



Central Information Commission

Room No. 306, 2nd Floor, 'B' Wing, August Kranti Bhavan,

Bhikaji Cama Place, New Delhi-110066

Web: www.cic.gov.in

Case No. CIC/SS/A/2012/003911

Dated: 29.01.2014

Name of Appellant : Shri Bhagwan Chand Saxena
Name of Respondent : Export Inspection Council of India
Date of Hearing : 22.11.2013

ADJUNCT ORDER

In pursuance with the Commission's order of even number dated 17.9.2013 in the matter of Shri Bhagwan Chand Saxena Vs. Export Inspection Council of India (EICI), New Delhi, a show cause notice dated 24.9.2013 u/s 20(1) of the RTI Act, 2005 was issued by the Commission to Shri Rajvinder Singh, Deputy Director & Deemed CPIO, EICI, New Delhi for not transmitting information to the CPIO and thus obstructed the disclosure of information and has caused a delay of more than 100 days. The show-cause hearing took place on 22.11.2013. Shri Rajvinder Singh, Deputy Director & Deemed CPIO, EICI was present.

2. In his written submissions filed by Shri Rajvinder Singh, Deputy Director & Deemed CPIO, EICI before the Commission, states as follows:

- That an RTI application was filed by Shri Bhagwan Chand Saxena on 6.3.2012 at EIC seeking information on (a) official meetings/ commitments of Dr. S.K. Saxena; (b) Log book of staff car used by him; (c) applicability of staff rules; (d) visits by Dr. Saxena outside NCR using staff car;
- That the information sought by the CPIO was brought to his knowledge vide letter issued by him vide letter No. RTI/2012/120 dated 9.4.2012;

- *He has been issued a show cause for failing to provide information in response to letter from CPIO. Whereas the fact is that the information sought has been provided and in way he has obstructed the disclosure of information.*

3. In view of above submissions of Shri Rajvinder Singh, Deputy Director/deemed CPIO, that he has provided the requisite information to Shri Parmod Siwach, Assistant Director/CPIO vide his letter No. RTI/2012/120 dated 9.4.2012 for onward submission to the appellant. In fact Shri Pramod Siwach, Assistant Director has failed to transmit the information to the appellant. However, Shri Pramod Siwach has replied to the appellant vide his letter dated 11.09.2013 only after getting hearing notice from the Commission, which has caused a delay of more than hundred days. The FAA also did not adjudicate on appellant's first appeal. Had the FAA paid any heed on appellant's first appeal, the CPIO could not have missed the aforementioned RTI application in providing requisite information as received from the deemed CPIO.

4. Shri Rajvinder Singh, Deputy Director/deemed CPIO has already provided requisite information to Shri Parmod Siwach, Assistant Director/CPIO vide his letter dated 9.4.2012 for onward transmission to the appellant, which he failed to transmit the same to the appellant and has only replied to the appellant vide his letter dated 11.9.2013 after receiving the hearing notice from the Commission. Shri Parmod Siwach, Assistant Director/CPIO has prima facie caused a delay of more than 100 days in providing information to the appellant. Therefore, Shri Parmod Siwach, CPIO is hereby directed to explain as to why a penalty of Rs. 25,000/- should not be imposed upon him, under section 20(1) of the RTI Act, 2005, for obstructing the disclosure of information to the appellant.

5. The show cause hearing is scheduled on **10.02.2014 at 1515** hrs. Shri Parmod Siwach, Assistant Director/CPIO is directed to attend the hearing along with his written submissions.

(Sushma Singh)
Chief Information Commissioner

Authenticated true copy:

(K.K. Sharma)
OSD & Deputy Registrar

Address of the parties:

Shri Pramod Siwach,
Assistant, Director & CPIO,
Export Inspection Council of India,
3rd Floor, NDYMCA Cultural Centre Building,
1, Jai Singh Road,
New Delhi-110001.

The First Appellate Authority,
Deputy Director & Deemed CPIO,
Export Inspection Council of India,
3rd Floor, NDYMCA Cultural Centre Building,
1, Jai Singh Road,
New Delhi-110001.