

केंद्रीयसूचनाआयोग
CENTRAL INFORMATION COMMISSION
बाबागंगानाथमार्ग
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File No : CIC/DSHIP/A/2017/119776

In the matter of:

S P Sinha

...Appellant

Vs.

APIO, Ministry of Shipping,
Mercantile Marine Dept, Mumbai,
Pratishtha Bhavan, P.B. No. 11096, 101,
M K Road, Mumbai – 400020.

...Respondent

Dates

RTI application	:	07.09.2016
CPIO reply	:	07.10.2016
First Appeal	:	19.10.2016
FAA Order	:	not on record
Second Appeal	:	15.03.2017
Date of hearing	:	11.07.2018

Facts:

The appellant vide RTI application dated 07.09.2016 sought information on seven points as under;

1. Copies of appointment orders of Hindi Typists for the last 15 years.
2. Copies of appointment orders of Stenographer grade III and promotion orders of Hindi Typist for the last 15 years.
3. Copy of the DPC minutes and noting portions of concerned file(s), in which a Hindi typist had been promoted to the post of Stenographer grade III by the competent authority of Mercantile Marine Department (MMD), Mumbai.

4. Copies of concerned note-sheet in the file no., EST/MMD/MUM/119/Vol-VI wherein the Director General of shipping's letter no. PB-32(1)/2014-RTI-Pt dated 28.07.2016 had been dealt and action had been taken thereon.

5. Copies of concerned note-sheet(s) and correspondence portion(s) of the file related to the definition of examination fees and the corresponding audit related file from year 2005 onwards

6. Other related information.

The CPIO replied on 07.10.2016. The appellant was not satisfied with the reply of the CPIO and filled first appeal on 19.10.2016. The First Appellate Authority (FAA)'s order is not on record. Aggrieved with the non-supply of the desired information from the respondent authority, the appellant filed a second appeal under the provision of Section 19 of the RTI Act before the Central Information Commission on 15.03.2017.

Grounds for Second Appeal

The CPIO did not provide the desired information.

Order

Appellant : Present
Respondent: Shri P. Mahapatra,
Inspector (Mercantile) cum APIO,
Ministry of Shipping

During the hearing, the respondent PIO submitted that they had provided the requisite reply vide their letter dated 07.10.2016. The reply furnished to the appellant is just and proper and hence the case might be dismissed.

The appellant submitted that he was not satisfied with the reply received from the respondent and also submitted that only one hindi typist had been appointed during last 15 years.

On perusal of the relevant case record, it was noted by the Commission that proper reply was not provided to the appellant on point nos. 1 & 2 of the said RTI

application, even though, the sought for information on these points is covered u/s 8(1)(j) of the RTI Act and hence non disclosable. However, before final reply, the respondent authority should have undertaken due procedure envisaged under section 11(1) of the RTI Act. The Commission therefore wants the respondent authority to follow the procedure as envisaged under section 11(1) of the RTI Act in this case.

The Commission directs the concerned CPIO to issue notice u/s 11(1) of the RTI Act to the third parties concerned within five days from the receipt of this order, informing him of the Commission's order and of the fact that the respondent is directed to disclose the sought for information subject to his consent and invite the third party to make submission in writing regarding whether the sought for information should be disclosed to the appellant. The third party within ten days from the date of receipt of such notice, shall inform the respondent authority about his stand in the matter. In case the third party gives his consent, the CPIO shall provide complete information within 3 days from the receipt of such consent to the appellant and if the third party objects, the same shall be intimated to the appellant within the same time period under intimation to the Commission.

Information on point nos. 3, 4 & 7(later part) of the stated RTI application cannot be disclosed being information related to third party and as the same is exempted u/s 8(1)(j) of the RTI Act. On point no. 5, the Commission observed that the sought for information is voluminous in nature and scattered in various government records.

The respondent CPIO is directed to fix a joint inspection of relevant records on point no. 5 of the above stated RTI application under his personal supervision on a mutually convenient date and at mutually convenient time and place. Based on the joint inspection, certified copies of records as selected by the appellant are to be provided then and there to the appellant free of charge u/s 7(6) of the RTI

Act. The action is to be completed within a period of 30 days from the date of receipt of this order.

After the Joint Inspection is over, a report on the Joint Inspection signed by the respondent CPIO, duly countersigned by the appellant with his remark(s), if any, is to be submitted within 7 days thereafter to the Commission for perusal and record.

The reply provided on point nos. 6 & 7(Ist part) are proper. On point no 8, the respondent is directed to provide hard copy of the information as sought by the appellant in his RTI application.

Be that as it may, since no desired information was provided to the appellant on point no. 8 in the present case, the respondent CPIO is directed to provide hard copy (legible copies), free of charge u/s 7(6) of the RTI Act within 15 days of the receipt of the order.

The respondent CPIO is further directed to send a report containing the copy of the revised reply and the date of despatch of the same to the RTI appellant within 07 days thereafter to the Commission for record.

With the above observation/direction, the appeal is disposed of.

Copies of the order be sent to the concerned parties free of cost.

[Amitava Bhattacharyya]
Information Commissioner

Authenticated true copy

(A.K. Talapatra)
Deputy Registrar