



Central Information Commission

Room No. 305, 2nd Floor, 'B' Wing, August Kranti Bhavan,

Bhikaji Cama Place, New Delhi-110066

Web: www.cic.gov.in Tel No: 26167931

Case No. CIC/SS/A/2012/003161

Dated: 29.05.2013

Name of Appellant : Shri Pradip Shankar Choughule
Name of Respondent : Mumbai Port Trust
Date of Hearing : 02.05.2013

ORDER

Shri Pradip Shankar Choughule, the appellant, has filed the present appeal dated 30.8.2012 before the Commission against the respondent Mumbai Port Trust (MPT), Mumbai for providing incomplete/ unsatisfactory information in response to his RTI-application dated 27.3.2012. The matter came up for hearing on 02.05.2013 through videoconferencing. The appellant was present, whereas the respondent were represented by Shri R.S. Chalke, DD and CPIO and Ms. Jaya Bhiwani, AO/APIO at NIC VC Facility Centre, Mumbai.

2. The appellant, through his RTI application dated 27.3.2012 sought information on the following three queries in respect of his promotion to the post of Executive Engineer (T/E): *"(1) Has any proposal forwarded to Manager (HR) or then Manager SOM by AO/E&T and EDP Wing) and/or then AO D(P&R) of M & EE Dept. and /or then Director (P&R) regarding promotion to the post of Assistant Executive Engineer (E/T) in respect of the appellant sent under CME's signature dated 28.7.2011; (2) If yes, then copy of proposal along with all relevant documents attached with it sent to Manager (HR) and/or then Manager*

SOM and copy of reply from Manager (HR) and/or then Manager SOM with complete correspondence; and (3) Copy of action taken by then AO D(P&R) and then Director P&R on Manager HR or Manager SOM Office letter No. Secy/P/GEE-P&R/3824 dated 19.1.2010". The CPIO vide letter No. FA/T&E/RTI/656 dated 23.4.2012 replied to the appellant.

3. Aggrieved with the reply of the CPIO, the appellant preferred appeal before the FAA. In his appeal filed before the FAA, the appellant stated facts leading to the appeal that he completed 5 years eligible service as JE(Electronics) Gr. I for the post of Asstt. Executive Engineer (Electronics and Communication) on 23.8.2010. The post of Asstt. Executive Engineer (E&T) became vacant on 14.5.2010. Therefore, he would like to know the reason for not conducting DPC and reasons for delay in promotion. The FAA, before deciding the case called for comments of the CPIO who stated that the appellant was provided with information requested and the appellant did not seek reasons for not conducting DPC in his RTI application. The FAA vide his order No. AA/RTI/AA Order 21/4319 dated 21.6.2012 concurred with the reply of the CPIO, and held that since reasons sought for not conducting DPC were not part of the information sought under the RTI application, hence, rather than filing the appeal, the appellant should have preferred a fresh RTI application clearly indicating the information required by him.

4. In his appeal filed before the Commission, the appellant states that he had asked for action taken on Manager SOM Department letter dated 19.6.2010. Had the Director, Planning and Research taken timely action on Manager SOM's letter, he could have been promoted to Asstt. Executive Engineer (T&E) on 14 May 2010 itself. However, the CPIO has declined to provide action taken on aforementioned letter or to provide reasons for not conducting DPC meeting.

5. The CPIO during the hearing submits in a written statement that considering appellant's promotion was sent to the Manager (HR) for consideration under CME's signature dated 28.7.2011. Before that this Department was under Planning & Research and attached with CME till August 2012 and at present Telecom & Electronics Division is further shifted under Finance Department. Therefore, regular follow up with HR Department could not be made instead of no response received from HR Department in the matter. However, one more reminder was sent to HR Department vide letter dated 21.12.2012 after obtaining special sanction from Chairman to operate two vacant posts of Asstt. Executive Engineer (T/E) one with promotion and one by direct recruitment.

6. Having considered the submissions of the parties and perused the relevant documents on file, Commission is of the view that the respondent have prima-facie failed to provide information to the appellant. The CPIO through his reply dated 23.4.2012 has avoided any reply to the appellant's query regarding action taken on Manager SOM's letter dated 19.6.2010. It was apparent that appellant's case was that he was eligible for the post of Asstt. Executive Engineer (T&E) subject to clearance by DPC. Complete information should have been provided to him, including whether his case was considered by DPC or not and if not, the reasons thereof as well as following on Manager SOM's letter dated 19.6.2010. From the submissions made by the respondent during the hearing there is an admission of lapse in following up the matter. The Commission is of the view that prima facie the CPIO has failed to provide correct and complete information to the appellant, which has caused a delay of more than 100 days in providing information to the appellant. A separate **show-cause notice** u/s 20(1) of the RTI Act would be issued to the Shri R.S. Chalke, Dy. Director (T/E)/CPIO MPT asking him to show-cause why a penalty of Rs. 25,000/- should not be imposed upon him.

7. Meanwhile, the Commission hereby directs the CPIO to provide complete information to the appellant, including action taken on Manager SOM's letter dated 19.6.2010, DPC proceedings, if any, copies of all correspondence and relevant documents, free of cost, **within ten days** of receipt of this order.

(Sushma Singh)
Information Commissioner

Authenticated true copy:

(K.K. Sharma)
OSD & Deputy Registrar

Address of the parties:

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The Secretary/FAA,
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