

Central Information Commission
Appeal No. CIC/WB/A/2007/01299-SM dated 18.08.2007
Right to Information Act-2005 – Under Section (19)

Dated 29.10.2008

Appellant – Shri Babajan Abdul

Respondents – Chief Executive Officer, Pune Cantonment Board, Pune

ORDER

Shri Babajan Abdul of Pune filed an appeal on 18.08.2007 which was received in the Commission on 22.08.2007. It was transferred to us in September, 2008. The brief facts of the case are as follows:-

Facts of the Case:-

2. Shri Abdul had approached the CPIO of the office of the Principal Director, Southern Command, Pune, for a number of information regarding withholding of his retirement benefits. In response to his request of 15.03.2007, it is not clear, if the CPIO concerned sent any reply/information to the Appellant. It appears that the original application had been addressed to the CPIO in the office of the Principal Director Southern Command whereas the information was to be sought from the Cantonment Board. However, it is noted, that Shri Abdul did not receive any reply from the CPIO to whom he had originally addressed his letter, either providing him with the information or directing him to seek it from somewhere else. It is also noted that he filed an appeal to the Chief Executive Officer and First Appellate Authority, Pune Cantonment Board on 19.04.2007 stating that he had not received any reply from the CPIO till that date.

3. The First Appellate Authority, after hearing the case, disposed off the appeal on 07.06.2007 by directing the CPIO concerned to provide information regarding the legal dues to the Appellant within a month. The CPIO concerned sent a statement on 20.07.2007 showing the calculation of dues withheld by the

Cantonment Board, presumably due to the occupation of quarter by the Applicant/Appellant.

4. It is against the order of the First Appellate Authority/CPIO that the Appellant has come to us with a second appeal. The Appellant has stated that the information he had originally sought from the CPIO on 15.03.2007 has not been given to him and what has been given to him by the CPIO on the orders of the First Appellate Authority is not what he wanted to know.

5. On perusal of the original application of the Appellant, it is noted that he had asked for the following information:-

- (i) Confirmation about the allotment of housing accommodation by the Pune Cantonment Board to the Applicant as per Section 117 (m) of the Cantonment Act-1924.
- (ii) Status of the Cantonment Board Resolution No. 33 dated 24.07.1985 which was reportedly about allowing retiring employees to continue to occupy the Cantonment Board quarters either as tenant or as buyer.

6. From the statement sent by the CPIO to the Appellant on 20.07.2007, it is noted that, it only gives an account of the amount withheld and the amount deducted towards license fee/damage charges etc. though in the same statement, there is also a reference to the fact that the DA payment, the PF amount and encashment of leave amount have been withheld as the Appellant is in occupation of a quarter under the Cantonment Board. Clearly, the information contained in this statement is not exactly what the Appellant/Applicant had sought. The First Appellate Authority had also erred in directing the CPIO to submit information regarding legal dues to the Appellant and not the information he had actually sought.

DECISION

7. In view of the above, we are of the view that the public authority has not given the information which the Appellant had sought in his original application. We, therefore, remand this case to the First Appellate Authority with the direction that the information sought by the Applicant/Appellant in his original application to the CPIO dated 15.03.2007 be given to him within 15 working days from the receipt of this order. The First Appellate Authority is also directed to inquire why no response/information was given to the Applicant by the CPIO in the stipulated period of 30 days. A compliance of this order be reported to us. The Appellant will be free to approach the Commission again if he is still not satisfied with the order of the First Appellate Authority.

8. The appeal is, thus, disposed off. Copies of this order be given free of cost to the parties.

Sd/-
(Satyananda Mishra)
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.

Sd/-
(Vijay Bhalla)
Assistant Registrar