

# CENTRAL INFORMATION COMMISSION

Room No. 305, 3<sup>rd</sup> Floor, CIC Bhavan, Baba Gangnath Marg, Munirka,  
New Delhi-110067, website:cic.gov.in

Appeal No.: -CIC/PONDU/A/2017/193082-BJ

Appellant : Dr. L. Solomon Raja,  
Respondent : CPIO & Assistant Registrar (Research Section),  
Pondicherry University (Central University),  
Examination Wing, Kalapet,  
Pondicherry – 605014  
Date of Hearing : 09.02.2018  
Date of Decision : 13.02.2018

Date of RTI application	12.07.2016
CPIO's response	11.08.2016
Date of the First Appeal	23.08.2016
First Appellate Authority's response	23.09.2016
Date of diarised receipt of Appeal by the Commission	22.12.2016

## ORDER

### **FACTS:**

The Appellant vide his RTI application sought information on 21 points regarding the details pertaining to one Mr. I.D Shukla, who had registered for PhD (part time external) in Dr. Ambedkar Govt. Law College, Pondicherry affiliated to Pondicherry University and issues related thereto.

The Research Section & CPIO vide its letter dated 11.08.2016 informed the Appellant that his RTI application was returned as the Court fee stamp affixed with the RTI application was not a valid form of payment under the RTI Act. Dissatisfied by the response of the CPIO, the Appellant approached the FAA. The FAA vide its order dated 23.09.2016 directed the CPIO to expedite the requisite action and to send a response to the Appellant within three days.

### **HEARING:**

#### **Facts emerging during the hearing:**

The following were present:

**Appellant:** Dr. L. Solomon Raja through VC;

**Respondent:** Mr. Saminathan, AR through VC;

The Appellant reiterated the contents of his RTI application and stated that the requisite information was provided to him only on 03.01.2017, almost after six months from the date of filing the RTI application and after the Second Appeal was filed by him before the Commission. It was further alleged that the Respondent did not comply with the order of the FAA within the stipulated time period which defied the whole purpose of providing information in a time bound manner, as expressly provided under the RTI

Act, 2005. In its reply, the Respondent apologised for the delay caused in providing the requisite information to the Appellant and explained that due to heavy work-load, the compliance of the FAA order could not be made within the given time period. However, he stated that there was no malafide intention on his part in causing such delay and that the same had been furnished to him now. The Appellant did not contest on the correctness of information but objected to the considerable delay caused in the supply of the information under the RTI Act.

The Respondent vide his written submission dated 02.02.2018 submitted that the RTI application dated 12.07.2016 was returned to the Appellant since the Court Fee was not a valid mode of payment under the RTI Act. Moreover, the Appellant did not contact the concerned official for the requisite information and directly filed the First Appeal. In addition, it was informed that the AR(CPIO), Examination Wing, Pondicherry University had already furnished the information in response to the First Appeal of the Appellant.

The Commission would like to place on record its displeasure to the Respondent over the casual manner in which the RTI application had been dealt with by him. The CPIO is therefore, warned to be extremely careful and vigilant in handling RTI petitions in future, failing which the Commission would initiate penal action under Section 20(1) of the RTI Act, 2005.

In this context, the Commission observed that the Hon'ble High Court of Delhi in the matter of R.K. Jain v. V.P. Pandey, CPIO, CESTAT, New Delhi in W.P. (C) No. 4785/ 2017 dated 10.10.2017 adjudicated an order of the Commission dated 17.04.2017 whereby the Respondent was cautioned to exercise due care in future and to ensure that correct and complete information is furnished to the RTI applicants. It was decided that:

“2. The grievance of the petitioner is that although the CIC had accepted that there was a delay in providing the necessary information to the petitioner, the CIC had not imposed the penalty as required under Section 20(1) of the Right to Information Act, 2005. **It is well settled that imposing of the penalty is a discretionary measure.** In Anand Bhushan v. R.A. Haritash: ILR (2012) 4 Delhi 657 a division bench of this Court had considered the question whether the levy of penalty was discretionary and held as under.....

3. In this case it is apparent that the CIC had in its discretion considered that a order cautioning the CPIO would be sufficient. This Court is not inclined to interfere with such exercise of discretion.”

The Appellant could not substantiate his claims regarding malafide denial of information by the Respondent or for withholding it without any reasonable cause.

## **DECISION**

Keeping in view the facts of the case and the submissions made by both the parties, no further intervention of the Commission is warranted in the matter.

The Respondent is however, cautioned to exercise due care in future to ensure that correct and complete information is furnished timely to the RTI applicant(s) as per provisions of the Act failing which penal proceedings under Section 20 shall be initiated.

The Appeal stands disposed accordingly.

**(Bimal Julka)**  
**Information Commissioner**

Authenticated True Copy:

(K.L.Das)  
Deputy Registrar