

केंद्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION

बाबा गङ्गानाथ मार्ग
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File No.: CIC/CC/A/2016/000040

In the matter of:
Ashwani Kumar

...Appellant

Vs.

PIO and Sr. DMM, DRM's Office,
Northern Railway, Cantonment Area,
Ferozpur, Punjab- 152001

...Respondent

Dates

RTI application	:	07.08.2014
CPIO reply	:	Not on Record
First Appeal	:	18.09.2015
FAA Order	:	Not on Record
Second Appeal	:	07.12.2015
Date of hearing	:	20.12.2017, 23.02.2018

Facts:

The appellant vide RTI application dated 07.08.2014 sought information on three points; name and designation of the CPIO and the First Appellate Authority in the Northern railway who are office bearer(s) of any recognised railway union and other related information. The CPIO's reply or the First Appellate Authority (FAA)'s order is not on record. Aggrieved with the non-supply of the desired information, the appellant filed second appeal u/s 19 of the RTI Act before the Central Information Commission on 07.12.2015.

Grounds for Second Appeal

The CPIO did not provide the desired information.

Order

- Appellant :** Absent
- Respondent:**
1. Shri Naresh Kumar, Senior Personnel Officer cum PIO along with
 2. Shri I. Tirkey, Divisional Personnel Officer cum APIO, along with
 3. Shri Rohtash Kumar, Chief Office Superintendent, Northern Railway
 4. Shri S.K. Srivastav, Senior Engineer (IT) cum Deemed PIO (Lucknow)
 5. PIO, Absent in Ferozepur
 6. Shri Rabinder Singh, Assistant Personnel Office cum APIO, Northern Railway(Ambala City)
 7. Shri S.S. Bisht, Office Superintendent, Representative of PIO, Northern Railway (Moradabad)

During the hearing, the respondent PIO, Moradabad submitted that they had provided the requisite reply vide their letter dated 09.11.2015. The PIO, Ambala submitted during the hearing that they had furnished the requisite reply on 24.10.2015 and the PIO, Lucknow submitted that the reply was sent on 18.12.2017 to the appellant.

The appellant was not present to plead his case.

On perusal of the case record, it was seen that the respondent PIO was absent in Ferozepur and also no reply was furnished by him to the appellant in the present case.

In view of the above, a Show Cause Notice is issued to the CPIO/PIO, Ferozepur u/s 20 of the RTI Act to explain the following:-

- (i) Why he was absent on the day of hearing i.e. on 20.12.2017 despite valid and timely notice of the CIC; and
- (ii) Why no reply was provided to the appellant in all these years.

The explanation to the above stated Show Cause Notice is to be submitted to the Commission by the respondent CPIO/PIO within 15 days of the receipt of this order. The present CPIO/PIO is also to submit a report to the Commission indicating the name, address, mobile no., present place of posting and

designation of the then CPIO/PIO working at the relevant post at the relevant period. The present respondent CPIO/PIO is to serve a copy of this order to the then respondent CPIO/PIO under intimation to the Commission. On receipt of the explanation to the said Show Cause Notice, further action as deemed appropriate will be taken.

The then respondent CPIO/PIO should note that in the case of non-submission of the explanation within the time stipulated above, the Commission has the liberty to take the required decision ex-parte against the respondent CPIO/PIO.

On perusal of the case record, it is seen that the reply provided is just, proper and comprehensive. Moreover, as the appellant was not present to contest his case, interference of the Commission is not called for.

The appellant was absent during the hearing before the CIC, so it could not be ascertained whether he received the requisite reply from the respondent. In view of this, the respondent CPIO/PIO is directed to resend the replies dated 9.11.2015, 24.10.2015 and 18.12.2017 to the appellant by speed post keeping the postal tracking number as record within 10 days of the receipt of this order. The details are to be submitted to the Commission within further 07 days of the despatch of the present reply to the appellant.

With the above observation/direction, the appeal is disposed of.

Copies of the order be sent to the concerned parties free of cost.

Adjunct Order : **23.02.2018**

Respondent : **Shri Amit Rana, Sr.DMM**

During the hearing the respondent PIO submitted that they had never received the RTI application dated 07.08.2014 but after the receipt of the CIC's hearing notice only, they came to know about the above dated RTI application.

The respondent CPIO also submitted that as soon as the RTI application was received by him, they had provided the reply promptly on 20.12.2017 without any further delay.

The respondent CPIO is accordingly directed to affirm on affidavit to the Commission that the above dated RTI application was never received by the public authority concerned within 07 days of the receipt of the order.

With the above observation/direction, the appeal is disposed of.

Copies of the order be sent to the concerned parties free of cost.

[Amitava Bhattacharyya]
Information Commissioner

Authenticated true copy

(A.K. Talapatra)
Deputy Registrar

