

**Central Information Commission, New Delhi**  
**File No.CIC/SM/A/2012/000493**  
**Right to Information Act-2005-Under Section (19)**

**Date of hearing** : **26 August 2013**

**Date of decision** : **26 August 2013**

**Name of the Appellant** : **Shri Pankaj Kumar Tiwari,**  
**Village Madhupuri, Post Khanpur,**  
**Thana Chanda, Tehsil Labhua,**  
**Distt – Sultanpur, U.P – 222 303.**

**Name of the Public Authority** : **Shri Nityananda Ray,**  
**Under Secretary,**  
**Staff Selection Commission,**  
**Block No. 12, CGO Complex,**  
**Lodhi Road, New Delhi.**

On behalf of the Respondent, Shri Nityananda Ray, Under Secretary was present.

**Chief Information Commissioner** : **Shri Satyananda Mishra**

2. This case has been going on for quite some time now. The last time we had heard it on 1 May 2013 and directed the then CPIO from the headquarters of the SSC to appear before us and show cause why we should not impose penalty on him for not providing the information to the information seeker in time. Today, the then CPIO (Nityanand Ray) appeared before us in person and made his submissions.

3. In brief, the facts of the case are as follows. The Appellant had sought certain details about his results in the combined Examination for Recruitment to the CPOs including the copy of his evaluated answer sheet. Although he had applied for this information on 1 October 2011, he had received no response from the CPIO concerned. The Appellate Authority had also passed no order on his appeal. Consequently, he had complained to the CIC. We had passed an order for the first time in this case on 12 January 2012 directing the CPIO to provide the information and also to show cause why penalty should not be imposed on him for not providing the information in time. Following our direction, the CPIO had provided him a copy of the OMR sheet and informed him that his answer sheet had not been examined because he had failed to code his role number, an essential requirement. The Appellant had complained that the copy of the OMR sheet provided to him was not very clear following which, in our order dated 7 November 2012, we had further directed that the original OMR sheet should be obtained and shown to the Appellant. Unfortunately, this was never done. Later, however, during the hearing on 1 May 2013, the SSC had shown us the OMR sheet from which it was quite clear that the Appellant had not coded his roll number.

4. When the original application had been filed in the regional office at Allahabad, the CPIO of that office had informed the head office about the request because the OMR sheet, the subject matter of the information, was available only there and not in the regional office. In spite of this categorical intimation to the head office, the CPIO concerned in the head office ignored this request and did not respond until we heard this matter once again and gave a clear direction. Therefore, the CPIO concerned in the SSC headquarters during

December 2011 onwards is primarily responsible for the denial of information in the case. Sri Ray informed us that Sri R Mohanty was the CPIO at that point of time. Later, when we gave a fresh direction in our order dated 7 November 2012 to the CPIO concerned to show the original OMR sheet to the Appellant, Sri Mohanty was gone and Sri Ray had become the CPIO in his place. In compliance of our orders, the regional office at Allahabad had written to him to send the copy of the original OMR sheet so that it could be shown to the Appellant. The letter of the regional office was received in the SSC headquarters on 8 November 2012. However, a reply was sent to the regional office only on 17 January 2013 that is, nearly two months later, mentioning that the answer sheet would be shown to the Appellant on any day ordered by the CIC although we had already made it clear in our order dated 7 November 2012 that the OMR sheet in original should be shown to the Appellant at the Allahabad regional office. If, for some reason, the original OMR sheet could not be sent to the Allahabad office, both the CIC and the Appellant should have been informed about it. By not doing it, the CPIO concerned contributed to the overall delay in the disclosure of the information and, to that extent, he deserves to be punished. Therefore, in exercise of the powers vested in the CIC in subsection 1 of section 20 of the Right to Information (RTI) Act, we impose a penalty of Rs. 5000 on Sri Nityanand Ray, the then CPIO at the SSC headquarters at the rate of Rs. 250 per day for 20 days. We direct the present CPIO to ensure that this amount is deducted from the monthly salary of Sri Ray in two equal instalments beginning 1 October 2013 and sent to the CIC by way of demand draft drawn in favour of the PAO, CAT and payable at New Delhi.

5. As far as Sri R Mohanty, the CPIO in the headquarters during December

2011 onwards, is concerned, we direct that he should appear before the CIC and show cause why appropriate penalty should not be imposed on him for not providing the information either to the Appellant or to the Allahabad regional office when they had requisitioned for this information at that time. The date for the appearance of Sri R Mohanty should be fixed and appropriate notice issued.

6. The case is disposed off accordingly.
7. Copies of this order be given free of cost to the parties.

**(Satyananda Mishra)**  
**Chief 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.

**(Vijay Bhalla)**  
**Deputy Registrar**