

**CENTRAL INFORMATION COMMISSION
ROOM NO. 329, SECOND FLOOR, C-WING
August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066
Tel. No. 91-11-26717356**

F.No. CIC/YA/A/2014/000341
F.No. CIC/YA/A/2014/000894
F.No. CIC/SS/A/2013/002736-YA
F.No. CIC/SS/A/2013/002636-YA
F.No. CIC/YA/A/2014/000259

Date of Hearing : 13.10.2014
Date of Decision : 03.11.2014

Appellant : Shri Chander Prakash

Respondent : Shri Rajiv Duggal, AGM(HR)
Smt. Sunita Tirkey, AM(HR)
Smt. Elizabeth Sebastian, Dy. GM(HR)
Shri Parveen Kumar, AGM(HR)
Airport Authority of India, Delhi

Information Commissioner : **Shri Yashovardhan Azad**

Relevant fact emerging from appeal: **CIC/YA/A/2014/000341**

RTI Application filed on : 24.06.2013
PIO replied on : 10.07.2013
First Appeal filed on : 17.10.2013
First Appellate Authority (FAA) order on : 19.11.2013
Second Appeal received on : 23.01.2014

Information sought:

Appellant sought inspection and copies of the documents desired by him from the following three files:

1. A.23018/4/99-EM,
2. A.23018/2/2002-EM &
3. A.23018/2/2003-EM.

Relevant facts emerging during hearing:

Both the parties are present. Appellant sought the above information by filing an RTI application dt 24.06.2013. PIO vide his response dated 10.07.2013 asked the appellant to deposit Rs 86 for 43 pages of information. Appellant again approached the PIO for allowing inspection of the record. Inspection was allowed and carried out on 29th August, 2013. Appellant demanded 86 pages of documents. PIO vide his letter dated 10th September 2013, informed the appellant to deposit Rs 58 as photocopying charges for 29 pages and denied the

rest of the information as being the third party information. FAA vide order dated 19.11.2013, directed the PIO to provide copies of documents marked by the appellant after inspection.

Appellant submitted that he had sought inspection of three specific files but the same was not allowed and the CPIO in his reply simply stated that the desired information consisting of 43 pages is kept ready and asked for depositing the photocopying charges. The appellant further stated that the FAA vide order dated 19.11.2013, directed the CPIO to provide the information sought but the latter failed to comply. The papers were given only after the new CPIO took over the charge. The information sought has not been received within the stipulated time period and the CPIO is liable to be penalised.

The respondent stated that whatever information was sought by the appellant was given within the stipulated time period and inspection was also offered to the appellant. He further submitted that since the appellant is in the habit of filing RTI applications repeatedly on the same/similar matter, in their reply dated 10.07.2013, they had requested the appellant to take the copies of 43 pages after depositing the requisite fee and thereafter inspection was also offered to the appellant vide letter dated 16.08.2013 and accordingly inspection was conducted on 29.08.2013. Respondent further submitted that after the directions of the FAA, complete information as sought by the appellant was provided vide letter dated 21/22.01.2014.

The Commission queried the respondent as to why there was a delay in complying with the order of the FAA, the respondent submitted that the delay occurred due to administrative reasons.

Relevant fact emerging from appeal: CIC/YA/A/2014/000894

RTI Application filed on	:	13.09.2013
PIO replied on	:	No order
First Appeal filed on	:	28.12.2013
First Appellate Authority (FAA) order on	:	28.01.2014
Second Appeal received on	:	18.02.2014

Information sought:

Appellant sought information regarding violation of Reservation Rules in the DPC held on 28.06.2011 for the post of Manager (PS).

Relevant facts emerging during hearing:

Both the parties are present. Appellant had filed an RTI application on 13.09.2013, seeking the above information. Having not received any reply from the PIO, he approached the FAA vide appeal dated 28.12.2013. FAA vide order dated 28.01.2014, directed the PIO to provide the information sought by the appellant within ten days.

Appellant submitted that the RTI application was filed on 13.09.2013 but despite the directions of the FAA, no information has been provided. Respondent submitted that the RTI application dated 13.09.2013 was not received by them and they were not in a position to supply the information initially but on receipt of the FAA's order, information available on record was provided to the appellant on 10.02.2014. Thus, there was a delay of 2/3 days only, which was due to administrative reasons. He further submitted that the response after receiving the RTI application was very much in time as stipulated under the RTI Act, 2005.

Relevant fact emerging from appeal: CIC/SS/A/2013/002736-YA

RTI Application filed on : 27.11.2012
PIO replied on : 21.12.2012
First Appeal filed on : 21.07.2013
First Appellate Authority (FAA) order on : 21.08.2013
Second Appeal received on : 23.10.2013

Information sought:

Appellant sought information on 6 points relating to the DPC in the grade of Sr. Stenographer held in the month of August 2000.

Relevant facts emerging during hearing:

Both the parties are present. Appellant sought the above information by filing an RTI application on 27.11.2012. PIO vide letter dated 21.12.2012, provided a response. Appellant again approached the PIO vide letter dated 5th June, 2013 to which a point wise reply was provided by the PIO on 29.07.2013. FAA vide speaking order dated 21.08.2013, disposed of the first appeal of the appellant with the observation that the information sought and available on record has been provided to the appellant.

Appellant stated that in the instant case, he merely wanted information relating to the DPC, but the PIO had provided him copies of noting portion of different files and inspection was offered. When he went for inspection, they had clubbed two of his RTI applications together and no information was provided on the DPC. Respondent stated that they had replied to the RTI application on 26.12.2012 and thereafter inspection was allowed to the appellant on 05.03.2013 and after that on the request of the appellant, information comprising 191 pages was also sent to him on 18.03.2013. Regarding DPC, complete information as available on record has since been provided to the appellant and inspection of the same was also carried out by the appellant.

