

**In the Central Information Commission
at
New Delhi**

File No: CIC/AD/A/2011/001659

Heard through Video Conferencing.

Date of Hearing : September 19, 2011

Date of Decision : September 19, 2011

Parties:

Applicant

Shri D M Jotania
H.No. F-23/03, Gharonda
F – Type CGS
Ghansoli, Sector -9
Nav Mumbai – 400701.

Applicant was present.

Respondent(s)

Central Railway
Divisional Railway Manager's Office
Personnel Branch, CST
Mumbai.

Represented by : Shri Rakesh Kumar Sr.DPO/PIO
Shri S L Khot, PIO

Information Commissioner : Mrs. Annapurna Dixit

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ORDER

Background

1. The RTI Application dated 28.10.10 was filed by the Applicant with the PIO, Sr.DCM Central Railway, Mumbai seeking the reasons as to why his colleague one Mr.S.G.Gupta who had also booked a house and had taken HBA and had not mortgaged or registered his house just like him (the Applicant) has not been charged with penalty interest whereas he has been asked to pay penalty . The PIO replied on 30.11.2010 stating that the Applicant had not sought any information in material form and therefore information cannot be provided. Being aggrieved with this reply the Applicant filed first appeal on 29.12.2010 seeking the information once again. The Appellate Authority replied on 23.5.11 upholding the decision of the PIO. The Appellant then filed his second Mr. S.G. Gupta appeal before the Commission seeking the information once again.

Decision.

2. The Commission after hearing both parties directs the PIO to allow the Appellant to inspect his (Appellant's) files as well as those of Mr S G Gupta pertaining to their HBA and to provide the Appellant with attested copies of document/file notings identified by him in respect of the penalty interest, free of cost. The information to be provided by 20th October 2011. The Appellant may be

provided the name of the Officer from the Grievance redressal Cell as also his address to enable the Appellant to file his complaint with the cell.

3. The appeal is accordingly disposed off.

(Annapurna Dixit)
Information Commissioner

Authenticated true copy

(G.Subramanian)
Deputy Registrar

Cc:

1. Shri D M Jotania
H.No. F-23/03, Gharonda
F – Type CGS
Ghansoli, Sector -9
Nav Mumbai – 400701.
2. The Public Information Officer
Central Railway
Divisional Railway Manager's Office
Personnel Branch, CST
Mumbai.
3. The Appellate Authority
Central Railway
Divisional Railway Manager's Office
Personnel Branch, CST
Mumbai.
4. Officer in charge, NIC.

In case, the Commission's above directives have not been complied with by the Respondents, the Appellant/Complainant may file a formal complaint with the Commission under Section 18(1) of the RTI Act, giving (1) copy of RTI application, (2) copy of PIO's reply, (3) copy of the decision of the first Appellant Authority, (4) copy of the Commission's decision, and (5) any other documents which he/she considers to be necessary for deciding the complaint. In the prayer, the Appellant/Complainant may indicate, what information has not been provided.