

# CENTRAL INFORMATION COMMISSION

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

**CIC/AD/A/2013/000476-SA**

**Appellant** : **Attar Singh Kaushik**

**Respondent** : **Education Dept., GNCTD**

**Date of hearing** : **26.11.2014**

**Date of decision** : **1.12.2014**

**Information Commissioner :** **Prof. M. Sridhar Acharyulu**  
**(Madabhushi Sridhar)**

**Referred Sections** : **Section 19(8)(b) of the**  
**RTI Act**

Heard on 26.11.14. Appellant present. Respondent is represented by Ms.Rashmi Gahlaut.

2. The Paras 3 & 4 of the Commission's order of even No. dt.5.6.14 is reproduced below:

3. Heard the submissions. The appellant is entitled to remuneration as a guest teacher for the teaching and relating work for the period from 7-3-2011 to 31-3-2011. The Principal of the school calculated the amount as Rs.7,200/- to be paid to the appellant. He has quoted sanctions from Planning section, etc. and presented papers for non-payment of the dues to the appellant. The Commission finds this delay as a serious lapse on the part of the Public Authority, who is indulging in unnecessary correspondence

among various officers of the same Department, instead of making payment to a senior citizen like the appellant of the age of 69 years, who has been made to wait for 3 years. The respondents agree that the appellant is entitled to receive the payment. The Commission, therefore, directs the respondent authority to inform by what date the payment of Rs.7,200/- will be released, **within one week** along with interest on the same, from the date it was due to be paid till the date on which it is being paid at a simple interest prevailing in the banks.

4. The Commission also directs the respondent authority to pay the appellant a compensation of Rs.9,000/- apart from the remuneration and interest, within 3 weeks from the date of receipt of the order for the delay in information supplied. The Commission also directs the PIO/APIO(NW)/Principal of the concerned School and the DDE(Planning) North-West District **to show cause** why penalty cannot be imposed on them for the inordinate delay in furnishing the information about the payment of dues to the appellant. Their explanation should reach the Commission within 3 weeks from the date of receipt of this order.

3. The Commission received a letter from the Appellant stating that while he had received payment of Rs.7,200/-, he has not received any compensation as ordered by the Commission.

4. The Commission received a letter dt.1.9.14 from Ms.Rashmi Gahlaut, PIO stating that the RTI Application dt.3.9.12 was received on 6.9.12 and information was supplied on 5.10.12 and thus, there is no delay in responding to the RTI Application.

5. The Commission on perusal of the documents on record holds that response has been given within time limit and accordingly drops the penalty proceedings.

6. In her letter, Ms. Gahlaut also states that while section 19(8)(b) gives powers to Commission to direct the Public Authority to compensate the Appellant for the detriment suffered in receiving the information, in the instant case, there was no delay in furnishing information and the delay was only regarding non-payment of remuneration by the Head of the School for the period Appellant worked as Guest Teacher. She also stated that Commission's directions to pay the wages of Rs.7200/- with simple interest is also beyond the ambit of RTI Act and requested the Commission to withdraw the order directing the Public Authority to compensate the Appellant and also payment of interest.

7. During the hearing, Ms.Gahlaut submitted that Appellant was working as a Guest Teacher and the circular was issued directing the Guest Teachers to work till examination. The Head of the School interpreted it for invigilation duty. According to Ms.Gahlaut, Appellant has marked his attendance and he is entitled for the payment. She stated that the Head of the School was claiming that Appellant will be paid only for the days he was on duty and not on days he has marked his attendance on his own.

8. The Commission after hearing the submissions made directs the PIO to conduct an inquiry u/s 18(2) of the RTI Act to find out reasons and officer responsible for delay in payment of remuneration to the Appellant for nearly three years, for initiating disciplinary action against such officer. The inquiry shall also consider compensating the appellant by payment of interest on the due amount from the date of due to date of payment besides reimbursing the expenditure appellant incurred in visiting the respondent authority's office and visiting office of PIO, Appellate Authority and the Commission under RTI. A copy of the inquiry

report and action taken report shall be shared with the Appellant within two months of receipt of this order alongwith intimation to this Commission.

9. The Commission agrees with the submissions of the Respondent and withdraws the order regarding payment to the Appellant.

10. The Commission ordered accordingly.

Sd/-

(M. Sridhar Acharyulu)  
Information Commissioner

Authenticated true copy

(Babu Lal)  
Dy. Registrar