Act with the Commission. On this basis, the Commission issued a notice to the PIO/Asst. Commissioner (NZ), GNCTD on 21/10/2010 with a direction to provide the information to the Complainant and further sought an explanation for not furnishing the information within the mandated time.

A letter dated 18/11/2010 from the PIO/ Asst. Commissioner (NZ), GNCTD has been received in the Commission on 25/11/2010. It has been stated therein that the Applicant had been allotted ID No. 726 after receipt of RTI Application in the office. The requisite information was obtained from Circle-2 and the same was forwarded to the Applicant vide office letter no. 336 dated 02.06.2010 through UPC. Further it has been stated that fresh information has been supplied to the Applicant after being furnished from the APIO/FSO and the same has been enclosed for the Commission's perusal. A copy of the same dated 15/11/2010 has been forwarded to the Applicant as fresh response to the Application.

Decision:

The Complaint is allowed.

The issue before the Commission is of not supplying the complete, required information by the PIO within 30 days as required by the law.

From the facts before the Commission it is apparent that the PIO/Asst. Commissioner (NZ), GNCTD is guilty of not furnishing information within the time specified under sub-section (1) of Section 7 by not replying within 30 days, as per the requirement of the RTI Act. The PIO has responded to the RTI Application dated 09.04.2010, after a lapse of more than 6 months, on 11.10.2010 which amounts to an unreasonably long period of delay. It appears that the PIO's actions attract the penal provisions and disciplinary action of Section 20 (1) and (2) of the RTI Act. The PIO is hereby directed to present himself before the Commission on 12/01/2011 at 03:30 PM along with his written submissions and a copy of dispatch proof of office letter no. 336 dated 02.06.2010 that he asserts was sent in response to the RTI Application to show cause why penalty should not be imposed and disciplinary action be not recommended against him under Section 20 (1) and (2) of the RTI Act. Further, the PIO may serve this notice to such person(s) who are responsible for this delay in providing the information, and direct them to be present before the Commission along with the PIO on the aforesaid scheduled date and time. The PIO should also bring along proof of seeking assistance from other person(s), if any.

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, 2005.

Shailesh Gandhi Information Commissioner 20 December 2010 (In any correspondence on this decision, mention the complete decision number.)(SC)