Relevant Facts emerging from the Appeal:

Appellant : Mr. Girish Nautiyal
I-98 B, Near Sanatosh Mandir
Krishan Vihar-110086.

Respondent : Mr. Uday Baxi
Public Information Officer & RPFC-II
EPFO, Regional Office, Nidhi Bhawan,
Sector-5, Opp. Medical College,
Jagrati Vihar, Meerut-250006.

RTI application filed on : 09/03/2010
PIO replied : 27/07/2010
First appeal filed on : 09/04/2010
First Appellate Authority order : Not mentioned.
Second Appeal received on : 29/09/2010

<table>
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<th>Sl.</th>
<th>Information Sought</th>
<th>Reply of the Public Information Officer (PIO)</th>
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<tbody>
<tr>
<td>1.</td>
<td>Action taken/penalty imposed on violation of non-depositing of PP with PP Authority in time and not providing PF accumulation details to its employees by any organization.</td>
<td>In case of violation of EPF Act and MP Act action is taken as per various provisions of the EPF Act and Scheme, 1952, MP Act, 1952. The copy of the same was enclosed with the reply of the PIO. The PIO also mentioned that for Details the Appellant may visit the website epfindia.com.</td>
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<td>2.</td>
<td>Whether there is any provision to permit such an organization as mentioned below to operate PF trust individually - like the Company named Bajaj Hindustan Ltd. having its Registered Office at Bajaj Bhawan, Jamnalal Bajaj Marg, 226, Nariman Point, Mumbai-400021 and Corporate Office at Bajaj Bhawan, Jamnalal Bajaj Marg, B-10, Sector-3, Noida, NCR Delhi has been carrying out its business activities in UP through its different units located in different places/zones (having 16 Units in different Zones). The Appellant also asked for the role played by the PP Authority in the above mentioned PF Trust to stop misuse of the fund.</td>
<td>Same as answer to query no.1.</td>
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<tr>
<td>3.</td>
<td>Whether there is a partial/full control over the above mentioned PF trust by PF authority.</td>
<td>Exempted/relaxed PF units Trusts are governed by the EPF and MP Act, 1952 and inspections are conducted from time to time.</td>
</tr>
<tr>
<td>4.</td>
<td>Details of PF amount given to the employees within a month’s time after submission of necessary form.</td>
<td>The information asked does not come under information as mentioned in RTI Act and the grievances can be sent to the concerned EPFO office along with documentary evidence to take necessary action.</td>
</tr>
<tr>
<td>5.</td>
<td>Amount deposited in Government custody by the PF Trust formed by the Company.</td>
<td>5 units have deposited the dues as per the details of the EPFO.</td>
</tr>
<tr>
<td>6.</td>
<td>Action taken against the above mentioned Company for not paying PF and labour wages for several years as specified in PF and Labour Laws.</td>
<td>The information asked does not come under information as mentioned in RTI Act and the grievances can be sent to the concerned EPFO office along with documentary evidence to take necessary action.</td>
</tr>
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</table>
Grounds for the First Appeal:
No information provided by the PIO till 09/04/2010.

Order of the First Appellate Authority (FAA):
Not mentioned.

Grounds for the Second Appeal:
The PIO did not provide satisfactory information and within the stipulated time.

Relevant Facts emerging during Hearing:
The following were present:
Appellant: Mr. Girish Nautiyal;
Respondent: Mr. Mohit Kumar Shekhar, APFC on behalf of Mr. Uday Baxi, PIO & RPFC-II;

Certain information has been provided to the Appellant. The PIO is directed to provide the following additional information to the Appellant;
1- Query-3: Copy of the last audit report by PF Auditors of the Hindustan Sugar Mills Limited Provident Fund Institution.
2- Query-5: The PIO has given details of money deposited in Government custody. The PIO is directed to get the information from the Lucknow Unit and provide the information to the Appellant.
3- Query-6: The PIO will also inform the Appellant if any action has been taken against the unit for violation of the PF Laws.

The Respondent states that the RTI application has been transferred to different units over large lapses of time. There is also been transfers of the officers because of which the information was provided late to the Appellant. Because of the inefficiencies of the Respondents the Appellant has to wait for the information for logn time. The Appellant has been harassed unnecessarily and had to file and come for the second appeal before the Commission. In view of this the Commission under its powers under Section 19(8)(b) directs the public authority to compensation the appellant for the loss and detriment suffered by him in waiting for the information and having to file a come for the second appellate hearing. The Commission directs the PIO to ensure that a cheque for compensation of Rs.2000/- is sent to the Appellant before 30 January 2011.

Decision:
The appeal is allowed.

Mr. Mohit Kumar Shekhar, APFC is directed to give the information as directed above to the Appellant before 10 January 2011.

The Commission directs the PIO to ensure that a cheque for compensation of Rs.2000/- is sent to the Appellant before 30 January 2011.

This decision is announced in open chamber.
Notice of this decision be given free of cost to the parties.

Shailesh Gandhi
Information Commissioner
15 December 2010

(In any correspondence on this decision, mention the complete decision number.) (GJ)