

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

R.P.Verma

....अपीलकर्ता/Appellant

VERSUS

बनाम

CPIO,  
Indian Ordnance Factories,  
Ordnance Factory,Raipur,  
Dehradun – 248008.

... प्रतिवादीगण /Respondents

File No.	Date of RTI	CPIO Reply	First Appeal	FAA Order	Second Appeal	Date of Hearing	Date of Decision
CIC/OFBKO/A/2017/145932/SD	12/04/2017	No Reply	13/05/2017	No Order	30/06/2017	05/09/2018	05/09/2018
CIC/MESER/A/2017/159017/OFBKO/SD	30/05/2017	No Reply	03/07/2017	No Order	21/08/2017	05/09/2018	05/09/2018
CIC/OFBKO/A/2017/163932/SD	30/05/2017	16/08/2017	03/07/2017	No Order	05/09/2017	05/09/2018	05/09/2018
CIC/OFBKO/A/2017/163933/SD	15/05/2017	21/07/2017	15/06/2017	No Order	05/09/2017	05/09/2018	05/09/2018
CIC/OFBKO/A/2017/164309/SD	19/06/2017	No Reply	20/07/2017	No Order	07/09/2017	05/09/2018	05/09/2018
CIC/OFBKO/A/2017/167761/SD	08/07/2017	No Reply	09/08/2017	No Order	21/09/2017	05/09/2018	05/09/2018
CIC/OFBKO/A/2017/174979/SD	09/08/2017	No Reply	12/09/2017	No Order	27/10/2017	05/09/2018	05/09/2018
CIC/OFBKO/A/2017/176666/SD	18/08/2017	No Reply	19/09/2017	No Order	Diaries on 16/11/2017	05/09/2018	05/09/2018
CIC/OFBKO/A/2017/182416/SD	23/09/2017	No Reply	23/10/2017	No Order	05/12/2017	05/09/2018	05/09/2018
CIC/MESER/A/2017/158987/OFBKO/SD	30/05/2017	No Reply	03/07/2017	No Order	21/08/2017	05/09/2018	05/09/2018
CIC/OFBKO/A/2017/174982/SD	09/08/2017	No Reply	12/09/2017	No Order	27/10/2017	05/09/2018	05/09/2018

**Information sought:**

**File No. : CIC/OFBKO/A/2017/145932/SD**

The Appellant sought copies of all records/documents pertaining to Trade Test held on 03.02.2017 vide OF order no.206 for promotion from S/S to Fitter (INST) SK.

**File No. : CIC/MESER/A/2017/159017/OFBKO/SD**

The Appellant sought certified true copies of the rule under which concession in Transport Allowances (6 No.s) were made to him.

**File No. : CIC/OFBKO/A/2017/163932/SD**

The Appellant sought information pertaining to process of changing trade applicable to industrial workers who appointed in the year 2008, 2009, 2010.

**File No. : CIC/OFBKO/A/2017/163933/SD**

The Appellant sought permission to inspect all records pertaining to trade tests of various trades vide OF order no.794 dt.13.05.2017, copies of rules followed determining minimum qualification to pass these tests etc.

**File No. : CIC/OFBKO/A/2017/164309/SD**

The Appellant wanted to inspection of files no.MO/02/RTI/RPV/439 dt.05.01.2013 and MO/02/RTI/RPV/469 dt.09.05.2013 and also sought copies of necessary documents which he required after inspection.

**File No. : CIC/OFBKO/A/2017/167761/SD**

The Appellant sought copies of the documents related to contentions made by Ordnance Factory Raipur, in not clearing the dues of Chunnial retired from the post of labor, information regarding sanctioned and existing strength of painter in this factory and copy of his service book.

**File No. : CIC/OFBKO/A/2017/174979/SD**

The Appellant sought information related to his comments of Jt. Gen. Manager (Admin) made in letter dt.14.05.2015 on reply of the letter of State Backward Class Commission dt.01.05.2015 on the matter of his appointment in the trade of Fitter as well as change of trade by him and other candidates.

**File No. : CIC/OFBKO/A/2017/176666/SD**

The Appellant sought information pertaining to dissolution of the Trade Trust Board on 24.07.2012, constituted under chairmanship of Sh. T Dolashanker, DGM .

**File No. : CIC/OFBKO/A/2017/182416/SD**

The Appellant sought information pertaining to changing of trade by him.

**File No. : CIC/MESER/A/2017/158987/OFBKO/SD**

The Appellant sought information related to policy of cadre review of industrial workers.

