

केंद्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION
बाबा गङ्गानाथ मार्ग
Baba Gangnath Marg,
मुनिरका, नईदिल्ली -110067
Munirka, New Delhi-110067
Tel: 011 - 26182593/26182594
Email: registrycab@gmail.com

File No.: CIC/CRAIL/A/2017/311676

In the matter of:

Motidas Bhivgade

...Appellant

VS

PIO and Senior Divisional Personnel Officer,
South East Central Railway, Divisional Office,
Railway Colony, Bilaspur, Chhattisgarh- 495004

...Respondent

Dates

RTI application	:	29.12.2015
CPIO reply	:	Not on Record
First Appeal	:	27.01.2016
FAA Order	:	Not on Record
Second Appeal	:	13.10.2016
Date of hearing	:	01.03.2018

Facts:

The appellant vide RTI application dated 29.12.2015 sought information on two points regarding the reason for delay in granting medical allowance to him and the date up to which facility of F.M.A. benefit will be provided to him. The CPIO's reply and First Appellate Authority (FAA)'s order were not on the case record. Aggrieved with the non-supply of the desired information from the respondent authority, the appellant filed a second appeal under the provision of Section 19 of the RTI Act before the Central Information Commission on 13.10.2016.

Grounds for Second Appeal

The CPIO did not provide the desired information.

Order

Appellant : **Representative of the appellant (Son)**
Respondent: **Shri S.S. Rao,**
Assistant Personnel Officer cum APIO,
South East Central Railway

During the hearing, the respondent APIO submitted that the appellant had come to the CIC by way of filing of a second appeal memo under section 19 of the RTI Act without going through the intermediate step i.e. without submitting the first appeal under the provision of the RTI Act to the First Appellate Authority in this case. The Commission however observed that the appellant had filed first appeal on 27.01.2016 before the competent authority but there was no order of the first appellate authority for which a show cause notice needs to be issued to then PIO for not providing any reply to the appellant in regard to the above stated RTI application.

In fact it was noted by the commission that in the case record, there was no reply either from the respondent CPIO or from the FAA to the appellant concerned.

In view of the above, a Show Cause notice is issued to the then PIO, Sr. DPO, South East Central Railway u/s 20 of the RTI Act to explain the following:-

Why no reply was provided to the appellant in all this time.

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 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 working at the relevant post at the relevant period. The present respondent CPIO is to serve a copy of this order to the then respondent CPIO 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 should note that in the event 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.

Be that as it may, since no desired information was provided to the appellant in the present case, the present respondent CPIO is directed to provide point wise reply complete in all respects to the appellant as available on record in the form of certified true copies of the documents sought e.g. note sheet, letter, correspondence, e-mail etc.(legible copies), free of charge u/s 7(6) of the RTI Act within 15 days of the receipt of the order. For this purpose, the concerned CPIO/PIO, can take assistance of any other office/department u/s 5(4) of the RTI Act.

The respondent CPIO is further directed to send a report containing the copy of the revised reply and the date of despatch of the same to the RTI appellant within 07 days thereafter to the Commission for record.

With the above Show Cause /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