

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/DEPOL/A/2017/184388

Renu Garg

... अपीलकर्ता/Appellant

VERSUS
बनाम

CPIO, Delhi Police, O/o the DCP,
Police Control Room, PCR,
Model Town – II, Delhi -110009

... प्रतिवादीगण /Respondents

CPIO, Delhi Police, O/o the
ADCP cum PIO, DCP Office
Complex, South District, Near PS
Hauz Khas, New Delhi

Relevant dates emerging from the appeal:

RTI : NIL	FA : 25.08.2017	SA : 20.12.2017
CPIO : 06.04.2017, 13.04.2017	FAO : 25.09.2017	Hearing : 16.07.2019

ORDER

1. The appellant filed an application under the Right to Information Act, 2005 (RTI Act) before the Central Public Information Officer (CPIO), Police Headquarter,

Delhi Police seeking information on two points regarding complaint against Shri Tarun Garg, Smt. Sushma Garg and Geet Garg R/o J-307, Sarojini Nagar, New Delhi including, inter-alia, (i) action taken report against the said persons with regard to the complaint made by Shri Rajinder Sharma (ACP), Delhi Police, New Delhi R/o J-305, Sarojini Nagar, New Delhi along with all documents and , (ii) action taken report with regard to the complaint made by her along with necessary documents.

2. The appellant filed a second appeal before the Commission on the grounds that she is aggrieved by the replies of the two CPIOs (PCR, Delhi Police and South District, Delhi Police) who gave contradictory replies. The appellant further stated that CPIO, PCR, Delhi Police replied that the records have been destroyed while the CPIO, South District, Delhi Police had furnished a false and frivolous reply. The appellant also stated that she is not satisfied with the Order of the FAA since neither any notice of hearing of appeal was sent to her nor any opportunity of personal hearing was given to her by the FAA. The appellant requested the Commission to direct the CPIO to furnish immediately the information sought by her free of cost, to direct the public authority to compensate her for the loss or other detriment suffered and to direct the public authority to make entries in the Service Books of the respondents for defying the provisions of the RTI Act.

Hearing:

3. Ms. Ginni, representative of the appellant and the respondent Shri Kamal Singh, ACP, PCR, Delhi Police, New Delhi, Shri R.K. Parkhi, Inspector, South West District, Delhi Police and Shri Umesh Sharma, Head Constable, South District, Delhi Police were present in person.

4. The appellant's representative submitted that in response to the appellant's RTI application, the respondent (PCR, Delhi Police) had informed that the records had already been destroyed. She further submitted that the respondent (South District, Delhi Police) informed the appellant that there was no quarrel. However, there was a quarrel between the appellant and her In-laws. Hence, the respondent has provided incorrect information to the appellant. She also added that the appellant is not satisfied with the enquiry done by the Delhi Police in the case. The appellant's representative further submitted that the FAA had disposed of the first appeal without granting the appellant an opportunity of hearing, which is against the principles of natural justice. She requested the Commission to take action against the CPIO as well as the FAA as per the provisions of the RTI Act.

5. The respondent (South District) submitted that the appellant was informed that a PCR call was received regarding quarrel at H. No. 307 vide DD no. 24A dated 15.10.2011 and the same was marked to SI Mohan Lal. The matter, however, was filed vide DD No. 42B dated 15.10.2011 as IO Shri Mohan Lal, Sub-Inspector had reported that there was no quarrel.

6. The respondent (PCR) submitted that the information sought for pertains to a PCR call dated 15.10.2011, the records of which has been destroyed vide office Order dated 15.05.2015 in compliance with the record retention schedule. Hence, the appellant was informed that the requisite information was not available with them and hence cannot be provided.

Decision:

7. The Commission, after hearing the submissions of both the parties and perusing the records, observes that the replies dated 06.04.2017 and 13.04.2017, were based on the records available with the respondents. Hence, it cannot be said that contradictory replies were provided deliberately and with malafide intention. The Commission also notes that appellant is not satisfied with the reply provided by CPIO, South District, Delhi Police as she is aggrieved with the finding of SI Mohan that there was no quarrel. However, the RTI Act is not the proper law for redressal of grievances and there are other appropriate fora for resolving such matters. The Commission with regard to the appellant's grievance that her first appeal was disposed of by the FAA without providing her an opportunity of being heard, observes that the CIC vide order no. CIC/BS/A/2013/002675/ 6267 dated 30.10.2014 has held that:

“As regards the appellant's submission that his 1st appeal was not decided by the FAA and he was also denied an opportunity of hearing, it is needless to say that deciding an appeal after rendering an opportunity of hearing to the parties is a fundamental principle of jurisprudence. The FAA should invariably decide an appeal and as far as possible also give the appellant including the third party, if any, an opportunity of hearing specially if he so requests, without forgetting that the essence of RTI Act is to provide complete, correct and timely information to the appellant.”

8. In view of the above, the Commission counsels the FAA, O/o the DCP, South District, Delhi Police to provide the appellants, as far as possible, an opportunity of hearing before deciding the appeals.

9. With the above observations, the appeal is disposed of.
10. Copy of the decision be provided free of cost to the parties.

Sd/-

Sudhir Bhargava (सुधीर भार्गव)
Chief Information Commissioner (मुख्य सूचना आयुक्त)
दिनांक / Date 29.07.2019

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

S. S. Rohilla (एस. एस. रोहिल्ला)
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Addresses of the parties:

1. The First Appellate Authority (FAA)
Delhi Police, O/o the DCP cum FAA,
DCP Office Complex, South District,
Near PS Hauz Khas, New Delhi
2. The Central Public Information Officer (CPIO),
Delhi Police, O/o the DCP,
Police Control Room (PCR),
Model Town – II, Delhi -110009
3. The Central Public Information Officer (CPIO),
Delhi Police, O/o the ADCP cum PIO,
DCP Office Complex, South District,
Near PS Hauz Khas, New Delhi
4. Smt. Renu Garg