

CENTRAL INFORMATION COMMISSION
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Appeal No. CIC/VS/A/2014/001621

Appellant: Shri S.Poovendran,
R/o 6/11-1, Iyyer Kadu,
Irusanampatti, Chennagiri-
P.O, Attayampatti-Via, Salem-Dt-637501,
Tamil Nadu.

Respondent: Central Public Information Officer,
Railway Recruitment Cell, Southern Railway,
3rd Floor, No.5, Dr.P.V.Cherian Crescent Road,
Egmore, Chennai-600008.

Date of Hearing: 08.02.2016

Dated of Decision: 08.02.2016

ORDER

Facts:

1. The appellant filed RTI application on 28.02.2014 seeking information on four points relating to the examination held on 24.06.2012 vide employment notice No.05/2010 dated 15.12.2010 conducted by Railway Recruitment Board (Southern Railway) and appeared in the examination under roll no. 5610404768, the total marks obtained, copies of question paper and key answer-sheet, copy of OMR answer sheet and cut-off marks merit of General, OBC & SC/ST categories in the above examination.

2. The CPIO response is on available on record. The appellant filed first appeal on 04.04.2014 with the First Appellate Authority (FAA) on the ground that no information was

provided by the CPIO. The FAA response is not on record. The appellant filed second appeal on 21.05.2014 with the Commission.

Hearing:

3. The appellant and the respondent both participated in the hearing through video conferencing.

4. The appellant stated that the sought for information has not been provided to him by the respondent.

5. It is stated by the appellant that the sought for information related to the examination held on 24.06.2012 conducted by Railway Recruitment Board (Southern Railway) vide employment notice No.05/2010 dated 15.12.2010. He sought the copies of his question paper, key answer-sheet, copy of OMR answer sheet and cut-off marks of General, OBC & SC/ST categories in the above examination.

6. The appellant further stated that the First Appellate Authority also has not provided the sought for information.

7. It is stated by the respondent that a policy decision have taken in the Ministry of Railway that the records pertaining to any examination should be destroyed after one year. Accordingly, in this case, the records have been destroyed and the sought for information in the instant RTI application cannot be provided to the appellant now.

Discussion/observations

9. The first appellate authority did not perform his duties as prescribed in the RTI Act.

10. It was noted that CPIO has not furnished all the required information and by now the records have been destroyed.

11. It is observed that as with other exam., marks obtained in the answer-keys/OMR sheets and category-wise cut-off marks needs to be displayed on the website of the railway departments as it is a matter of public interest.

12. During the pendency of a RTI appeal, the records should not have been destroyed.

Decision:

13. Respondent is directed to provide to the appellant,
 - (a) information in context of the instant RTI application;
 - (b) show cause why action should not be taken against the respondent for not providing the information; and
 - (c) comply with the above within 30 days of this order.
14. The Railway may be advised to,
 - (i) Put on their website basic details about every examination after the results are declared e.g. copy of question paper, key answer-sheet, cut off marks etc.
 - (ii) Change their record retention policy so that a mark-sheet which is under consideration in an appeal under RTI Act is not destroyed.

The appeal is disposed of. Copy of the decision be given free of cost to the parties.

(Radha Krishna Mathur)
Chief Information Commissioner

Authenticated true copy

(Prakash)
Dy. Registrar