

केंद्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION
बाबागंगा नाथ मार्ग
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File No : CIC/VS/A/2015/001200

In the matter of:

V A Ramamurthy
C/o IRWO Chennai Phase II,
Subscribers' Association, 145/4,
ICF West Colony, Chennai,
Tamil Nadu- 600038

VS

CPIO and General Manager(EL and AR),
Indian Railway Welfare Organisation,
Head Office, Railway Office Complex,
Behind Shankar Market, Connaught Place,
Shivaji Bridge, New Delhi-110001

...Appellant

...Respondent

| | Dates |
|-----------------|-------------------------|
| RTI application | : Not Mentioned |
| CPIO reply | : 20.12.2014 |
| First Appeal | : 20.12.2014 |
| FAA Order | : 29.01.2015 |
| Second Appeal | : 18.04.2015 |
| Date of hearing | : 10.11.2016,28.11.2017 |

Facts:

1. The appellant filed RTI application dated nil seeking information regarding tenure for all officers of IRWO from 2003 onwards, list of officers and their



tenure, if tenure was extended then copies of the relevant orders, the minutes of General Body Meetings from 2003 till date, the sources to generate the funds by IRWO, details of loan and investments of IRWO till date, pay and perks amount spent for IRWO, South Zone office from 2003 with full details etc.

2. The CPIO responded on 20.11.2014. The appellant filed first appeal dated 20.12.2014 before the first appellate authority (FAA). The FAA responded on 29.1.2015. The appellant filed a second appeal dated 18.4.2015 with the Commission praying for information sought. Hearing:

3. The appellant participated in the hearing through video conferencing. The respondent did not participate in the hearing.

4. The appellant referred to his RTI application and stated that no proper reply was given to him by the respondent. The appellant stated that the respondent, vide letter dated 20.11.2014 replied that the information sought is voluminous and furnishing the same would lead to disproportionate diversion of resources of the organisation. That the applicant is requested to visit IRWO Office at New Delhi on a mutually convenient date to check the records and indicate the specific document of which copy can be made and supplied.

5. The appellant stated that information sought by him is not voluminous and is already available with the respondent. The appellant said that information sought by him should be provided to him by the respondent.

Discussion/Observations

6. The respondent should provide information/documents sought by the appellant in his RTI application.

7. The CPIO/his representative did not participate in the hearing in spite of Commission's hearing notice. The hearing should be attended by a suitable officer.

Decision:

8. The respondent is directed to provide, within 30 days of this order, information/document to the appellant in context of the RTI application.

9. The respondent is directed to show cause, within 30 days of this order, why action should not be taken against him for trying to deny information by not attending the hearing.

10. The next date of hearing will be fixed after 30 days and respondent is directed to be present personally before the Commission.

11. Fresh hearing notice be issued to both the parties. Copy of this order be given free of cost to the parties.

(Radha Krishna Mathur)

Chief Information Commissioner

Final Order

Respondent : Shri N.K Saini

During the hearing the present PIO submitted that the then PIO was Shri Mahendra Singh who was retired on 31.12.2016.

The then PIO, Shri Mahendra Singh sent a written explanation in which he stated that the hearing notice was received but was misplaced in the office and could not reach the officer concerned, and tendered his unconditional apology for the same.

In view of the retirement of the then PIO, the Commission did not find the above negligence serious enough to impose penalty on a retired employee. However, an advisory is issued to the Chairman, Railway Board to take steps to prevent designating officers as CPIOs/PIOs who are on the verge of retirement from service.

The registry is directed to send a copy of this order to the Chairman, Railway Board for appropriate action. The Commission would appreciate a report on the steps taken by Chairman, Railway Board within 3 months from the receipt of this order in this regard.

The present CPIOs/PIOs are advised to follow strict discipline while dealing with RTI matters and attend Commission's hearings without fail.

With the above advisory, the appeal is disposed of.

Copies of this order be sent to both the parties free of cost.


[Amitava Bhattacharyya]
Information Commissioner

Authenticated true copy


(A.K. Talapatra)
Deputy Registrar

19/12

Copy to: The Chairman, Railway Board