

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

द्वितीय अपील संख्या / Second Appeal No. CIC/UCOBK/A/2018/629525

Vipin Jain

... अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO: UCO Bank,
Saket Nagar, Indore.

...प्रतिवादी/Respondent

Relevant dates emerging from the appeal:

RTI : 21.06.2018	FA : 22.07.2018	SA : 24.08.2018
CPIO : 22.06.2018	FAO : 21.08.2018	Hearing : 03.09.2019

ORDER
(09.09.2019)

1. The issues under consideration arising out of the **second appeal dated 24.08.2018** include non-receipt of the following information raised by the appellant through his RTI application dated 21.06.2018 and first appeal dated 22.07.2018:-

- (i) Provide us with details and certified copies of action taken by your office/department and the attached letter (e-mail)/complaint dated

12.06.2018 filed by the applicant via register letter No. EI102275076IN delivered on 14.06.2018.

2. Succinctly facts of the case are that the appellant filed an application dated 21.06.2018 under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), UCO bank, Zonal Office, Indore, seeking aforesaid information. The CPIO replied on 22.06.2018. Dissatisfied with the response of the CPIO, the appellant filed first appeal dated 22.07.2018. The First Appellate Authority disposed of the first appeal vide order dated 21.08.2018. Aggrieved by this, the appellant has filed a second appeal dated 24.08.2018 before this Commission which is under consideration.

3. The appellant filed the instant appeal dated 24.08.2018 *inter alia* on the grounds that the replies given by the CPIO and FAA were not satisfactory. The appellant has requested the Commission to direct the FAA to provide the desired information and take necessary action as per sub-sections (1) of section 20 of the RTI Act.

4. The CPIO vide letter dated 22.06.2018 replied that payment for the appellant's security fund had been made to him on 13.01.2018 and rest of the information was denied under clause (d) of sub section (1) of section 8 of the RTI Act. The FAA vide his order dated 21.08.2018 agreed with the views taken by the CPIO.

5. The appellant remained absent and Mr. G.M. Basava, CPIO and Ms. Abha Tiwari, Law Officer (respondent) attended the hearing through video conference.

5.1. The respondent *inter alia* submitted that with reference to appellant's complaint letter dated 12.06.2018 quoted in his RTI application dated 21.06.2018 that action with respect to the security deposit was communicated to the appellant

vide CPIO's letter dated 22.6.2018. With respect to other part of the appellant's complaint, i.e. purported action taken against Mr. Sheikh Mastan, Mr. S.R. Meena and Mr. Manish Kumar for being at their seats at around 4 pm. when the appellant visited that office. This information was denied under section 8(1) (d) of the RTI Act. Subsequently, the FAA had denied the information under section 8(1) (d) and 8(1) (j) of the RTI Act. The respondent defended the reply given by the CPIO as well as by the FAA.

6. The Commission after adverting to the facts and circumstances of the case, hearing the respondent and perusal of records, observes that there had been two elements in appellant's complaint dated 12.06.2018 with respect to which he sought information. First issue was non - release of appellant's security deposit in spite of having completed the work and the lapse of requisite lock in period. The second issue which was raised by the appellant included alleged malpractices and irregularities which were going on in the Nagda city branch of the bank. It is evident that only after the complaint, security deposit was released to the appellant. Thus, prima facie it is established that the things were not in order. It is also evident from the evasive reply given by the CPIO as well as by the FAA who sought exemptions under section 8(1) (d) and 8(1) (j) of the RTI Act. If the respondent were so confident as during the course of hearing and were arguing on irregularities and malfeasance, then why such a reply was not given to the appellant and why the same was denied. The objective of the RTI Act is to bring transparency and accountability in the functioning of the public authorities. The Commission is of the view that the reply given by the respondent is incomplete and evasive when allegations of corruption or irregularities have been made. Public interest demands that the information should be made available to the appellant. In view of the above, the respondent is directed to provide the complete action taken

and findings of the officers with respect to allegations made by the appellant in his complaint dated 12.06.2018 within 10 days of receipt of this order. With these observations the appeal is partly allowed.

Copy of the decision be provided free of cost to the parties.

Sd/-

Suresh Chandra (सुरेश चंद्रा)

Information Commissioner (सूचना आयुक्त)

दिनांक/ Date:09.09.2019

Authenticated true copy
(अधिप्रमाणित सत्य प्रति)

R. Sitarama Murthy(आर. सीताराम मूर्ति)
Deputy Registrar (उपपंजीयक)
011-26181927(०११-२६१८१९२७)

Addresses of the parties:

THE CPIO,
UCO BANK,
LAW DEPARTMENT,
ZONAL OFFICE,
2ND FLOOR, 380, SAKET NAGAR,
INDORE - 452018.

THE FIRST APPELLATE AUTHORITY,
UCO BANK,
RECOVERY DEPARTMENT,
ZONAL OFFICE,
2ND FLOOR, 380, SAKET NAGAR,
INDORE - 452018

VIPIN JAIN,