Appellant submitted that he had sought information about particular file, wherein promotion order was issued and he desired the seniority list but till date the same has not been provided. Respondent stated that whatever information was available on record has already been provided to the appellant and he has also inspected the original file. He further submitted that the appellant is a habitual information seeker and presented a list indicating number of responses provided by the public authority to his RTI applications which amounts to more than 75 in number.

Relevant fact emerging from appeal: CIC/SS/A/2013/002636-YA

RTI Application filed on : 09.05.2013
PIO replied on : 05.06.2013
First Appeal filed on : 25.08.2013
First Appellate Authority (FAA) order on : 17.09.2013
Second Appeal received on : 21.10.2013

Information sought:

Appellant sought information on 8 points relating to DPC in the grade of Asst. Manager (PA) at CHQ, held during April-May 2013. He also sought names of SC/ST candidates promoted on Own Merit Concept in the grade of Sr Stenographer at CHQ level and Asstt Manager (PA) on all India basis from the year 1997 to 2012.

Relevant facts emerging during hearing:

Both the parties are present. Appellant had filed an RTI application on 09.05.2013, seeking the above information. PIO vide letter dated 05.06.2013, provided a response. An appeal was filed on 17.09.2013 and the FAA passed a speaking order dt 17.09.2013 with the observations that the applicant has once again requested information on points raised by him in application dated 09.05.2013. The information sought has already been provided to the appellant and he is advised to refrain from seeking information on the same subject matter repeatedly.

Appellant stated that no information has been received till date even after the order of the FAA. A DPC was conducted in April-May 2013 and a promotion took place on the recommendation of the DPC but the papers relating to the same DPC have not been provided. Respondent stated that no DPC was conducted in April-May 2013 and complete information in this regard has been provided within the prescribed period and also added that the FAA did not direct the CPIO for any further action. The FAA rather advised the appellant to refrain from seeking information on the same points again and again. The respondent further informed the Commission that the appellant is a habitual RTI seeker and seeks information on the similar subject again and again and also showed a statement showing the RTI applications filed by the appellant and replies given.

Relevant fact emerging from appeal: CIC/YA/A/2014/000259

RTI Application filed on	:	17.06.2013
PIO replied on	:	11.07.2013
First Appeal filed on	:	26.08.2013
First Appellate Authority (FAA) order on	:	09.09.2013
Second Appeal received on	:	15.01.2014

Information sought:

Appellant sought information on 5 points relating to budget allocated to different sections under the Administration Directorate of AAI, CHQ and pending bills for the period 2007 to 2013.

Relevant facts emerging during hearing:

Both the parties are present. Appellant filed an RTI application dated 17.06.2013, seeking the above information. A point wise response was provided by the PIO on 11.07.2013. FAA vide speaking order dated 09.09.2013, directed the PIO to thoroughly examine the case u/s 8(1)(j) & 8(2) of the RTI Act, 2005 and disposed of the appeal.

Appellant submitted that the information has been received with delay and that too incomplete. Respondent submitted that the information on points nos. 1 & 5 has been provided while information in respect to point nos. 2, 3 & 4 was denied as the same is a third party information. Appellant submitted that specific information sought has not been provided and the information sought is not third party information.

Respondent submitted that the appellant has a grievance relating to DPC, for which many a meetings have been arranged between the appellant and appropriate competent authority in the matter. All records available in the matter have been shown to the appellant and copies desired by him have since been provided. The appellant is a habitual information seeker with the avowed interest to harass the public authority.

Decision:

After hearing both the parties and on perusal of record, the Commission finds that the appellant has filed multiple RTI applications/appeals on the same/similar subject matter. The Hon'ble Supreme Court of India in the matter of CBSE and others Versus Aditya Bandopadhyay (Civil Appeal No. 6454/2011) has held as under:-

“37. The right to information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. The provisions of RTI Act should be enforced strictly and all efforts should be made to bring to light the necessary information under clause (b) of section 4(1) of the Act which relates to securing transparency and accountability in the working of public authorities and in discouraging corruption. But in regard to other information,(that is information other than those enumerated in section 4(1)(b) and (c) of the Act), equal importance and emphasis are given to other public interests (like confidentiality of sensitive information, fidelity and fiduciary relationships, efficient operation of governments, etc.). Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and 52eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising ‘information furnishing’, at the cost of their normal and regular duties.”

The ratio of the above dicta is applicable to the present cases. The appellant has filed multiple RTI applications to procure similar information. Such demand for voluminous information is bound to result in diversion of meagre resources of the public authority and disrupt their normal and regular work. Seeking similar information by filing multiple RTI applications repeatedly is nothing short of an abuse of process of law and an attempt to virtually intimidate the respondent. Information sought and available on record has since been provided to the appellant as per provisions of the RTI Act. The Commission sees no reason to interfere with the orders of the CPIO/AA. Further, the Appellant is warned to desist from misusing the provisions of the RTI Act for settling his personal scores with the respondent. In case the appellant continues to prefer RTI applications which are vexatious and frivolous in

nature with a view to disproportionately divert the resources of the public authority, then the PIO will be free to deny information under the provisions of section 7 (9) of the Act.

In view of the above, the appeals are disposed of accordingly.

(Yashovardhan Azad)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(B.D. Harit)
Deputy Secretary & Deputy Registrar