

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

**File No : CIC/MOCAV/C/2017/603450/SD**

**Monish Gulati**

.... शिकायतकर्ता /Complainant

VERSUS

बनाम

**CPIO,**

Ministry of Civil Aviation,  
RG Bhawan,  
Safdarjung Airport,  
New Delhi – 110003.

... प्रतिवादीगण /Respondent

RTI application filed on	:	19/08/2016
CPIO replied on	:	No reply
First appeal filed on	:	N.A.
First Appellate Authority order	:	N.A.
Complaint dated	:	02/07/2017
Date of Hearing	:	18/03/2019
Date of Interim Decision	:	19/03/2019
Date of Final Decision	:	26/04/2019

**Information sought:**

The Complainant sought to know the percentage of Security component and Facilitation component of the passenger service fee collected from a flyer/user; total costs incurred on security as well as details of how expenditure incurred on security for three years (2013-14, 2014-15, 2015-16 ) on provision of security at AAI and non-AAI airports.

**Grounds for the Complaint:**

The CPIO has not provided the desired information.

**Relevant Facts emerging during Hearing on 18.03.2019:**

The following were present:-

**Complainant:** Present in person.

**Respondent:** Satish Chander, US & CPIO, Ministry of Civil Aviation, RG Bhawan, Safdarjung Airport, New Delhi present in person.

Complainant stated that he is aggrieved with the fact that no reply has been received on the RTI Application till date from Satish Chander, US & CPIO even as the RTI Application was transferred to him on 22.08.2016.

CPIO submitted that appropriate reply was provided on the RTI Application vide his letter dated 24.08.2016 and referred to its copy sent as written submissions to the Commission vide letter dated 08.03.2019.

Commission remarked that even so the reply is dated 24.08.2016, as per the online trail of RTI Application, Satish Chander, US & CPIO is shown to have disposed the RTI Application only on 16.10.2017.

CPIO submitted that as per practice, replies furnished on the RTI Application are sent to dispatch Section and in the instant case also, he sent the reply dated 24.08.2016 to the dispatch Section. He further submitted that the anomaly in the date of disposal shown in the online portal is owing to his omission in updating the same with respect to a lot many other RTI Applications too at the time. He regretted the said omission and brought the attention of the bench to the portion of the online trail, wherein it has also been recorded that reply on the RTI Application has been sent in August, 2016.

Complainant expressed his apprehension towards the submissions of the CPIO as he was of the firm belief that no such reply has been sent to him and insisted on the proof of dispatch to be shown to him.

CPIO requested that he may be allowed to email the proof of dispatch before taking final decision in the matter.

Commission reserved the decision in the matter subject to receipt of the proof of dispatch of the reply dated 24.08.2016 via email from the CPIO by end of the day.

**Interim Decision on 19.03.2019**

Commission has not received the proof of dispatch of the reply dated 24.08.2016 despite affording time to the CPIO for sending the same. The failure to provide the dispatch proof and the contentions of the Complainant during hearing *prima-facie* suggests that the reply was never sent to the Complainant. This amounts to a deemed refusal of the CPIO to provide information on the RTI Application as well as his submissions during hearing are now deemed as false and misleading.

Now, Commission directs Satish Chander, US & CPIO to appear before the bench on **12.04.2019** at **11.30 am** to show-cause as to why action should not be initiated against him under Section 20 of RTI Act on the aforesaid counts. Satish Chander, US & CPIO is also directed to bring along supporting documents, if any, on which he chooses to rely upon during the hearing.

**The Complaint is reserved for final order.**

**Relevant Facts emerging during Hearing on 26.04.2019:**

**Respondent:** Satish Chander, US & CPIO, Ministry of Civil Aviation, RG Bhawan, Safdarjung Airport, New Delhi present in person.

CPIO submitted that upon directions of the Commission he personally visited the dispatch Section to trace the dispatch proof for letter no.13024/1/2013-AS(pt.) dated 24.08.2016 but regretted that he could not find any record indicating the dispatch of the said letter. He further affirmed that there is record indicating that his approval on the file was obtained for dispatch of the averred letter and even status on the RTI portal was updated to the effect that reply has been furnished in August, 2016, however, since Complainant has stated that he did not receive the reply of 24.08.2016, he believes there has indeed been an omission on their part in ensuring the dispatch of the said letter. He tendered his unconditional apology for the same and urged that he is accepting the responsibility for not ensuring the dispatch of the letter but at the same time prayed that the Commission may condone the omission as there was no malafide intention on his part which can be evinced from the fact that he prepared the reply on 24.08.2016 itself.

## Final Decision

Commission observes that the submission of the CPIO reflects poorly on the system of dispatching correspondences in the Respondent office. CPIO has although proved that there was no deliberate or malafide intention involved in his omission but such instances are viewed adversely by the Commission as stipulations of time period and penal provisions in RTI Act necessitates due diligence of the CPIOs while dealing with RTI Applications.

Commission drops the show-cause proceedings initiated in the matter with severe reprimand to the CPIO and he is directed to exercise utmost care in future to ensure that reply on RTI Applications is dispatched within the stipulated time frame of RTI Act.

**The Complaint is disposed of accordingly.**

**Divya Prakash Sinha ( दिव्य प्रकाश सिन्हा )  
Information Commissioner ( सूचना आयुक्त )**

Authenticated true copy  
(अभिप्रमाणित सत्यापित प्रति)

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