

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/POSTS/A/2023/137116+
CIC/POSTS/A/2023/137113+
CIC/POSTS/A/2023/116009+
CIC/POSTS/A/2023/115377

Himanshu Pandey

... अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO:
Department Of Posts,
Mainpuri, UP

...प्रतिवादीगण/Respondents

Relevant dates emerging from the appeal:

Sl. No.	Second Appeal No.	Date of RTI Application	Date of CPIO's Reply	Date of First Appeal	Date of FAA's Order	Date of Second Appeal
1.	137116	04.05.2023	29.05.2023	07.06.2023	06.07.2023	28.08.2023
2.	137113	25.06.2023	24.07.2023	26.07.2023	23.08.2023	28.08.2023
3.	116009	10.02.2023	22.02.2023	26.02.2023	20.03.2023	27.03.2023
4.	115377	02.02.2023	22.02.2023	26.02.2023	20.03.2023	27.03.2023

Note : The above-mentioned appeals have been clubbed together for decision as RTI applications are similar in nature.

Date of Hearing: 12.11.2024

Date of Decision: 14.11.2024

CORAM:
Hon'ble Commissioner
ANANDI RAMALINGAM
ORDER

Second Appeal No. CIC/POSTS/A/2023/137116

1. The Appellant filed an RTI application dated 04.05.2023 seeking information on the following points:

➤ *Attested photocopies of Allau B.O. Account dated 20.10.2019 to 31.10.2019.*

1.1. The CPIO replied vide letter dated 29.05.2023 and the same is reproduced as under:-

चूंकि आपके द्वारा शाखा डाकघर एलाऊ में शाखा डाकपाल के पद पर कार्य करते हुए गबन किया गया एवं मामले में FIR दर्ज है अतः आपको इस संबंध में सूचना प्रदान नहीं की जा सकती।

1.2. Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 07.06.2023 alleging that the information provided was incomplete, false and misleading. The FAA vide order dated 06.07.2023 upheld the reply given by the CPIO.

1.3. Aggrieved with the FAA's order, the Appellant approached the Commission with the instant Second Appeal dated 28.08.2023.

Second Appeal No. CIC/POSTS/A/2023/137113

2. The Appellant filed an RTI application dated 25.06.2023 seeking information on the following points:

CPIO के माध्यम से प्रेषित याचिका दि.20-2-2023 पोस्ट मास्टर जनरल आगरा को अग्रसारित करने हेतु आपके कार्यालय को प्रेषित द्वारा RL No. RU 437856769 in दि. 18-3-2023 वितरित दि. 23.3.2023 से सम्बन्धित निम्न सूचनाएं उपलब्ध कराया जाना-

(i) *कथित पंजीकृत पत्र की वितरण पर्ची की प्रमाणित प्रति उपलब्ध कराया जाना।*

(ii) कथित याचिका दि.20-2-2023 के अग्रिम निस्तारण सम्बन्धित फाइल नोटिंग की प्रमाणित प्रति उपलब्ध कराया जाना।

- 2.1. The CPIO replied vide letter dated 24.07.2023 and the same is reproduced as under:-
- i. वितरण पर्ची की प्राप्ति हेतु विभागीय फीस रुपये 3/- किसी भी उपडाकघर में UCR में जमा कर मूल प्रति इस कार्यालय को प्रेषित करें।
 - ii. उक्त याचिका एलाऊ गबन केस से संबंधित होने के कारण इस संबंध में आपको किसी प्रकार की सूचना प्रदान नहीं की जा सकती।

2.2. Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 26.07.2023 alleging that the information provided was incomplete, false and misleading. The FAA vide order dated 23.08.2023 upheld the reply given by the CPIO.

2.3. Aggrieved with the FAA's order, the Appellant approached the Commission with the instant Second Appeal dated 28.08.2023.

Second Appeal No. CIC/POSTS/A/2023/116009

3. The Appellant filed an RTI application dated 10.02.2023 seeking information on the following points:

अजीतगंज उपडाकघर SB A/c No. 3215860 खाताधारक हिमांशु पाण्डेय से सम्बन्धित निम्न सूचनाएं उपलब्ध कराने की कृपा करें।

- (i) खाते का फिनेकल खाता सं०
- (ii) खाते में कुल बकाया राशि
- (iii) खति की लेन-देन की अंतिम तारीख (DLT) -
- (iv) खाता फ्रीज करने की तिथि
- (v) खाता अनफ्रीज करने की तिथि
- (vi) A/C No. 3215860 के सम्बन्ध में प्रमाणित छापा प्रति उपलब्ध कराने की कृपा करे।

3.1. The CPIO replied vide letter dated 22.02.2023 and the same is reproduced as under:-

चाही गयी सूचना, सूचना के अधिकार अधिनियम 2005 की धारा 8 (1)(h) के तहत प्रदान किया जाना संभव नहीं है।

3.2. Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 26.02.2023 alleging that the information provided was incomplete, false and misleading. The FAA vide order dated 20.03.2023 upheld the reply given by the CPIO.

