

Central Information Commission

Room No.306, II Floor, B Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066

Tele:011-26180512 & 011-26717355 Fax : 01126106145 website-cic.gov.in

Adjunct to Appeal: No. CIC/DS/A/2013/000333

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Appellant /Complainant : Dr. Rajiv Bhandari, Panchkula
(Present)

Public Authority : Director of Higher Education, UT
Chandigarh
(Dr. J.S. Raghu, Prncipal, Dr.
A.K.S.Mankotia, Associate
Professor)
Date of Hearing : 11 November 2013
Date of Decision : 11 November 2013

Facts:-

1. In pursuance of directions held in Commission's order of even No. dated 17.9.2013, the matter pertaining to 'Show Cause Notice' was heard. CPIO/Principal, Post Graduate Govt. College stated that he had received the RTI application dated 17.8.2012 on 23.8.2012. Subsequently, CPIO wrote to the appellant vide letter dated 10.9.2012 asking him to establish his identity. The appellant who is Professor in the same College responded to queries vide letter of 18.9.2012. Subsequently, CPIO stated that he wrote to the Director Higher Education to seek clarification regarding the disclosure of the requested information and informed the appellant vide letter dated 12.10.2012 that he should deposit the prescribed fee of Rs. 80/- for receiving the requested information. Appellant stated that since he was asked to deposit this amount after the expiry of 30 days period from the date of RTI application, he did not deposit this amount and that finally after receiving the Commission's aforementioned order, the ACRs of the appellant were provided to him on 7.10.2013. Appellant also stated that in response to his first appeal, the FAA had, vide his order of 30.10.2012, directed that the appellant will be provided with the requested information but inspite of this, the information was not furnished to him.

Decision Notice

2. After hearing the averments of the CPIO, Commission is satisfied that he had full knowledge of the identity of the appellant who is working as Professor in the same College where the respondent CPIO is Principal, he failed to provide photocopies of the appellant's own ACRs to him and instead referred the matter to higher authorities etc. Commission cannot accept his plea that he was ignorant of the provisions of the RTI Act that prescribes that additional fee can be asked from the appellant only within the mandated period of 30 days from the date of receipt of the RTI application. Also that the Act does not give additional time for making reference to other authorities in this regard. The plea of ignorance pertaining to the Supreme Court decision of 2005 regarding disclosure of ACRs even after seven years of this decision is also not tenable. Accordingly, Commission imposes penalty of Rs. 25000/- on the CPIO/Principal, Post Graduate Govt. College (372 days x 250=Rs.93,000/-). This amount of Rs. 25,000/- will be deducted in five instalments of Rs.5000/- pm. The Appellate Authority is directed to recover the amount of Rs. 25,000/- from the salary of the CPIO and remit the same by a demand draft or a Banker's cheque in the name of the Pay & Accounts Officer, CAT, payable at New Delhi and send the same to Shri Pankaj K.P. Shreyaskar, Director and Joint Registrar of the Central Information Commission, 2nd. Floor, August Kranti Bhawan, New Delhi-110066. The amount may be deducted at the rate of Rs. 5000/- per month every month from the salary of the CPIO and remitted by the 10th of every month starting from December, 2013. The total amount of Rs. 25,000/- will be remitted by 10th of May,2014.

(Smt. Deepak Sandhu)
Chief Information Commissioner

Authenticated true copy:

(T. K. Mohapatra)
Dy. Secretary & Dy. Registrar
Tel. No. 011-26105027
Copy to:-

1. Dr. Rajiv Bhandari
House No. 293,
Sector-7, **Panchkula-134109 (Haryana)**

2. The CPIO
Principal
Post Graduate Government College
Sector-11, **UT Chandigarh**
3. The Appellate Authority
Director (Higher Education)
UT Chandigarh, Sector-9
UT Chandigarh
4. Shri Pankaj K.P. Shreyaskar,
Director and Joint Registrar
of the Central Information Commission,
2nd. Floor, August Kranti Bhawan, **New Delhi-110066.**