

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26101592

File No. CIC/BS/A/2013/000622/4922

16 April 2014

Relevant Facts emerging from the Appeal:

Appellant : Mrs. Usha Devi
W/o Mr. R. S. Jamwal
356-A Ram Niwas,
Gandhinagar, Jammu-180004

Respondent : CPIO & Assistant Director Postal Services (Inv)
Department of Posts
O/o the Chief Postmaster General
J & K Circle, Jammu-180001

RTI application filed on : 24/04/2012
PIO replied on : 09/05/2012
First appeal filed on : 15/05/2012
First Appellate Authority order : 27/06/2012
Second Appeal dated : 29/01/2013

Information sought:

The applicant wants the following information/photocopies:-

1. Photocopy of cheque no. 891653 drawn on 30.4.2010 (both sides- front & back)
2. Photocopy of the Inquiry report based on CPMG order no. Inv/Misc/SB-case/2011 dated 10.1.2011.
3. If action stands initiated against defaulting officials.
4. Present status of the case viz-a-viz SO(SBPG), FS Division No F.no 100-210-2011-SBPG dated 5.12.2011 & 21.2.2012.

Grounds for the Second Appeal:

The CPIO has not provided the desired information.

Relevant Facts emerging during Hearing:

The following were present

Appellant: Mr. R.S. Jamwal appellant representative through VC

Respondent: Mr. Sunil Kumar Sharma, CPIO through VC

The appellant's representative stated that in reply to query 1 the respondent vide their letter dated 09/05/2011 have informed that copy of cheque is not available on record and hence, cannot be supplied whereas the CPIO was under an obligation to obtain the information from the concerned office and furnish the same. The CPIO stated that the then CPIO who had replied to the RTI application has retired from service, however, as per his information a copy of the cheque was supplied to the appellant earlier on 22/11/2010. The appellant's representative contested stating that only the front copy of the cheque had been provided and in the matter at hand he had specifically requested for supply of both sides of the document. He further informed that a fraud of

Rs. 8000/- had been committed in savings account by misusing the said cheque and it appears that the respondents have willfully withheld the information.

Decision notice:

The Commission is in agreement with appellant's representative's submissions that the then CPIO was duty bound to seek the assistance (under Section 5(4) of the RTI Act) of the concerned officer holding the cheque and provide a copy of the same to the appellant, however, as the then CPIO has retired from service no proceedings are being initiated against him.

The respondents are, however, warned to exercise due care for future to ensure that the correct and complete information is furnished timely to the RTI applicant(s) as per the provisions of the Act failing which penal proceedings under Section 20 (1) may be initiated in future.

The appeal is disposed of accordingly.

BASANT SETH
Information Commissioner

Authenticated true copy:

(R. L. Gupta)
Dy. Registrar/Designated Officer