

ओरियन्टल बैंक ऑफ कॉमर्स

(भारत सरकार का उपक्रम)

प्रधान कार्यालय : प्लॉट सं. 5, इंस्टीट्यूशनल एरिया,
सेक्टर-32, गुडगांव-122001



ओ.बी.सी.

ORIENTAL BANK OF COMMERCE

(A GOVERNMENT OF INDIA UNDERTAKING)

Head Office : Plot No. 5, Institutional Area,
Sector - 32, Gurgaon-122001

HO/RTI/FAA/2019-20

Date: 15.05.2019

SPEED-POST

Sh. R. Sitarama Murthy
Designated Officer
Central Information Commission
Room No. 313, CIC Bhawan, Baba Gang Nath Marg,
Munirka, New Delhi - 110067

Sir,



124599
24/5/19

Subject: Allegation of non-compliance in the matter of Sh. Rajesh Kumar Sharma vs. Oriental Bank of Commerce

Please refer your letter no. File No. CIC/OBKOC/C/2017/144887, (SC) dated 15.04.2019 received by us on 26.04.2019, whereby, it was directed to submit detailed comments on the alleged non-compliance within a period of 4 weeks from the date of receipt of this letter. Further, it was also directed that reply may be given only with reference to the orders of CIC in the above file, along with proof of evidence.

Hon'ble CIC vide order dated 05.12.2018 has passed following decision:-

"The Commission, after hearing the submissions of both the parties and perusing the records, observes that an Indian Postal Order (IPO) NO. 31F063114 has been annexed along with the RTI application dated 07.08.2015 which was stated to be sent to the respondent through speed post bearing no. EP370113617IN. The RTI application has also been sent on the email ID of the respondent bank i.e. rti_ho@obc.co.in. Thus, it can be presumed that the RTI application has been delivered to the bank. The commission, therefore, directs the FAA, Oriental Bank of Commerce, Head Office, Gurgaon to inquire into the matter as to whether the RTI application was received in the Oriental Bank of Commerce, Head Office, Gurgaon and the IPO attached with the RTI application (bearing no. 31F063114) was encashed, if so, what action was taken on the RTI application. The FAA shall also, if required, take appropriate departmental action against the officers responsible for the misplacement of the records. A copy of the inquiry report alongwith the action taken report may be provided to the Commission as

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well as to the appellant within a period of six weeks from the date of receipt of a copy of this order".

Above directions of Hon'ble CIC was compiled by the FAA and a copy of report was submitted to the office of CIC under endorsement to Sh. Rajesh Kumar Sharma vide letter dated 28.01.2019 (copy enclosed).

The complainant was advised to submit the copy of RTI application dated 07.08.2015 send with IPO no. 31F063114, as the same was not found on record. However, till date we have not received copy of RTI application in question.

This is for your information please.

Yours faithfully,

S.K. Dixit,
General Manager (R&L),
First Appellate Authority
Under RTI Act, 2005
Encl.: As above



ORIENTAL BANK OF COMMERCE

(A Govt. of India Undertaking)

Right To Information Cell, Head Office

Plot No.5, Ground Floor, Sector-32, Institutional Area, Gurugram-122001

Ph: 0124-4126132, E-Mail: rti_ho@obc.co.in,

HO/RTI/CIC order/2018-19

Date: 28.01.2019

SPEED-POST

Sh. S. S. Rohilla
Dy. Registrar
Central Information Commission
Room No. 302, CIC Bhawan, Baba Gang Nath Marg
Munirka, New Delhi - 110067



Sir,

Subject: Compliance of order dated 05.12.2018 (CIC/OBKOC/C/2017/144887) passed in Rajesh Kumar Sharma vs. CPIO, OBC, Head Office, Gurgaon

This is in reference to Hon'ble CIC order dated 05.12.2018 which was received by us on 31.12.2018 whereby First Appellate Authority, OBC, Head Office Gurgaon was directed to inquire into the matter as to whether the RTI application was received in the Oriental Bank of Commerce, Head Office, Gurgaon and the IPO attached with the RTI application (bearing no. 31F063114) was encashed, if so, what action was taken on the RTI application.

