Relevant Facts emerging from the Appeal:

Appellant : Mr. Arun Kumar Singh  
Flat No. 687, Pocket-3  
Sector-19, Dwarka  
New Delhi-110075.

Respondent : Public Information Officer  
Government of NCT of Delhi.  
Deputy Director of Education  
District (South West-A),  
C-4 Lane, Vasant Vihar,  
New Delhi-110075.

RTI application filed on : 22/12/2009  
PIO replied : Transferred on 08/01/2010  
First appeal filed on : 18/03/2010  
First Appellate Authority order : 22/03/2010  
Second Appeal received on : 08/04/2010  
Hearing Notice Sent on : 17/04/2010  
Hearing held on : 20/05/2010

Information Sought
1) Details of employment of the Appellant. Whether he is a GpB or GpC employee.  
2) Whether or not has he completed probation.  
3) If yes, then furnish a copy of the OM notifying his completion of probation.  
4) If he is a confirmed employee or not?  
5) If yes, then provide a copy of the OM notifying his confirmation. If no, then give reasons for the non confirmation.  
6) Details of the status of promotion.  
7) Date of disbursal of TA for May 2009.  
8) Date of disbursal of election TA.  
9) Date of disbursal of Sixth Pay Commission Arrear.  
10) Names of employees of SBV Delhi Cantt. who went on LTC to North East (Sikkim).  
Whether their journey was restricted to train fare or not?  
11) Whether the above mentioned employees went on LTC 80?

Reply by the PIO  
Not Enclosed.

Grounds for the First Appeal:  
Unsatisfactory information by the Public Information Officer (PIO).

Order of the First Appellate Authority (FAA):  
The PIO was directed to provide complete and correct information as required by the Appellant within 10 days.
Grounds for the Second Appeal:
Non Compliance of the order of the FAA and unnecessary delay in providing the information to the Appellant by the concerned PIO.

Relevant Facts emerging during Hearing:
The following were present:
Appellant : Mr. Rajeev Chadha representing Mr. Arun Kumar Singh; Respondent : Absent;

The Appellant states that though the FAA had directed complete information to be provided within 10 days from the date of her order of 22/03/2010 the information was provided on 06/05/2010 which is also not complete in the following respect:

1- Query-1: The Appellant had sought information about whether he belongs to Group-B or Group-C category. The information has not been provided and the appellant has been told to refer to sixth pay commission report. It is impossible to believe that the department does not know whether the employee belongs to Group-B or Group-C category. The PIO will give a categorical reply whether the appellant is a Group-B or Group-C employee.
2- Query-10 & 11: The PIO will obtain the information about the names of the employees of SVB Delhi Cantt. who went on LTC to North East(Sikkim) and whether the reimbursement was for Train Fare/Air Fare.

Decision:
The Appeal is allowed.
The PIO is directed to give the information as directed above to the Appellant before 05 June 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. She has further refused to obey the orders of her superior officer, which raises a reasonable doubt that the denial of information may also be malafide. The First Appellate Authority has clearly ordered the information to be given. It appears that the PIO’s actions attract the penal provisions of Section 20 (1). A show cause notice is being issued to her, and she is directed give her reasons to the Commission to show cause why penalty should not be levied on her.

She will present herself before the Commission at the above address on 10 June 2010 at 11.00am along with her written submissions showing cause why penalty should not be imposed on her as mandated under Section 20 (1). She 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.
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
20 May 2010

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