

केंद्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION
बाबा गणानाथ मार्ग
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File No : CIC/ECRHJ/A/2017/187080

In the matter of:

Subodh Kumar Mishra

...Appellant

Vs.

PIO and Sr.DPO, East Central Railway
DRM's Office, Danapur, Khagaul Road,
Khagaul, Adampur, Bihar- 801503

...Respondent

	Dates
RTI application	: 18.01.2016
CPIO reply	: 31.03.2016
First Appeal	: 17.03.2016
FAA Order	: Not on Record
Second Appeal	: 17.11.2016
Date of hearing	: 26.02.2018

Facts:

The appellant vide RTI application dated 18.01.2016 sought information regarding status of his applications dated 03.12.2007, 24.07.2007 and 11.08.2015 for reimbursement of medical bill. The appellant on not receiving any reply from the CPIO filed first appeal. The CPIO replied on 31.03.2016. The First Appellate Authority (FAA)'s order is not on 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 17.11.2016.

Grounds for Second Appeal

The CPIO did not provide the desired information.

Order

Appellant : Present
Respondent: Shri D. Md. Taluddin,
Senior Divisional Medical Officer cum CPIO
East Central Railway

During the hearing, the respondent CPIO submitted that they had provided the requisite reply vide their letter dated 31.03.2016.

The appellant submitted that neither any reply was provided to him nor was his grievance redressed by the concerned respondent authority.

On perusal of the case record, it was seen that no reply was provided to the appellant which is a flagrant violation of the RTI Act for which a show cause needs to be issued to the then PIO and Sr. DPO.

In view of the above, a Show Cause notice is issued to the then PIO and Sr. DPO working at the relevant post in January, 2016 u/s 20 of the RTI Act to explain the following:-

Why no reply was provided to the appellant in almost two years from the receipt of the above stated RTI application.

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 requisite explanation within the time period 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 e.g. action taken on his representations dated 03.12.2007, 24.07.2007 and 11.08.2015 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 07 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 present 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 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