

CENTRAL INFORMATION COMMISSION

Appeal No.2967/ICPB/2008

F. No. PBC/2008/00924

October 27, 2008

In the matter of Right to Information Act, 2005 – Section 18

[Hearing on 15.10.2008 at 1.00 p.m.]

Appellant: Ms. Krishna Devi

Public authority: Food Corporation of India
Mr. M.L. Banerjee, DGM & CPIO

Parties Present: Respondent not present.

Ms. Krishna Devi-Appellant
Mr. Kumar Madan Mohan

FACTS:

The appellant has sought information under RTI Act by her letter dated 4.2.2008 addressed to PIO, Food Corporation of India, Patna ("FCI") requesting information pertaining to compassionate appointment. The PIO has given reply vide letter dated 8.2.2008 by which he informed her she has not submitted the application in a proper manner and therefore she was advised to submit the application fee as per the requirement under RTI Rules. Since he has not received any reply the appellant has filed her complaint before the State Commission which has been forwarded to this Commission. This Commission has called for comments from the FCI on 6.8.2008, which was received from PIO on 13.8.2008. He has informed the appellant that he has been given reply vide letter dated 7.7.2008 and therefore there is no cause of action from his side. This case was taken up for hearing on 15.10.2008, which was attended by the appellant in person along with his son. The CPIO did not attend the hearing in spite of the notices were issued on 3.10.2008 and he has also not given any information regarding his attendance, whereas the appellant has come all the way from Bihar along with her representative to attend the hearing.

DECISION:

2. I have gone through the RTI application and other replies received in this connection. During the hearing the appellant has stated that she has sent a reminder on 20.2.2008. She has also shown certain records to show that the CPIO has been very evasive in giving reply whenever they have approached him. Considering the facts and circumstances of the case, I direct the CPIO to **show-cause** why penalty cannot be imposed on him for not adhering to the

provisions of the Act under section 20(1) of the RTI Act for delaying reply to the appellant. Further though the application is dated 4.2.2008, he has been able to give reply only on 7.7.2008. It is learnt during the hearing even in the reply he has only informed the appellant that he has to collect this information from Calcutta. This kind of reply is not acceptable to the Commission. I, therefore, direct the PIO to provide point-wise reply to his application dated 4.2.2008 within 15 days from the date of receipt of this direction. If necessary he has to collect the information from Calcutta under the provisions of section 5(5) of RTI Act by which the custodian of the information would become the 'Deemed CPIO' and since the appellant is applying for compassionate appointment from the CPIO, FCI, Calcutta has to provide the reply within 15 days. While providing this reply he is also to provide the particulars of first AA so that in case if the appellant is not satisfied with the reply he or she can file appeal before the first AA. Thereafter if he is still aggrieved he can approach the Commission. Therefore, the CPIO is directed to give point-wise reply to the appellant and he should also send his explanation to **show-cause** notice within 15 days from the date of receipt of this direction. On the above lines, the appeal is disposed.

Let a copy of this decision be sent to the appellant and CPIO.

Sd/-
(Padma Balasubramanian)
Central Information Commissioner

Authenticated true copy :

(Prem Singh Sagar)
Under Secretary & Assistant Registrar

Address of parties :

1. Mr. M.L. Banerjee, DGM & CPIO, Food Corporation of India, Regional Office, Exhibition Road, Arunachal Bhawan, Patna-800001
2. Ms. Krishna Devi, W/o Late Sh. Hemant Kumar Jha, Bhutpurav Pradhan Parhari Food Corporation of Inida, Village & Post-Bahadurpur, Darbhanga-846001