3.3. Aggrieved with the FAA's order, the Appellant approached the Commission with the instant Second Appeal dated 27.03.2023.

Second Appeal No. CIC/POSTS/A/2023/115377

4. The Appellant filed an RTI application dated 02.02.2023 seeking information on the following points:

- (i) *अजीतगंज उपडाकघर मैनपुरी मंडल मैनपुरी में SB खाता सं० 3215860 खाताधारक श्री हिमांशु पाण्डेय के खाते की लेजर स्टेटमेंट की प्रमाणित छायाप्रति उपलब्ध कराने की कृपा करें।*

4.1. The CPIO replied vide letter dated 22.02.2023 and the same is reproduced as under:-

चाही गयी सूचना, सूचना के अधिकार अधिनियम 2005 की धारा 8 (1)(h) के तहत प्रदान किया जाना संभव नहीं है।

4.2. Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 26.02.2023 alleging that the information provided was incomplete, false and misleading. The FAA vide order dated 20.03.2023 upheld the reply given by the CPIO.

4.3. Aggrieved with the FAA's order, the Appellant approached the Commission with the instant Second Appeal dated 27.03.2023.

Hearing Proceedings:

5. The appellant and on behalf of the respondent Shri Desh Deepak Shukla, Inspector of Posts, attended the hearing through video conference.

6. The appellant *inter alia* submitted that the reply given by the respondent was unsatisfactory. He insisted that since the departmental enquiry against him had been concluded, the CPIO no longer had any reason to withhold data relating to his ledger account statement, Allau B.O. Account, etc. He further stated that the information related to disposal of his representation dated 20.02.2023 (received on 23.03.2023) had not been provided, so far.

7. The respondent while defending their case *inter alia* submitted that the information related to transactions reflected in the ledger account, and Allau B.O. was not disclosed at the stage of pendency of enquiry proceedings. The CPIO explained that the witness statements had not been recorded at the material time, hence, disclosure of information prematurely would have allowed the appellant to contact the witnesses or tamper the evidence, thereby adversely affecting the investigation. However, the departmental enquiry having concluded, the criminal proceedings in pursuance to the FIR filed against the appellant are still pending.

8. The Commission after adverting to the facts and circumstances of the case, hearing both parties and perusal of records, observes that the respondent have timely responded to the appellant in all four cases. The respondent having confirmed the stage of pending investigation in the criminal proceedings, the stand taken by them for non-disclosure of information related to records concerning account statements/evidence as per Section 8 (1) (h) of the RTI Act, is found sustainable in the eyes of law.

8.1. However, in the case of **CIC/POSTS/A/2023/137113**, wherein the CPIO has already furnished the copy of delivery slip of the appellant's representation, the respondent is yet to inform the action taken on it. The Commission notes that the disclosure of information relating to the disposal of appellant's representation has no bearing on the investigation connected to criminal proceedings and he is entitled to know the outcome of

his own representation. In view of the above, the respondent is directed to provide the information sought in point no. (ii) of the RTI application, including the action taken/broad outcome along with copies of file notings after redacting personal details, if any, in consonance with Section 10 of the RTI Act 2005, to the appellant within two weeks from the date of receipt of this order, under intimation to the Commission. With these observations and directions, the appeal CIC/POSTS/A/2023/137113 is disposed of. The Commission finds no scope of intervention in the remaining three appeals and the same stand dismissed.

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

Sd/-

(Anandi Ramalingam) (आनंदी रामलिंगम)
Information Commissioner (सूचना आयुक्त)
दिनांक/Date: 14.11.2024

Authenticated true copy

Col S S Chhikara (Retd) कर्नल एस एस छिकारा, (रिटायर्ड)
Dy. Registrar (उप पंजीयक)
011-26180514

Addresses of the parties:

1. The Central Public Information Officer
O/o. The Superintendent of Post Offices,
CPIO,
Department Of Posts,
Mainpuri Division, Distt-Mainpuri, UP-205001

2. Himanshu Pandey

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

Nil