

**In the Central Information Commission
at
New Delhi**

File No: CIC/AD/A/2011/901422

Date of Hearing : September 1, 2011

Date of Decision : September 1, 2011

Parties:

Applicant

Shri N R Choudhary
H.No. 440, Sector 39
Near Medanta Medicity
Gurgaon
Haryana.

Applicant was present.

Respondent(s)

Ministry of Railways
EDV (S) & PIO - V
Railway Board,
Rail Bhawan
New Delhi.

Represented by : Shri R K Shekhawat, DVE – 1
Shri Anil Kumar.

Information Commissioner : Mrs. Annapurna Dixit

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ORDER

Background

1. The RTI Application dated 5.4.11 was filed by the Applicant with the PIO, M/o Railways, Rail Bhawan, New Delhi. He sought information against 19 points with regard to the Railway Board case No. 2007/V-3/RVNL/5-CTE & CVC File No. 0725/Rly/1 dated 18.9.2008. The PIO on 29.4.11 transferred the points **e, f, g, h and p** to the Central Vigilance Commission, New Delhi requesting the PIO to provide the information directly to the Applicant. PIO, M/o Railways on 6.5.11 replied to the Applicant enclosing the information received from the concerned branch. Thereafter the Applicant filed an appeal before the Commission on 24.5.11 which was registered by the Commission on 6.6.11, seeking the missing information. The Commission issued an order dated 17.8.11 directing the PIO, M/o Railways to appear before the Commission for a hearing in this regard.

2. The Commission received a rejoinder dated 29.8.11 from the CPIO M/o Railways stating that the office has already sent a reply dated 6.5.11 and 16.5.11 to the Applicant. He also stated that the first appeal has not been received in his office. The CPIO further added that items (e), (f), (g), (h) and (p) were transferred to CPIO/CVC on 29.4.11 to which CVC replied on 30.5.11 indicating that the information has already been furnished on the above items on 20.5.11. According to him a reply

pertaining to remaining items (a), (b), (c), (d), (m), (n), (i), (j), (k), (o), (r) (s) of the Application concerning vigilance Dte. Has been furnished to the Appellant vide letter dated 6.5.11.

Decision.

3. During the hearing the Appellant submitted that he had inspected the relevant file which was shown to him by the PIO, CVC and that on 20.5.11 he was provided with all the documents identified by him. He complained about the delay in finalizing his case by the Public Authority about the chargesheet having been issued to him after nearly two years after the investigation was completed by the Vigilance branch. The Respondent from the Vigilance branch (Railway Board), however, insisted that the delay was not at the level of the vigilance branch(Rly Board) while explaining that the delay in issuing the charge sheet was due to new facts being having been brought before the Vigilance branch at different points of time by the Appellant. The Respondent reiterated that the information against points a, b, c, d, l, m, n was not disclosed in their reply dated 6.5.11 since the same was exempted from disclosure as the Appellant's case has not yet been finalized. He also added that the matter at present is lying in the office of the Disciplinary Authority awaiting its finalization by him as also his decision.
4. The Commission is of the opinion that three years is a long enough period for a case such as the one pertaining to the Appellant to have reached its finality and that any further delay in taking a decision would tantamount to deliberate harassment of the Appellant. In this connection, it has been noted from the submission by the Respondents that the matter is lying with the Disciplinary Authority for his decision for almost two months and that it is not known when the decision will be taken .
5. The Commission therefore recommends in the interest of the Appellant and in the light of its observations in para 4 that the Disciplinary Authority finalize the case and take a decision on the matter preferably by 15th October 2011. Once a decision is taken, the Appellant may be allowed to inspect all the relevant files and be provided with copies of documents identified by him, free of cost.
6. The appeal is accordingly disposed of.

(Annapurna Dixit)

Authenticated true copy

(G.Subramanian)
Deputy Registrar

1. Shri N R Choudhary
H.No. 440, Sector 39
Near Medanta Medicity
Gurgaon
Haryana.

2. The Public Information Officer
Ministry of Railways
EDV (S) & PIO - V
Railway Board,
Rail Bhawan
New Delhi.

3. The Appellate Authority
Ministry of Railways
Advisor (Vig) & AA – V
Railway Board,
Rail Bhawan
New Delhi.

4. Officer Incharge, NIC.