It was also directed that if required, appropriate departmental action be taken against the officials responsible for the misplacement of the records. It was further directed that a copy of the inquiry report alongwith the action taken report may be provided to the commission as well as to the appellant within a period of six weeks from the date of receipt of copy of order.

In view of Hon'ble CIC directions, I have gone through the records of matter and submit my report as under:-

The appellant has submitted that he had sent his RTI application dated 07.08.2015 to the respondent through speed post bearing no. EP370113617IN and also on e-mail ID rti_ho@obc.co.in.

I have gone through the records and observed that one RTI application dated 07.08.2015 having IPO no. 31F066339 of Sh. Rajesh Kumar Sharma was received by the CPIO on 14.08.2015 and after receiving the requisite fee same was disposed of by the CPIO on 04.12.2015.

It is also pertinent to note that while disposing of 13 complaints and 5 appeals of Sh. Rajesh Kumar Sharma, Hon'ble Information Commissioner in his order dated 13.10.2016 para no. 13 mentioned that "the application dated 07.08.2015 was responded to on 04.12.2015 and the information running into 29 pages was provided to the Appellant/Complainant after payment of photocopying charges by him. The



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Appellant/Complainant stated that he received no information. The Respondents showed us a copy of the letter vide which the above information was provided and we have no reason to doubt their submission on this matter".

In view of above, I have observed that RTI application dated 07.08.2015 of Sh. Rajesh Kumar Sharma with Indian Postal Order no. 31F06339 was received and replied.

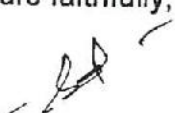
But other RTI application dated 07.08.2015 of Sh. Rajesh Kumar Sharma with Indian Postal Order no. 31F063114 as mentioned in Hon'ble Information Commissioner order dated 05.12.2018 para no. 7 was not found on record.

I have come to conclusion that one RTI application dated 07.08.2015 with IPO no. 31F06339 of applicant was received and replied. The other RTI application of same date i.e. 07.08.2015 with IPO no. 31F063114 was not found on record. In view of that I conclude my report and advise the applicant to submit the RTI application in question to CPIO for submission of reply.


A copy of this report/letter is also being submitted to the appellant Sh. Rajesh Kumar Sharma with direction to send RTI application in question to the CPIO for submission of reply.


This is for your information please.

Yours faithfully,


S.K. Dixit, General Manager (R&L),
First Appellate Authority
Under RTI Act, 2005

- ✓ CC: Sh. Rajesh Kumar Sharma s/o Sh. Mehar Chand Sharma, 446-Diamond Avenue, Majitha Road, Amritsar – In reference to Hon'ble Information Commissioner order dated 05.12.2018 for information and with advice to send RTI application in question to the CPIO for submission of his reply please.


S.K. Dixit, General Manager (R&L),
First Appellate Authority
Under RTI Act, 2005





ORIENTAL BANK OF COMMERCE
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CO/ASR/LAW/RTI 2548

02.07.2019

Sh. R. Sitarama Murthy
Designated Officer
Central Information Commission
Room No. 313, CIC Bhawan, Baba Gang Nath Marg,
Munirka, New Delhi-110067

Dear Sir,

Reg: Your Ref. No.- File No. CIC/ OBKOC/A/2017/603273/C , & CIC/ OBKOC/A/2017/144884 (SC) dated 28.05.2019

In reference to captioned letter, the point wise reply is as under:

1. Sh. R. K. Sharma has been served with the order dated 04.12.2019 vide letter dated 31.12.2019. We further inform that Sh. RK Sharma has been served in two cases, one of which has been disposed off by Hon'ble CIC (Copy of order is enclosed).
2. The letter dater 22.06.2016 has been sent to the applicant. A copy of same is enclosed.
3. The compliance of order dated 04.12.2018 has already been done vide our letter dated 25.01.2019. We further inform you that the Bank has also filed CWP in the Hon'ble Punjab and Haryana High Court.

Yours faithfully

Kulwant Gill
Public Information officer
Circle office
Amritsar



133295
11/7/19

Cell

31 MAY 2019

केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi - 110067

द्वितीय अपील संख्या / Second Appeal No. CIC/OBKOC/C/2017/144882

Rajesh Kumar Sharma

... अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO: Oriental Bank of
Commerce, Amritsar.

