

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

File No: CIC/ADDDM/A/2023/132373

Naresh Chandra Varshney

....अपीलकर्ता/Appellant

VERSUS

बनाम

PIO,
Office of Addl. District
Magistrate North West Dist,
Kanjhawala, Delhi-110081

....प्रतिवादीगण /Respondent

Date of Hearing : 11.11.2024

Date of Decision : 14.11.2024

INFORMATION COMMISSIONER : Vinod Kumar Tiwari

Relevant facts emerging from appeal:

RTI application filed on : 27.03.2023
CPIO replied on : Not on record
First appeal filed on : 11.04.2023
First Appellate Authority's order : Not on record
2nd Appeal/Complaint dated : 26.07.2023

Information sought:

The Appellant filed an (offline) RTI application dated 27.03.2023 seeking the following information:

“आवेदक उपरोक्त ने दि 04/06.03.2023 को अपना आवेदन श्रीमान जिला मेजिस्ट्रेट जनपद उत्तर पश्चिम, नई दिल्ली, कंझवला नई दिल्ली को प्रेषित

किया था (सलग्न) इस विषय में सविनय निवेदन है की उपरोक्त अधिनियम की उपरोक्त धाराओं के अंतर्गत आवेदक के उन आवेदन में उल्लेखित प्रकरण में उपरोक्त श्रीमान जिला मेजिस्ट्रेट के द्वारा कृत कार्यवाही के बारे में सप्रमाण सूचनाएँ उपलब्ध करने की कृपा करें।”

Having not received any response from the CPIO, the appellant filed a First Appeal dated 11.04.2023. The FAA order is not on record.

Feeling aggrieved and dissatisfied, appellant approached the Commission with the instant Second Appeal.

Relevant Facts emerged during Hearing:

The following were present:-

Appellant: Absent.

Respondent: Absent.

Both the parties were absent during the hearing, despite prior intimation.

A letter dated 09.11.2024 filed by Mr. Manish Chandra Verma, SDM (Rohini), New Delhi vide which the hearing notice and complaint of the appellant has been transferred to the SHO, Begumpur, Delhi. The same is taken on record.

Decision:

The Commission observes that over a period of one and half year has elapsed from the date of RTI application, yet no reply has been given to the Appellant as per available records. Further, the Respondent (including deemed PIO to whom hearing notice has been transferred) did not participate in the hearing. Accordingly, the Commission expresses severe displeasure on the conduct of the concerned PIOs for neither providing any reply nor participated in the hearing. The act of the concerned PIOs, tramples upon the citizen's right under the RTI Act as well as shows lack of respect towards the Commission. Hence, they are being called to show cause.

In view of the above, inaction on their part is *prima facie* established and therefore, the Commission deems it expedient to direct the Registry of this Bench to issue **Show Cause Notice** to concerned PIO i.e. Mr. Manish Chandra

Verma, SDM (Rohini); and the SHO, PS Begumpur, Delhi and Assistant Commissioner, MCD, Narela Zone to whom complaint under reference and hearing notice were transferred. The PIOs shall explain in writing as to why action should not be initiated against them under Section 20(1) and 20(2) of the RTI Act for the foregoing reasons, written explanation of the PIOs should reach the Commission within four weeks from the date of receipt of this order.

A copy of this order is marked to the FAA who shall ensure that a copy of this order is received by the erring PIOs. The FAA is further directed to ensure that under all circumstances, written submissions of the erring PIOs should reach the Commission within four weeks from the date of receipt of this order, failing which proceedings will be held *ex-parte*. The FAA shall inform the Commission the name/names of the PIO at the relevant time who was/were supposed to give reply and the name of PIO who did not appear in the hearing.

Meanwhile, the Respondent (present PIO) is directed to provide complete information to the Appellant i.e. action taken report on his complaint as sought for, after accessing the same from the concerned officer under Section 5(4) of the RTI Act, if need be, within four weeks from the date of receipt of this order.

The FAA shall ensure compliance with this order.

The appeal is disposed of accordingly.

Vinod Kumar Tiwari (विनोद कुमार तिवारी)
Information Commissioner (सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

(S. Anantharaman)

Dy. Registrar
011- 26181927
Date

Copy To:

**The FAA,
Office of Addl. District Magistrate,
Kanjhawala Delhi-110081**



Recomendation(s) to PA under section 25(5) of the RTI Act, 2005:-

Nil