

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

शिकायत संख्या / Complaint No:- CIC/CGHSD/C/2018/631406-BJ

Mr Anil Sood

....शिकायतकर्ता/Complainant

VERSUS  
बनाम

1. CPIO and Nodal Officer,  
O/O The Ad, Central Govt. Health Scheme (Hq)  
CGHS Dispensary Building  
R K Puram Sector 12,  
Delhi – 110022
2. CPIO and Addl. Dy. Director General (Hq),  
Ministry of Health & Family Welfare,  
Directorate General of Central Govt. Health Scheme  
(CGHS-III), Nirman Bhawan,  
New Delhi - 110011

.....प्रतिवादीगण /Respondent

Date of Hearing : 30.04.2020  
Date of Decision : 01.05.2020

Date of RTI application	27.05.2018
CPIO's response	Not on Record
Date of the First Appeal	Not on Record
First Appellate Authority's response	Not on Record
Date of diarized receipt of Complaint by the Commission	Nil

**ORDER**

**FACTS**

The Complainant vide his RTI application sought information on 06 points on whether the CGHS had stopped supplying essential medicines to all its wellness centre including No 36A; if yes, then reasons the date and reasons for not supplying the essential medicine, etc.

Dissatisfied due to non-receipt of any response from the CPIO, the Complainant approached the Commission.

**HEARING:**

**Facts emerging during the hearing:**

The following were present:

**Complainant:** Mr Anil Sood through WhatsApp;

**Respondent:** Mr. Dinesh Chandra, OSD, North Zone and Mr. S. S. Verma, Nodal Officer through WhatsApp;

The Complainant reiterated the contents of the RTI application and stated that the information sought by him had not been received and the local dispensary only communicated some frivolous replies not related to his RTI application. His pointed query was in respect of supply of essential medicines which remained unanswered. The Respondent from North Zone reiterated that suitable reply had been sent to the Complainant. During the hearing it was abundantly clear that the details sought by the Complainant had not been replied satisfactorily whereas in the present crisis situation of COVID-19, a proactive role should have been played by the Respondent Public Authority. The e-mail address of the Complainant was communicated as ([soodrpk@yahoo.com](mailto:soodrpk@yahoo.com)) which was in the knowledge of the Respondent also. The Commission was in receipt of a written submission from the Respondent (CPIO, CGHS, NZ) wherein the reply provided to the Complainant dated 07.08.2018 was enclosed. The Commission was also in receipt of another written submission from the Section Officer and CPIO, M/o Health and Family Welfare, DG, CGHS-III dated Nil wherein it was stated that the RTI application received by the Directorate on 27.05.2018 was transferred to the Nodal Officer, O/o the Addl Director, CGHS (HQ) Delhi vide letter dated 04.06.2018. The First Appeal dated 14.07.2018 was received and forwarded to the FAA, O/o the Addl Director HQ, Delhi on 09.08.2018 and no further information was available with them in this regard.

With regard to providing a clear and cogent response to the Appellant, the Commission also referred to the decision of the Hon'ble Delhi High Court in J P Aggarwal v. Union of India (WP (C) no. 7232/2009 wherein it was held that:

*“ 7 “it is the PIO to whom the application is submitted and it is who is responsible for ensuring that the information as sought is provided to the applicant within the statutory requirements of the Act. Section 5(4) is simply to strengthen the authority of the PIO within the department; if the PIO finds a default by those from whom he has sought information. The PIO is expected to recommend a remedial action to be taken”. The RTI Act makes the PIO the pivot for enforcing the implementation of the Act.”*

*8.....The PIO is expected to apply his / her mind, duly analyse the material before him / her and then either disclose the information sought or give grounds for non-disclosure.”*

The Commission referred to the judgement of the Hon'ble Delhi High Court in Mujibur Rehman vs Central Information Commission (W.P. (C) 3845/2007)(Dated 28 April, 2009) wherein it had been held as under:

*“14.....The court cannot be unmindful of the circumstances under which the Act was framed, and brought into force. It seeks to foster an "openness culture" among state agencies, and a wider section of "public authorities" whose actions have a significant or lasting impact on the people and their lives. Information seekers are to be furnished what they ask for, unless the Act prohibits disclosure; they are not to be driven away through sheer inaction or filibustering tactics of the public authorities or their officers. It is to ensure these ends that time limits have been prescribed, in absolute terms, as well as penalty provisions. These are meant to ensure a culture of information disclosure so necessary for a robust and functioning democracy.”*

Furthermore, the Hon'ble High Court of Delhi in the matter of R.K. Jain vs Union of India, LPA No. 369/2018, dated 29.08.2018, held as under:

*"9..... That apart, the CPIO being custodian of the information or the documents sought for, is primarily responsible under the scheme of the RTI Act to supply the information and in case of default or dereliction on his part, the penal action is to be invoked against him only."*

The Commission also noted that it should be the endeavour of the CPIO to ensure that maximum assistance should be provided to the RTI applicants to ensure the flow of information. In this context, the Commission referred to the OM No.4/9/2008-IR dated 24.06.2008 issued by the DoP&T on the Subject "*Courteous behavior with the persons seeking information under the RTI Act, 2005*" wherein it was stated as under:

*"The undersigned is directed to say that the responsibility of a public authority and its public information officers (PIO) is not confined to furnish information but also to provide necessary help to the information seeker, wherever necessary."*

The Commission thus observed that there is complete negligence and laxity in the public authority in dealing with the RTI applications. It is abundantly clear that such matters are being ignored and set aside without application of mind which reflects disrespect towards the RTI Act, 2005 itself. The Commission expressed its displeasure on the casual and callous approach adopted by the respondent in responding to the RTI application. It was felt that the conduct of Respondent was against the spirit of the RTI Act, 2005 which was enacted to ensure greater transparency and effective access to the information.

#### **DECISION:**

Keeping in view the facts of the case and the submissions made by both the parties and in the light of the emergent issues raised by the Complainant, the Commission directs the Respondent to furnish updated status to him within a period of 30 days from the date of receipt of this order depending upon the condition for containment of the Corona Virus Pandemic in the Country or through email, as agreed.

The Complaint stands disposed accordingly.

(The Order will be posted on the website of the Commission)

**(Bimal Julka)** (बिमल जुल्का)  
**(Chief Information Commissioner)** (मुख्य सूचना आयुक्त)

Authenticated true copy  
(अभिप्रमाणित सत्यापित प्रति)

(K.L. Das) (के.एल.दास)  
(Dy. Registrar) (उप-पंजीयक)  
011-26186535/ [kl.das@nic.in](mailto:kl.das@nic.in)  
दिनांक / Date: 01.05.2020