Appeal No.CIC/VS/A/2015/000010


Date of Hearing: 28-12-2016
Date of Decision: 28-12-2016

ORDER

Facts:

1. The appellant filed RTI application dated nil seeking information regarding his payment as per order dated 5.5.2014 of Labour Court No.2 Dhanbad and cause of delay of payment.


Hearing:

3. The appellant and the respondent both participated in the hearing.
4. The appellant stated that the Labour Court No. 1 Dhanbad has directed the respondent vide order dated 05.05.2014 to pay him awarded payment. The appellant stated that he has not been paid the same. The appellant stated that he was road roller driver and retired in the year 2005. The appellant stated that he wants to know reasons of delay in payment of his retirement benefits and awarded payment. The appellant stated that he wants to know about the case details/stay order of the Court, if any, in payment of his dues. The appellant stated that case details has not been provided to him.

5. The respondent stated that the appellant has been replied to vide letter dated 02.02.2015. The respondent stated that the first appeal of the appellant was disposed of vide order dated 13.02.2015, 04.11.2015. The respondent stated that the appellant’s service record is missing and hence his retirement benefit could not be given. The respondent stated that a WP 36360/2015 is pending in the High Court against the Labour Court orders and there is no stay from the Court.

Discussion/ observation:

6. The desired information has been provided to the appellant. However, the case details should have been provided to the appellant.

7. Grievance redressal is not within the purview of the RTI Act. However, during the hearing it is observed that though the employee retired in 2005, no pensionary benefits have been given to him till date. At this old age, he has been left to fend for himself. The missing service records is a failure of the railways, for which the appellant cannot be made to suffer. However, it appears that instead of helping the employee, the railways have chosen to contest the matter in the Court. If the position as placed before the Commission is correct, the appellant deserves full sympathy and immediate payments of all dues with interest. The records, if necessary, may be reconstructed with the help of documents available with the appellant.

Decision:

8. Respondent is directed to provide case details to the appellant within 15 days of this order.
9. The respondent DRM and GM are advised to take appropriate steps in view of para 7 above at earliest and give their personal attention to the matters.

The appeal is disposed of. Copy of the order be given to the parties free of cost.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy
(S.C. Sharma)
Dy. Registrar

Copy to: The General Manager, East Central Railway, Hazipur
CC:  The DRM, East Central Railway, Dhanbad