

केंद्रीय सूचना आयोग  
CENTRAL INFORMATION COMMISSION  
बाबा गंगनाथ मार्ग  
Baba Gangnath Marg  
मुनिरका, नई दिल्ली - 110067  
Munirka, New Delhi-110067

Decision no.: -CIC/CGEHO/C/2018/170303/03153  
File no.: - CIC/CGEHO/C/2018/170303

In the matter of:

D T Eshwaran

... Complainant

VS

Central Public Information Officer  
Central Govt Employees Welfare Housing Organization,  
6<sup>th</sup> Floor, A Wing Janpath Bhawan, Janpath, New Delhi - 110001

... Respondent

RTI application filed on	:	27/04/2018
CPIO replied on	:	01/06/2018
First appeal filed on	:	05/07/2018
First Appellate Authority order	:	03/08/2018
Complaint filed on	:	22/11/2018
Date of Hearing	:	17/03/2020
Date of Decision	:	17/03/2020

Based on the relief sought by the complainant and the submissions made by him during the hearing, the present complaint is converted into Second Appeal.

The following were present:

**Appellant:** Present over VC

**Respondent:** Shri Roshan Kishore, Assistant Director & CPIO, heard over phone

**Information Sought:**

The Appellant has sought the following information in respect of two housing projects at Paruthipattu, Chennai 71:

1. The reason for constructing only 37 blocks (572 DUs), when CMDA had given plan permission for 64 blocks (1304DUs) on 07.11.2006, without provision for a Community Centre.

2. The reasons for not allotting space for the community centre in the plan for 64 blocks in S+4, proposal for which sent for CMDA's approval.
3. The proposal, file notings and orders to go for MSBs at the site sent to the Executive Committee for approval and the date of its clearance.
4. And other related information.

### **Grounds for Second Appeal**

The CPIO has provided misleading and incomplete information.

### **Submissions made by Appellant and Respondent during Hearing:**

The appellant submitted that till date he has not received any reply from the respondent authority particularly on points no. 3 & 4 even after clear directions from the FAA to provide the relevant information free of cost to the appellant.

The CPIO submitted that an appropriate reply was given by the then CPIO on 01.06.2018.

On a query by the Commission as to why the FAA order dated 03.08.2018 was not complied with, the CPIO failed to submit anything apart from stating that he was not the then CPIO who handled the above mentioned RTI application.

### **Observations:**

From a perusal of the relevant case records, it is noted that till date no additional reply has been provided to the appellant on points no. 3 & 4 of the RTI application even after a clear direction from the FAA to provide the requisite information vide his order dated 03.08.2018. The CPIO present during the hearing failed to give any justification in this regard apart from stating that he was not holding the charge of the CPIO at the time when the FAA order was passed.

The Commission expresses its extreme displeasure to see the irresponsible attitude of the then CPIO, Shri K C Aggarwal who has not even paid heed to his own FAA's order. Clearly, the CPIO flouted the FAA's order and is responsible for denial of information to the appellant.

**Decision:**

The Commission expresses extreme displeasure at the conduct of the CPIO in flouting the FAA's order. Hence, the concerned CPIO, Shri K C Aggarwal is issued a strict warning to be careful in future with regard to the above observations. The present CPIO is directed to serve a copy of this order to the then CPIO for his information and in case such kind of lapse is repeated in future, the Commission will be constrained to initiate penal action against him under the relevant provisions of the RTI Act. A copy of this order is marked to the CEO, Central Govt Employees Welfare Housing Organization for information and necessary action to ensure proper implementation of the RTI Act in its letter and spirit.

The Commission also directs the present CPIO to comply with the direction given by the FAA in his order dated 03.08.2018 within 20 days from the date of receipt of the order under intimation to the Commission. The CPIO should note that at this stage he cannot transfer the RTI application, however, he can obtain information from its custodian after seeking assistance u/s 5(4) of the RTI Act. The onus is now on him to obtain the required information and provide it to the appellant as per the timeline specified above.

**The appeal is disposed of accordingly.**

Vanaja N. Sarna (वनजा एन. सरना)

Information Commissioner (सूचना आयुक्त)

Authenticated true copy  
(अभिप्रमाणित सत्यापित प्रति)

A.K. Assija (ऐ.के. असीजा)

Dy. Registrar (उप-पंजीयक)

011- 26182594 /

दिनांक / Date

**Copy to:**

**2. The CEO,**

Central Govt Employees Welfare Housing Organization

6<sup>th</sup> Floor, A Wing Janpath Bhawan,

Janpath, New Delhi - 110001

