

**BEFORE THE REGISTRAR OF CO-OPERATIVE SOCIETIES-CUM-
FIRST APPELLATE AUTHORITY UNDER THE RIGHT TO
INFORMATION ACT, 2005**

FA/16/2014

Present: **Dr. A.S. SIVAKUMAR,**
Registrar of Co-operative Societies-cum-
First Appellate Authority.

Thiru C. Gnanaraja,
No.15, Thendral Street,
Jayamoorthy Raja Nagar,
Mudaliarpet,
Puducherry - 605 004.

>>>> Appellant

Vs.

1. The Public Information Officer / Deputy Registrar (Audit),
Co-operative Department,
Puducherry - 605 009.

2. The Public Information Officer / Senior Accounts Officer,
Co-operative Department,
Puducherry - 605 009.

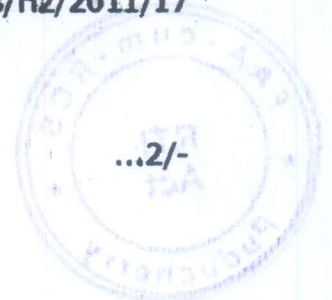
>>>> Respondents

ORDER

(Issued under Section 19 of the Right to Information Act, 2005)

The apathy of the appellant in seeking information from the respondents is exposed in this first appeal filed under Section 19 of the Right to Information Act, 2005 (for short 'the Act').

2. Vide his application dated 22.7.2014, the appellant / applicant sought details of the officers / officials of the Co-operative Department, namely, their name, designation, current working place and retirement date. Query No.2 relates to new employees appointed from 2007 to 2014 in the Co-operative Department and also in the registered societies. The appellant / applicant indicated that if the above information is to be sought from the concerned Department or societies details of contact address may be provided. His request through query No.3 relates to providing copies from a file bearing No.5/4/2/6/RCS/Cons/H2/2011/17 dated 14.2.2013.



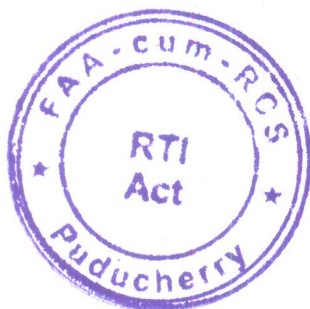
3. It is seen from the records that on receipt of the application the first respondent forwarded the application to the second respondent to provide information in respect of query Nos.1 and 2. The Deputy Registrar (Consumers) of the Department was asked to furnish the information in respect of query No.3.

4. It is seen further that the appellant / applicant was requested to remit an additional fee of Rs.862/- (Rupees eight hundred and sixty two only) to provide the copies of documents sought through query No.3. The appellant / applicant paid the additional fee on 12.9.2014, but the documents were provided to the appellant only on 14.10.2014.

5. In the meantime, this appeal came to be filed alleging that the details of employees in co-operative societies in Puducherry and Yanam were not received in full. Taking the appeal on file I directed the respondents to file their response. On going through the response I find that there should have been more professional approach in dealing with the applications received under the Act by the respondents. Playing the blame game and shifting the responsibility for the delay will yield no result but will only keep the appellants / applicants guessing for the response from the respondent. No reason, not to say any justified reason, worth its name is given for the delay in providing copies of documents to the appellant. Whatever has been stated by the first respondent and the Deputy Registrar (Consumers) as reason for delay in providing copies cannot be countenanced and should only be avoided.

6. It is imperative that an application received under this Act shall be disposed of in a time bound manner. The legislative intent is clear, as stood expositid by the following observation:

"The manner of disposal of requests for information is provided in Section 7 of the Act. The language used in this Section or is peremptory. It sets out the time limit within which a request for information has been served. This section



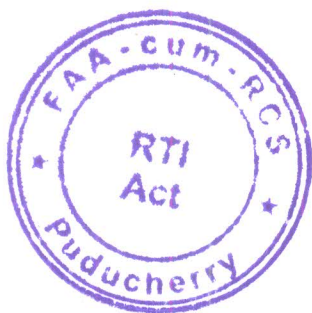
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obligates the PIO concerned to provide the information requested or reject the application for any of the reasons specified in Sections 8 or 9 as expeditiously as possible and in any case within 30 days of the receipt of the request. The use of the word "shall" in this Section when read in conjunction with other expressions used therein "as expeditiously as possible" and "in any case within 30 days of the receipt of the request" is clearly indicative of the legislative intent that requests for information must not be kept pending without cogent reasons therefor," vide Smt. Janak Garg Patlala vs. Office of the Registrar (General), Punjab and Haryana High Court, Chandigarh, (2008) 1 ID 46 (SIC, Punjab).

