

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26101592

File No. CIC/BS/A/2015/001729/12159
20 January 2017

Relevant Facts emerging from the Appeal:

Appellant : Mr. Ashwani Kumar Gupta
Vill Malpurikhurd Khasadih
Post Ahiwara, Tehsil Dhamdha,
Distt Durg, Chattisgarh – 490 036

Respondent : CPIO/ RLC(C)
Ministry of Labour & Employment
O/o Dy. CLC (C),
D-6, Adarsh Society, Sector – 1,
Avanti Vihar, Raipur,
Chattisgarh

: Central Labour Commissioner (C)
Ministry of Labour & Employment
Shram Shakti Bhavan,
New Delhi – 110001

RTI application filed on : 04/02/2015
PIO replied on : 25/03/2015
First appeal filed on : 25/04/2015
First Appellate Authority order : 25/05/2015
Second Appeal dated : 29/07/2015

Information sought

The appellant has sought entire conciliation proceedings notesheet records connected with application no. RP-(47)/2014-B-1 available with Dy. Chief Labour Commissioner (Central) Raipur (C.G.).

Grounds for the Second Appeal:

The CPIO has not provided the desired information.

Relevant Facts emerging during Hearing held on 15/12/2016:

The following were present

Appellant: Mr. Ashwani Kumar Gupta through VC M: 08966909269

Respondent: Absent

The applicant stated that a complaint was filed against his establishment and conciliation proceedings were held before Deputy Chief Labour Commissioner (C) and he wants copy of the proceedings including note sheets. He argued that conciliation proceedings are quasi judicial in

nature and are open to public hence the information cannot be withheld from him more so since he was party to the proceedings.

The CPIO is not present inspite of being put on notice for the hearing.

Interim Decision notice dated 15/12/2016:

The Commission takes a serious view of the lackadaisical/callous attitude adopted by the CPIO who has not bothered to attend the hearing inspite of being put on notice. The Commission, therefore, directs the CLC(C) Delhi to call for the explanation of the CPIO for not providing the information sought by the appellant and also for not attending the hearing inspite of being put on notice. The explanation of the CPIO as aforesaid along with CLC(C)'s comments should reach the Commission on or before 13/01/2017 by post and also by e-mail at b.seth@nic.in.

The hearing is adjourned for 20/1/2017 at 04.00 PM.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Ashwani Kumar Gupta through VC M: 08966909269

Respondent: Mr. G K Mahapatra CPIO through VC

The applicant informed that both parties had participated in conciliation proceedings held on 25/12/2014 but the correct version was not recorded by the conciliation officer and hence the company's representative refused to sign the note and he wants a copy of the said note. To a query, he clarified that he is only pressing for the said note.

The CPIO stated that they had consulted the other party viz. the union, however, the union has objected to the disclosure. To a query under which clause of RTI Act disclosure is being withheld, the CPIO was unable to give any satisfactory response.

Decision Notice:

Once an applicant seeks information as defined in Section 2(f) of the RTI Act, the same cannot be denied to the information seeker except on any of the grounds mentioned in Section 8 or 9 of the RTI Act, the CPIO cannot add or introduce new reasons or grounds for rejecting furnishing of information.

The CPIO is unable to show any exemption under the stated provisions of Section 8 or 9 of the RTI Act under which the information can be withheld. It being so, there is no ground for denying the information and the CPIO should furnish the same to the appellant within 7 days from the date of receipt of this order.

The appeal is disposed of accordingly.

BASANT SETH
Information Commissioner

Authenticated true copy:

(R. L. Gupta)
Dy. Registrar/Designated Officer