...प्रतिवादीगण/Respondents

Relevant dates emerging from the appeal:

RTI : 20.05.2016	FA : No Appeal	Complaint : 07.08.2016
CPIO : No Reply	FAO : No Order	Hearing : 10.05.2019

ORDER

(22.05.2019)

1. A Show Cause Notice was issued to Shri R.K. Sharma, the then CPIO, Chief Manager, Oriental Bank of Commerce, Sector-17, Faridabad in compliance of the Commission's order no. CIC/OBKOC/C/2017/144882 dated 05.12.2018 for not furnishing a satisfactory reply to the appellant. The CPIO was directed to submit an explanation as to why action under Section 20(1) of the RTI Act should not be initiated against him.

See

Hearing on 04.12.2018:

2. The appellant/complainant Shri Rajesh Kumar Sharma and the respondent Shri Sanjeev Malhotra, Asstt. General Manager and Shri Sudhir Sharma, Advocate, Oriental Bank of Commerce, Regional Office, Amritsar, Punjab attended the hearing through video conferencing.

Interim Decision (05.12.2018):

3. The Commission passed the following directions on 05.12.2018:

"5. The Commission, after perusing the records observes that, prima facie it appears that no reply in response to the RTI application was given to the complainant and the reason for the same could not be ascertained. The Commission, therefore, directs the Registry of this Bench to issue a Show Cause Notice to Shri R.K. Sharma, the then CPIO, Chief Manager, Oriental Bank of Commerce, Sector-17, Faridabad for explaining as to why action under Section 20(1) of the RTI Act should not be initiated against him. Shri Sanjeev Malhotra, Asstt. General Manager, Oriental Bank of Commerce, Regional Office, Amritsar, Punjab shall ensure that a copy of this order is served upon Shri R.K. Sharma, the then CPIO, Chief Manager, Oriental Bank of Commerce, Sector-17, Faridabad."


Hearing on 10.05.2019:

4. Appellant remained absent and on behalf of the respondent Mr. .RK. Sharma, Chief Manager, attended the hearing through video conferencing.

5.1. The respondent submitted that the appellant had sought information vide application dated 20.05.2016 relating to Raj Electricals Works and same information was sought by him earlier on 30.08.2015. The earlier application was disposed on 30.09.2015 and related first appeal was disposed on 23.11.2015. The respondent submitted that they had replied to the appellant on 22.06.2016 and a copy of that letter had been sent to the Commission for perusal. He further pleaded that the repetitive use of RTI for the same subject-matter was defeating the objective of the RTI Act.

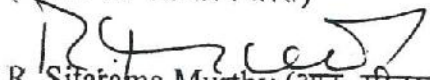
6. The Commission after adverting to the facts and circumstances of the case hearing the respondent and perusal of records feels that the appellant has filed multiple RTI applications relating to the same subject-matter. The Commission notes that several of the appellant's second appeals are still pending before this Commission. The explanation provided by the CPIO along with letter dated 22.06.2016 is reasonable. In view of this, the Show Cause Notice issued to Shri R.K. Sharma, the then CPIO, Chief Manager, Oriental Bank of Commerce, is hereby dropped.

Copy of the decision be provided free of cost to the parties.


Suresh Chandra (सुरेश चंद्रा)
Information Commissioner (सूचना आयुक्त)
दिनांक/ Date: 22.05.2019

Authenticated true copy

(अधिप्रमाणित सत्य प्रति)


R. Sitarama Murthy (आर. सीताराम मूर्ति)

Deputy Registrar (उप पंजीयक)

011-26181927(०११-२६१८१९२७)



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CO/ASR/LAW/RTI 6803

06.02.2019

Shri Rajesh Kumar Sharma
S/o Sh. Mehar Chand Sharma Sharma,
446- Diamond Avenue, Majhitha Road,
Amritsar, Punjab, Amritsar-143001.

Dear Sir,

Reg: APPEAL NO. CIC/OBKOC/A/2017/601273 OF RTI APPLICATION DATED 19.05.2016

In reference to your RTI letter dated 19.05.16, we are resending herewith the reply dated 22.06.2016 pf CPIO for your information and record.

Yours faithfully

Sanjeev Malhotra
Public Information officer
Circle office
Amritsar
Encls:-