

CENTRAL INFORMATION COMMISSION
Baba Gangnath Marg, Munirka
New Delhi-110067

Decision No. CIC/MINES/A/2017/109259, dated 28.11.2017

**Pradeep Kumar Behra vs. CPIO, Ministry of Mines, New Delhi and
CPIO, Hindustan Copper Limited, Kolkata**

Relevant dates emerging from the Appeal:

RTI: 21.09.2016	FA: 21.12.2016	SA: 11.02.2017
CPIO: 07.11.2016	FAAO: No order	Hearing: 28.11.2017

ORDER

1. The appellant filed an application under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Ministry of Mines, New Delhi, seeking information regarding the action taken on his letter dated 21.9.2016, addressed to the Minister, Ministry of Mines, New Delhi. The CPIO, Ministry of Mines, vide letter dated 7.11.2016, transferred the RTI application to Hindustan Copper Limited (HCL), Kolkata, under Section 6 (3) of the RTI Act 2005 for furnishing the information to the appellant as the subject matter pertains to HCL.

2. The appellant filed a second appeal before the Commission on the grounds that neither the CPIO nor the First Appellate Authority (FAA) provided the information sought by him. The appellant requested the Commission to direct the CPIO to provide the information sought for by him.

Hearing:

3. The appellant Shri Pradeep Kumar Behera, the respondent Shri Kamlesh Kumar, Manager (HR) and CPIO, HCL, Kolkata attended the hearing through

video conferencing and the respondent Ms. Rashmi Batra, Section Officer, Ministry of Mines was present in person.

4. The appellant submitted that he had filed an application under the RTI Act with Ministry of Mines which was transferred under Section 6 (3) of the RTI Act to the HCL vide letter dated 07.11.2016. However, no information has been provided by the HCL till date.

5. The respondent (Ministry of Mines) submitted that the RTI application dated 22.10.2016 was transferred to the HCL under Section 6(3) of the RTI Act. She, however, could not explain as to why the RTI application was transferred to HCL, when the appellant had sought information regarding the action taken on his representation dated 21.09.2016 which was addressed to the Hon'ble Minister.

Decision:

6. The Commission, after hearing the submissions of both the parties and perusing the records, observes that the appellant had submitted a representation regarding non-payment of salaries in the schools run by HCL. Since, the representation was addressed to the Minister, an appropriate reply should have been provided by Ministry of Mines. However, instead of doing so, the RTI application was transferred to HCL under Section 6(3) of the RTI Act. The Commission, therefore, directs the CPIO, Ministry of Mines to provide the action taken report on his representation dated 21.09.2016 within a period of four weeks from the date of receipt of a copy of this order.

7. The Commission further observes that correct and complete information was not provided to the appellant. The Commission takes a very serious view of this lapse. The public information officers are entrusted with the responsibility of providing information to the citizen under the RTI Act. It is expected that the CPIO on receipt of a request shall as expeditiously as possible provide the information sought for by the applicant. In this case, the CPIO did not discharge his responsibility properly. The Commission, therefore, would like to counsel the

CPIO, Ministry of Mines to be more careful in future so that such lapses do not recur and that the provisions of the RTI Act are implemented in letter and spirit.

8. With the above observations, the appeal is disposed of.
9. Copy of the decision be provided free of cost to the parties.

(Sudhir Bhargava)
Information Commissioner

Authenticated true copy

(S.S. Rohilla)
Designated Officer

Addresses of the parties:

1. The Central Public Information Officer (CPIO),
Ministry of Mines, Shastri Bhawan,
Dr. Rajendra Prasad Road, New Delhi
2. The Central Public Information Officer (CPIO),
Hindustan Copper Limited (HCL),
Tamra Bhawan, I, Ashutosh Avenue,
Kolkata – 700019
3. Mr. Pradeep Kumar Bera