**File No. : CIC/OFBKO/A/2017/174982/SD**

The Appellant sought information pertaining to 3 trader tests dt.20.10.2011, 07.05.2012 and 27.05.2014 vide different OF orders and copies of relevant documents.

**Grounds for the Second Appeal:**

The CPIO has not provided the desired information.

**Relevant Facts emerging during Hearing:**

The following were present:-

**Appellant:** Present through VC.

**Respondent:** Ms Sharmishtha Koul Sharma, JGM & CPIO, Ordnance Factory, Raipur, Dehradun present through VC.

CPIO expressed her anguish towards Appellant's repetitive RTI Applications and insistence on seeking such information which does not even exist. In this context, Commission inquired as to the number of RTI Applications filed by the Appellant till date, to which CPIO submitted that the exact numbers she will have to find out from their records but affirmed that he started with this advent since year 2012. CPIO desired to put forth a brief background of the Appellant's grievance, and stated that on 30.07.2012 a trade test was held for promotion from Fitter trade to Painter (G) based on Appellant's request for change of trade. However, their competent authority pointed out certain procedural flaws in the conduct of this trade test and therefore quashed the same. Then, a fresh test was held in Nov.2012 wherein all the candidates failed including the Appellant. That, subsequently, Appellant harbored the grievance

as to why he was not given benefit of the trade test held in July, 2012 and started believing that he was deliberately failed in the trade test of Nov. 2012.

Appellant objected to the contention of the CPIO to argue that there was no procedural flaw in the July, 2012 trade test and asserted that there was no circular issued ascribing any procedure for trade test during the period between year 2006 and 2012.

**Specific submissions for each case:**

**File No. : CIC/OFBKO/A/2017/145932/SD**

CPIO regretted that no reply appears to have been provided on the instant RTI Application as per record.

**File No. : CIC/MESER/A/2017/159017/OFBKO/SD**

CPIO submitted that appropriate reply has been provided to the Appellant on 16.08.2017.

**File No. : CIC/OFBKO/A/2017/163932/SD**

CPIO submitted that appropriate reply has been provided to the Appellant on 16.08.2017 offering inspection of records.

**File No. : CIC/OFBKO/A/2017/163933/SD**

CPIO submitted that appropriate reply has been provided to the Appellant on 21.07.2017.

**File No. : CIC/OFBKO/A/2017/164309/SD**

CPIO regretted that no reply appears to have been provided on the instant RTI Application as per record.

**File No. : CIC/OFBKO/A/2017/167761/SD**

CPIO submitted that appropriate reply has been provided to the Appellant on 06.02.2018 wherein part information has been denied as being 3<sup>rd</sup> party under Section 8(1)(j) of RTI Act.

**File No. : CIC/OFBKO/A/2017/174979/SD**

CPIO submitted that appropriate reply has been provided to the Appellant on 06.02.2018 offering inspection of records.

**File No. : CIC/OFBKO/A/2017/176666/SD**

CPIO submitted that appropriate reply has been provided to the Appellant on 06.02.2018 offering inspection of records.

**File No. : CIC/OFBKO/A/2017/182416/SD**

CPIO submitted that appropriate reply has been provided to the Appellant on 06.02.2018 offering inspection of records.

**File No. : CIC/MESER/A/2017/158987/OFBKO/SD**

CPIO submitted that appropriate reply has been provided to the Appellant on 16.08.2017 offering inspection of records.

**File No. : CIC/OFBKO/A/2017/174982/SD**

CPIO submitted that appropriate reply has been provided to the Appellant on 30.10.2017 offering inspection of records.

Appellant did not contest the receipt of any of the aforesaid replies but insisted upon his dissatisfaction with the background of these cases brought on record by the CPIO.

## **Observations**

While concurring with the opinion of the CPIO, Commission remarked at the numerous Appeals of the Appellant heard in the past concerning the same issue of his promotion. It is irksome to note that the series of filing RTI Applications is not limited to the Appellant but he has got his wife (Vimla Verma) and daughter (Neha Verma) also to file RTI Applications and subsequent Second Appeals on his behalf. This bench has till date heard more than a dozen of Appeals cumulatively of the Appellant, his wife and daughter, while more than a dozen newly registered cases of the Appellant await decision. As it appears through each of these cases, Appellant is unabashedly channeling his grievance of perceived injustice in his service matter by seeking large volumes of information spanning across several years, disclosure of which has seemingly no relevance to his case yet in a bid to clearly harass the public authority, Appellant continues the practice of misusing his right to information. The grievance of the Appellant is not of such nature which can be considered and rectified by the public authority as evident from the submission of the CPIO yet Appellant has been persistently filing these RTI Applications seeking almost similar information in different manner to merely pressurize the public authority into acceding to his request of change of trade.

