

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)

Central Information Commissioner

CIC/POSTS/A/2017/312187

Krishna Sharma v. PIO, Department of Posts

RTI	:	21.04.2016
FAO	:	02.08.2016
Second Appeal	:	06.10.2016
Hearing	:	27.07.2017
Appellant	:	Absent
Public Authority	:	Mr. S.S. Suman, ASP
Decided On	:	28.07.2017 (Show-Cause)

INTERIM ORDER

FACTS:

1. A daughter in law wanted to know the arrears of pension of her father in law. She is the wife of deceased son of the pensioner. In her capacity as "**putra vadhu**" she wanted that information. She was asking for action taken report on representation letter dated 14.01.2016 with regard to pension arrears of her father-in-law that needs to be settled. The CPIO contended it that information sought belonged to third party and thus rejected. He contended before the Commission that there was no proof of legality of claim from appellant. Vide order dated 02.08.2016, the FAA upheld the CPIO's response. Being dissatisfied, the appellant approached this Commission.

Decision :

2. The officer stated that since the appellant had not supplied any proof of legal claim and she was not entitled to any share of the pension, therefore, the pension related information was not provided to her.

3. The officer referred to a book authored by Swamy to raise his objections. It is pathetic that the CPIO did not bother to know the 2005 amendment to Hindu Succession Act, according to which sons and married/unmarried daughters will have equal share and the family of the deceased son (wife, sons and daughters) will get the unit of that deceased son. If the pensioner has two sons

and two daughters, all of them including family of deceased son are entitled to the share of the pension. Neither the CPIO nor the Public Authority was asked to make payment of money, but was asking, about settlement of arrears of her father in law. It was wrong on part of Public Authority not to furnish this information; if they had doubt regarding appellant's claim they should have verified instead of rejecting it blatantly.

4. The CPIO from the Public Authority is absent which is the case in most of the hearings concerning Department of Posts. The Commission would like to record that Department of Posts is the only Public Authority where CPIOs do not feel responsible to attend the hearing. They either send either Inspector of Posts or some other Assistant staff who repeat the decision of the CPIO and FAA and are not willing to accept the aspects of RTI on the pretext of quoting their seniors who have given response letters without application of mind. Most of the representatives of CPIOs are not well-versed with their files and RTI Act, nor are prepared to answer the clarifications required. This is plaguing every office of Department of Posts.

5. The Commission directs Mr. A.S. Rathore, CPIO and Mr. N. Morey, CPIO to **show-cause** why maximum penalty should not be imposed against each of them for illegally denying the information sought, before 28.08.2017.

6. The Commission recommends Shri Ananta Narayan Nanda, Secretary, Department of Posts & Chairperson, Postal Services Board to either instruct CPIOs to attend second appeal hearings or replace them with officers of different rank with requisite aptitude so that they responsibly represent the case during hearing.

Sd/-
(M. Sridhar Acharyulu)
Central Information Commissioner

Authenticated true copy

(Dinesh Kumar)
Deputy Registrar

Copy of decision given to the parties free of cost.

Addresses of the parties:

1. The CPIO under RTI,
Department of Posts,
Superintendent of Post Office,
Gwalior Division,
Gwalior-474006.

2. Shri Krishna Sharma,

3. Secretary to Govt of India
Department of Posts
Sanchar Bhavan, New Delhi-110001