7. It is the PIO who is primarily responsible for providing the information after accessing it from various information holders and, finally, is accountable under the provisions of the Act. In *Pramod Suri vs. Prasar Bharathi, New Delhi*, the Central Information Commission in CIC/SM/C/2013/000235 dated 2.8.2013 held that:

"The office of the CPIO should be so organised as to deal with the RTI applications with a degree of urgency and to meet the 30 day deadline prescribed in the RTI Act. Even if the various sections have to be consulted to elicit information, as in the present case, this should be done expeditiously and, if it is likely to take time at least an interim reply should invariably be sent."

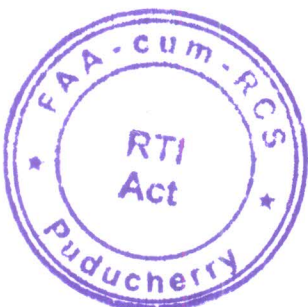
8. Since the Act stipulates a time frame of 30 days for disposing the applications, all concerned, right from the PIO, who have a role play in disclosure of information must act quickly so as to meet the deadline fixed in the law.



9. Sub sections (4) and (5) of Section 5 of the Act speak on the role of the 'Deemed PIO'. In this connection it is worth noting and quoting of the clarification issued by the Department of Personnel and Training, Government of India vide O.M. No.1/14/2008-IR, dated 28th July, 2008:

"According to the Act, it is the responsibility of the officer who is designated as the PIO by the public authority to provide information to the applicant or reject the application for any reasons specified in Sections 8 and 9 of the Act. The Act enables the PIO to seek assistance of any other officer to enable him to provide information to the information-seeker, but it does not give him authority to designate any other officer as PIO and direct him to send reply to the applicant. The import of sub-section (5) of Section 5 is that, if the officer whose assistance is sought by the PIO, does not render necessary help to him, the Information Commission may impose penalty on such officer or recommend disciplinary action against him the same way as the Commission may impose penalty on or recommend disciplinary action against the PIO."

10. The above discussions will lead to the only irresistible conclusion that the applications received under the Act should be dealt in the manner known to law and within the time frame provided under the Act. Any failure will warrant penalty as provided under the Act. It is hoped that the officers and officials who are enjoined the duty will understand the avowed purpose of the Act and raise up to the occasions so that the applicants are not unduly bothered and constrained to file appeals, seeking intervention.



...5/-

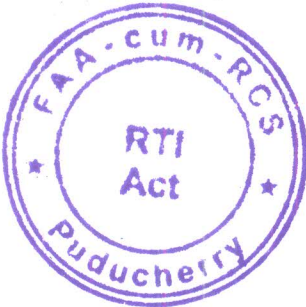
11. On poring over the records I find that the appellant was not provided information on the employees appointed in the registered societies. The first respondent forwarded the query to the second respondent and the second respondent stated that this part of information has to be provided by the first respondent. This information is to be provided only by the first respondent. The first respondent is, therefore, directed to deal with the request within one week from the date of receipt of this order.

12. To ensure complete and comprehensive compliance on the import of this order, a copy of the order is marked to all the Branch / Regional Officers of the Department to follow it in letter and spirit.

13. The appeal stands disposed on the above terms.

14. A second appeal against the decision shall lie with the Central Information Commission, Room No.305, 2nd Floor, B-Wing, August Kranthi Bhavan, Bhikaji Cama Place, New Delhi - 110 066 within ninety (90) days, as provided in sub-section (3) of Section 19.

Dated at Puducherry, on the 29th October, 2014.




(Dr. A.S. SIVAKUMAR)
REGISTRAR OF CO-OP. SOCIETIES

Telephone : (0413) 2272007
Fax : (0413) 2272619

To
The Parties.

Copy to :

All the Branch Officers / Regional Officers.