Commission also upholds the decision of the CPIO to offer inspection of records in most of the cases as no amount of information will satisfy the Appellant; therefore it is prudent for him to peruse the records and identify what particular information is required by him. As for the two cases, where no reply has been provided by the CPIO, Commission condones the error on account of the repetitive filing of RTI Applications by the Appellant.

It appears that the Appellant has grossly misconceived the idea of exercising his Right to Information as being absolute and unconditional. It is rather unfortunate that even the best of intentions have to not only stand the test of procedural requirements and fetters laid down in the RTI Act but also stand the test of practicality, a notion well recognised by superior Courts through various judgments such as the Hon'ble Supreme Court's observation in *Central Board of Secondary Education (CBSE) & anr. v. Aditya Bandhopadhyay and others* [(2011) 8 SCC 497] stating that:

*"37. The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information, (that is information other than those enumerated in section 4(1)(b) and (c) of the Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and*

*the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."*

Similarly, in *ICAI v. Shaunak H. Satya*, (2011) 8 SCC781 the Hon'ble Supreme Court has held that:-

*"39. We however agree that it is necessary to make a distinction in regard to information intended to bring transparency, to improve accountability and to reduce corruption, falling under Sections 4(1)(b) and (c) and other information which may not have a bearing on accountability or reducing corruption. The competent authorities under the RTI Act will have to maintain a proper balance so that while achieving transparency, the demand for information does not reach unmanageable proportions affecting other public interests, which include efficient operation of public authorities and the Government, preservation of confidentiality of sensitive information and optimum use of limited fiscal resources."*

In the matter of *Rajni Maindiratta- Vs Directorate of Education (North West - B)* [W.P.(C) No. 7911/2015] the Hon'ble High Court of Delhi has held that:

*"8. Though undoubtedly, the reason for seeking the information is not required to be disclosed but when it is found that the process of the law is being abused, the same become relevant. Neither the authorities created under the RTI Act nor the Courts are helpless if witness the provisions of law being abused and owe a duty to immediately put a stop thereto."*

A more lucid rationale can be drawn in the facts of the present matter by referring to the matter of *Shail Sahni vs Sanjeev Kumar* [W.P.(C) 845/2014] wherein the Hon'ble High Court of Delhi has held that:

*"...In the opinion of this Court, the primary duty of the officials of Ministry of Defence is to protect the sovereignty and integrity of India. If the limited manpower and resources of the Directorate General, Defence Estates as well as the Cantonment Board are devoted to address such meaningless queries, this Court is of the opinion that the entire office of the Directorate General, Defence Estates Cantonment Board would come to stand still."*

*"This Court is also of the view that misuse of the RTI Act has to be appropriately dealt with, otherwise the public would lose faith and confidence*

*in this "sunshine Act". A beneficent Statute, when made a tool for mischief and abuse must be checked in accordance with law."*

The aforesaid dicta particularly resonates with the said set of cases as the Respondent office is a vital part of the Department of Defence Production engaged in the production of warfare equipments in the area of land, sea and air systems. If the resources of this office are diverted into addressing the umpteen RTI Applications and First Appeals of the Appellant alone, it will lead to a situation of colossal wastage of its valuable manpower and infrastructure.

## **Decision**

In view of the foregoing, Commission finds no scope of action in the matter as far as the RTI Applications are concerned. However, since the underlying cause for Appellant's grievances is on record, Commission is of the considered opinion that in the interest of justice a speaking order of the competent authority regarding the apprehensions and allegation of the Appellant against quashing of the trade test of July 2012 will put to rest all these issues. **Accordingly, CPIO is hereby directed to place this order before their competent authority to pass a speaking order on the above terms and provide a copy of the same to the Appellant within 30 days from the date of receipt of this order. A compliance report to this effect shall be duly sent to the Commission by the CPIO.**

Appellant is hereby warned against the misuse of RTI Act in future and is advised to make judicious use of his right to information. **The cases are disposed of accordingly.**

**Divya Prakash Sinha ( दिव्य प्रकाश सिन्हा )  
Information Commissioner ( सूचना आयुक्त )**

Authenticated true copy  
(अभिप्रमाणित सत्यापित प्रति)

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