

केंद्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION
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File No.: CIC/NRAIL/C/2017/103953

In the matter of:

Hari Narayan Meena

...Complainant

Vs.

Dr Shashi Bhushan,
Dy CMD/MS and CPIO, Medical
Department, Head Quarters Office,,
Northern Railway, Baroda House, New
Delhi-01

...Respondent

	Dates
RTI application	: 08.12.2016
CPIO reply	: 06.01.2017
First Appeal	: Not on Record
FAA Order	: Not on Record
Complaint	: 16.01.2017
Date of hearing	: 20.10.2017

Facts:

The complainant vide RTI application dated 08.12.2016 sought information on 6 points; date of receipt of his re-medical report from MD/NRCH, copy of the action taken report, attested copy of the complete case file along with noting page(s), copy of policy circular on the power of the competent authority to accept/reject the report of the re-medical board, reason for not finalising his appeal for re-medical till date especially when the concerned re-medical board had submitted its report to the Chief Medical Superintendent (CMS) in the month of July 2016 itself, name of the staff / officer who is responsible for

delaying the case etc. Aggrieved with the non-supply of the desired information from the respondent authority, the appellant filed a complaint under the provision of Section 18 of the RTI Act before the Central Information Commission on 16.01.2017.

Grounds for Complaint

The CPIO did not provide the desired information.

Order

Complainant : **Absent**
Respondent : **Dr. Archana Gupta, CHD/NR,**
Dr. Shashi Bhushan Dy. CMD/MS

During the hearing the respondent CPIO cum Dy CMS submitted that he had sent the requisite reply on 06.01.2017 to the appellant enclosing an internal communication received from the Chief Health Director & CPIO, Medical Hq. He also submitted a written statement to the Commission in which he mentioned that the first appeal of the complainant was received on 12.01.2017. The appeal was transferred to the concerned section by the First Appellate Authority (FAA) on 30.01.2017 followed by reminder dated 13.02.2017. The First Appellate Authority directed through file notings the CPIO for quick disposal of the said appeal. The reply after the first appeal was communicated to the complainant on 13.02.2017.

The complainant was not present to plead his case.

On perusal of record it was seen that the reply dated 06.01.2017 which enclosed a reply from the CHD/NR was not as per the information sought in the said RTI application. The First Appellate Authority (FAA) had not passed a valid order under the RTI Act but merely directed the CPIO in file noting to provide the necessary reply to the RTI application. The then First Appellate Authority (FAA) and Dr. Vinay Kumar, CHD/NR (the deemed PIO) are accordingly issued advisories to refrain from such wrongful action in future while dealing with RTI application. As per the CPIO's submission, Dr Vinay

Kumar is presently posted as CMS (Delhi). The then First Appellate Authority had not discharged his duty as per the RTI Act as the transfer of the RTI application at the appeal stage is not tenable under the RTI Act, more so when the same was done in a routine administrative manner & not u/s 6(3) of the RTI Act.

The CPIO, Dr Shashi Bhushan is advised not to act mechanically and simply enclose irrelevant replies in future. He while replying to the RTI applications should have personally examined the RTI queries and the replies provided by the deemed PIO in the present case.

The then First Appellate Authority (FAA) is advised to be careful in future and deal with first appeals as per the provisions of the Sec 19 of the RTI Act. The then CHD, Dr Vinay Kumar who is now CMS (Delhi), is advised to refrain from replying to RTI applications in a mechanical manner. The CPIO should always take care that each and every para of the application seeking information under the RTI Act is adequately replied to in future.

An advisory u/s 25(5) of the RTI Act is issued to DG/RHS, Railway Board and CMD/NR for taking necessary steps for sensitising its CPIOs and First Appellate Authorities to deal with the RTI applications as per the provisions of the RTI Act. The registry is directed to send a copy of this order to DG/RHS, Railway Board for information and appropriate remedial action.

With the above observation and warning, the complaint is disposed of.

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

[Amitava Bhattacharyya]
Information Commissioner

Authenticated true copy

(A.K. Talapatra)
Deputy Registrar