

CENTRAL INFORMATION COMMISSION

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Decision No. CIC/SG/A/2012/001270/19266

Appeal No. CIC/SG/A/2012/001270

Relevant Facts emerging from the Appeal

Appellant : Mr. Ashok Kumar Pandya
16/A, Kisan Complex,
Maninagar Char Rasta,
Ahmedabad-380 008

Respondent : Mr. Krishna Kumar,
CPIO & Dy. Zonal Manager
Bank of India,
Bhadra, Ahmedabad-380 008

RTI application filed on : 23/12/2011
PIO replied : 10/01/2012
First appeal filed on : 16/01/2012
First Appellate Authority order : 14/02/2012
Second Appeal received on : 20/04/2012

Sl.	Information Sought	Reply of the Public Information Officer (PIO)
1.	Furnish the certified copy of the Bank's approved scheme under which the legal support extended to Shri. Bhola Ramjee Prasad.	There is no such approved scheme of the bank to give support to an employee who is implicated in criminal proceedings. Since Mr. Bhola Ramjee Prasad is implicated in the criminal proceedings purported to have been committed while discharging his official duties hence the bank has decided to support him (including two other officers in the same account) in court proceedings.
2.	Whether any officer including Shri Bhola Ramjee Prasad of Bank of India was extended such legal support in Bank of India? If yes, please give following information:- A. Names and designation of such officers; B. Names of the advocates hired by the bank for extending legal support, amount of advocates' fees paid and payable in each cases; C. Names and designations of the sanctioning authorities, dates of sanction and amount sanctioned; D. Copy of the application for availing legal support, file noting, memo put up and remark of the committee before which the proposals for sanction of legal support were put up; E. Names and designation of the committee members sanctioning legal support in each case; F. Copy of bank's PROMOTION POLICY under which Shri Bhola Ramjee Prasad was promoted from JMG II to JMG III. G. From which date to which date Shri Bhola Ramjee Prasad was in police custody and	A. Mr. Y.V. Champaneri, (C.M.), Credit Department ZO (he is also implicated as co accused with Mr. Bhola Ramjee Prasad proceedings). B. Mr. Thailramani, advocate appeared in the lower court (Sessions Court). Advocate not yet claimed the fee. C. There is no separate sanction for Mr.Y.V. Champaneri so far obtained for the fee to be paid to the advocate. D. There is no committee for sanction of legal fee. The concerned department has not put up any Memo to the Competent Authority for payment of the fees so far. E. As there is no committee nor Memo was put up, the question of giving the particulars does not arise. F. Since promotion policy is internal and confidential document of the bank, you may verify the said document in our H.R. department at any time with prior appointment over the phone. G. From 29.09.2010 to 31.10.2010 (including arrest and release dates) H. Mr. Bhola Ramjee Prasad was under suspension from 30.09.2010 to 31.10.2010.

	judicial custody? H. From which date to which date Bhola Ramjee Prasad was suspended from his official duty?	
3.	Furnish unauthorized absence dates of Shri Y.V. Champaneri for the period 01.10.2010 to 05.12.2010 and supply details of action taken thereupon.	Shri Y.V. Champaneri was on unauthorized absence from 07.10.2010 to 05.12.2010 (not from 01.10.2010 as mentioned in your application). For that period, Mr.Y.V. Champaneri was paid salary by the department. However, later on it was recovered from him and for his unauthorized absence, no action has been contemplated.

Grounds for the First Appeal:

Incomplete and unsatisfactory information provided by the PIO.

Order of the First Appellate Authority (FAA):

Appeal disposed off.

Grounds for the Second Appeal:

Incomplete and unsatisfactory information provided by the PIO and appeal disposed off by the FAA.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. Ashok Kumar Pandya on video conference from NIC-Ahmedabad Studio;

Respondent: Mr. G. V. Rao, Manager (Law) on behalf of Mr. Krishna Kumar, CPIO & Dy. Zonal Manager on video conference from NIC-Ahmedabad Studio;

The Appellant states that in response to query-1 the PIO has stated that there is no approved Bank scheme under which the legal support to Shri Bhola Ramji Prasad has been extended. The Appellant states that Circular no. 100/205 dated 22/03/2007 regarding scheme for extending legal and financial support to the whole time directors as also to the officers against whom motivated false complaints have been made by the people/agencies out side the bank. The Respondent states that the purpose of scheme mentioned in the said circular does not apply in the present case and therefore the said circular is not applicable in the present case.

As regards query 2(b)&(c) the respondent states that no information was available at the time the RTI application has been made. The commission recognizes that the PIO had therefore given the correct information when the RTI application had been made. The PIO however, confirms that the information is now available and hence he is directed to provide this to the Appellant to avoid multiple RTI applications. As regards query 2(f) the PIO has denied the information claiming confidentialities. Right to Information is a fundamental right of citizens and denial of information must be based on the provisions of Section 8(1) of the RTI Act. Since no exemption under Section 8(1) of the RTI Act has been claimed by the PIO the Commission does not uphold his claim for non-disclosure. The Commission directs the PIO to provide the promotion policy to the Appellant.

Decision:

The Appeal is allowed.

The PIO is directed to provide the information as directed above to the Appellant before 10 July 2012.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner
15 June 2012

(In any correspondence on this decision, mention the complete decision number.) (AP)