

CENTRAL INFORMATION COMMISSION
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Appeal No. CIC/VS/A/2015/000367

Appellant: Mr. Hukma Raj Badala
Shreeji Computers Ashapura,
Complex PO Beda Distt.,
Pali-306126, Rajasthan

Respondent: Central Information Officer
Sr. DPO-RTI Cell,
North Western Railway, Division Office,
Ajmer, Rajasthan

Date of Hearing: 16.11.2016
Dated of Decision: 16.11.2016

ORDER

Facts:

1. The appellant filed RTI application dated 17.11.2014 seeking information viz the copy of railway policy with respect to exchange and acceptance of railway land near railway track and policy regarding the recovering of difference amount; copy of case filed in Court; copy of reply given by the Railways and whether the proposal was dismissed or accepted by the court and if the case has been decided by the court then to provide a copy of the same and other related issues.
2. The CPIO responded on 08.01.2015. The appellant filed first appeal on 25.12.2014 with the First Appellate Authority (FAA). The response of FAA is not on record. The appellant filed second appeal on 16.02.2015 with the Commission on the ground that information should be provided to him.

Hearing

3. The appellant and the respondent both participated in the hearing.

4. The appellant referred to his RTI application and stated that the sought for information has not been provided to him by the respondent. The appellant stated that he has been provided misleading information. The appellant stated that the sought for certificates has not been provided to him. The appellant stated that the information which has been given to him is contradictory of the information which has been provided to him in response to his earlier RTI applications.

5. The respondent stated that the appellant has filed multiple RTI applications on the subject of information. The respondent stated detailed facts have been submitted to the Commission in a matter which has been heard by the Hon'ble Information Commissioner Shri Bimal Julka recently.

6. The respondent stated that the appellant is filing multiple RTI application on the issue and he has been given a reply on this subject a large number of times. The respondent stated that the appellant has been informed vide letter dated 08.01.2015 that the information with regard to point no. 1, 2 and 3 are not available. The respondent stated that there is no policy available with regard to exchange of the Railway Track Land. The respondent stated that the appellant with regard to point no. 4 was informed that a Court case is pending and in regard to point no. 5 he was informed that 12.67 hectare land of Railway Khasra no. 3017, 3018, 3019 was verified, in which 2 encroachments were found. The respondent stated that pillars are installed in accordance with the plan approved by the Revenue Authority in the year 1975.

7. The respondent stated that the appellant may inspect the record and take pertinent documents on payment of prescribed copying fee. The respondent stated that whatever information could have been provided had been given to the appellant.

8. The appellant stated that from 1997 till date various certificates on land verification have not been given to him.

9. The respondent stated that they have a land booklet which is prepared every year and it contains all certificates/ verifications which is sent to the Head Quarter. The respondent stated that the appellant may inspect and take photocopy thereof. The respondent stated that the issue has been investigated by Railway Vigilance. The respondent stated that they are ready to provide all records regarding encroachment of the land but they have not been able to satisfy the appellant despite repeated replies.

10. The respondent stated that he does not want to inspect the record as his life is in danger. On query from the Commission, he refused to inspect the record through his agent /representative also.

Discussion/ observation:

11. It is observed that during the hearing the appellant repeatedly insulted the respondent Government officials by saying that they are liars. It is observed that the appellant has filed large number of RTI applications on the issue.

12. On query from the Commission, the appellant could not clearly articulate the specific information which has still not been given by the respondent vis-a -vis his RTI request, except saying that the respondent is lying. He did not state which documents are suppressed or forged, even when, he was requested to inspect all documents, he refused.

13. To be fair to the appellant, it is felt appropriate for give him an opportunity to give a list indicating the information that is yet to be given in the context of his RTI request.

Decision:

14. The Commission advises the appellant to give a complete list of information, within 7 days of the order for which the reply is yet to be given to him in the context of his RTI request. The CPIO is directed to give a reply within 30 days thereafter.

15. The appellant is admonished for using improper language and making allegations that were not supplemented by him during hearing.

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

(S.C. Sharma)
Dy. Registrar