Relevant Facts emerging from the Appeal

Appellant : Mr. R Sambamurthy
T-16, SM Nagar Housing Estate, Phase – 1,
PO Sarkar Pool,
Kolkata – 700143.

Respondent : Mr. Pankaj,
Central Public Information Officer,
Employees’ Provident Fund Organisation,
Ministry of Labour and Employment,
Regional Office, DK Block, Sector- II,
Salt Lake City, Kolkata- 700091

RTI application filed on : 24/09/2009
PIO replied : 09/11/2009
First appeal filed on : 21/11/2009
First Appellate Authority order : Not enclosed
Second Appeal received on : 21/02/2010

Information Sought
i) Information pertaining to transfer of PPO No WB/CAL/1615, Pension Account No WB/10819/1288 TO RPFC, Tiruvananthapuram, Kerala.
ii) Information pertaining to pension cases of employees of Garden Reach Ship Builders and Engineers Limited, employer code no 301.

Reply of the Public Information Officer (PIO)
No information received.

Grounds for the First Appeal:
No information received.

Order of the First Appellate Authority (FAA):
No order passed by the FAA.

Grounds for the Second Appeal:
No information received.

Relevant Facts emerging during Hearing on 08 July 2010:
“Both the parties were given an opportunity for hearing. However, neither party appeared. From a perusal of the papers it appears that complete information has not been supplied to the appellant.”
Commission’s Decision dated 08 July 2010:
The Appeal was allowed.
“The PIO is directed to give the complete information to the appellant before 30 July 2010.

The issue before the Commission is of not supplying the complete, required information by the PIO within 30 days as required by the law.

From the facts before the Commission it is apparent that the PIO is guilty of not furnishing information within the time specified under sub-section (1) of Section 7 by not replying within 30 days, as per the requirement of the RTI Act. It appears that the PIO’s actions attract the penal provisions of Section 20 (1). A showcause notice is being issued to him, and he is directed give his reasons to the Commission to show cause why penalty should not be levied on him.

He will present himself before the Commission at the above address on 06 August 2010 at 10.30am alongwith his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1). He will also submit proof of having given the information to the appellant.

If there are other persons responsible for the delay in providing the information to the Appellant the PIO is directed to inform such persons of the show cause hearing and direct them to appear before the Commission with him.”

Facts leading to showcause hearing on 17 September 2010:
During the show cause hearing held on 06/08/2010, the CPIO/ RPFC Mr. Pankaj appeared before the Commission. Mr. Pankaj stated that the RTI application dated 24/09/2009 was received on 01/10/2009 by the office of the then CPIO Mr. S. S. Prasad. The RTI application was forwarded to Mr. K. K. Roy, PIO on 12/10/2009. Response to point 2 of the RTI application was provided by Mr. K. K. Roy on 26/10/2009, which was forwarded to the Appellant on 09/11/2009 by Mr. R. Pandey, the then CPIO. Thereafter, response to point 3 of the RTI application was provided on 05/02/2010 by Mr. S. K. Mishra, Link Officer as Mr. K. K. Roy was on leave. This reply was forwarded to the Appellant on 18/02/2010 by Mr. S. S. Prasad, the then CPIO. Further to the order of the Commission dated 08/07/2010, Mr. Pandey, CPIO provided a reply to point 4 of the RTI application to the Appellant on 27/07/2010.
The Commission has therefore decided to schedule another hearing on September 17, 2010 at 4:00 pm. and directed the following persons to appear before the Commission on 17/09/2010.

| Mr. S. S. Prasad, (Then) Central Public Information Officer, Employees’ Provident Fund Organisation, Ministry of Labour and Employment, Regional Office, DK Block, Sector- II, Salt Lake City, Kolkata- 700091 | Mr. R. Pandey, (Then) Central Public Information Officer, Employees’ Provident Fund Organisation, Ministry of Labour and Employment, Regional Office, DK Block, Sector- II, Salt Lake City, Kolkata- 700091 |
| Mr. Pankaj, Central Public Information Officer, Employees’ Provident Fund Organisation, Ministry of Labour and Employment, Regional Office, DK Block, Sector- II, Salt Lake City, Kolkata- 700091 | Mr. K. Roy, Public Information Officer, Employees’ Provident Fund Organisation, Ministry of Labour and Employment, Regional Office, DK Block, Sector- II, Salt Lake City, Kolkata- 700091 |
| Mr. M. K. Mishra Link Officer, Employees’ Provident Fund Organisation, | |
Relevant Facts emerging during Hearing on 17 September 2010:
The following were present:
**Respondent:** Mr. S. S. Prasad the then CPIO; Mr. R. Pandey the then CPIO; Mr. Pankaj, present CPIO; Mr. M. K. Mishra, Link Officer; Mr. K. Roy Public Information Officer and Ms. Madhumita, Dealing Assistant on video conference from NIC-Kolkata Studio;

The Commission heard the submissions of the various officers. It appears to the Commission there does not appear to be proper coordination within the department and any system by which it could supply information within 30 days. The RTI Application and the information has gone back and fore and the then CPIO Mr. S. S. Prasad states the responsibility for the delay rests on the deemed PIOs and the dealing assistants.

Section 5(4) of the RTI Act states, “The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.”

Section 5 (5) of the RTI Act states, “Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.”

From the deposition of the various officers it appears that it is difficult to pin point responsibility on any individual officer. In view of this the Commission drops the penalty proceedings in this matter.

However, it is undeniable that the appellant have to face unnecessary harassment and file a second appeal before the Commission and pursue the matter. He got the information much later than he should have. In view of this the Commission orders compensation to be paid to the appellant under Section 19(8)(b) of the RTI Act. The Commission awards a compensation of Rs.2000/- to the appellant for loss and detriment suffered by him.

**Adjunct order:**

The present CPIO Mr. Pankaj is directed to ensure that a cheque of Rs.2000/- is sent to the appellant before 30 October 2010 from the Department.

This decision is announced in open chamber.
Notice of this decision be given free of cost to the parties.
Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
17 September 2010

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