

**CENTRAL INFORMATION COMMISSION**  
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File No. CIC/AB/A/2016/900787/SD  
Date of Decision :03/05/2017

**Relevant facts emerging from the Appeal:**

Appellant	:	Achyuta Nand P – 591/D MES Officer Colony Airport Road, Near KV No. 2 Cantt Ahmedabad, Gujrat – 380004
Respondent	:	CPIO MES Engineer in Chief's Branch IHQ of MoD (Army), Kashmir House Rajaji Marg, New Delhi
RTI application filed on	:	18/01/2016
PIO replied on	:	No reply
First appeal filed on	:	07/03/2016
First Appellate Authority order	:	No order
Second Appeal dated	:	15/05/2016

**INFORMATION COMMISSIONER : SHRI DIVYA PRAKASH SINHA**

**Information sought:**

The Appellant sought copies of panel for promotion of JE E/M to AE E/M for vacancy years 2013-14 issued vide HQ letter dated 28.05.2013 and copy of revised panels for promotion of JE E/M to AE E/M for vacancy year 2011-2012 to 2014-2015 and promotion panel for vacancy year 2015-2016 issued vide HQ letter dated 22.12.2015 including copies of approved noting sheets.

**Grounds for the Second Appeal:**

The CPIO has not provided the desired information.

### **Relevant Facts emerging during Hearing:**

The following were present:-

**Appellant:** Present in person.

**Respondent:** Kusum Ranjan, Jt. Dir. & CPIO, MES, Engineer-in-Chief's Branch, IHQ of MoD (Army), New Delhi present in person.

Appellant stated that he has not received any reply from the CPIO in response to his RTI Application.

CPIO submitted that a reply along with relevant enclosures has been sent to the Appellant a day before the hearing. He further regretted that the then CPIO, V.P. Singh, Director had prepared the reply in March 2016 alongwith enclosures of 35 pages but somehow the same was not despatched. He produced the relevant file before the Commission, wherein the remark of "wait" has been written on the draft reply of the then CPIO. CPIO further urged that there has been no deliberate or malafide intention on the part of the then CPIO in not having despatched the reply and the omission may be excused. Furthermore, he handed over a copy of the reply alongwith all enclosures to the Appellant.

### **Decision**

Commission expresses serious displeasure over the conduct of the then CPIO in not having sent the reply to the Appellant within the stipulated time frame. In the circumstances, the Appellant has been provided with the information after more than a year of filing the RTI Application. The then CPIO's conduct amounts to gross violation of the provisions of the RTI Act.

In view of this, **Commission directs the then CPIO & Director, V.P. Singh, through the present CPIO** to send his written submission explaining as to why action should not be initiated against him under Section 20(1) & 20(2) of the RTI Act. **The submission of the then CPIO should reach the Commission within 21 days from the date of receipt of this order failing which ex-parte action may be initiated against him.**

The appeal is disposed of accordingly.

(Divya Prakash Sinha)  
Information Commissioner

Authenticated true copy

(H P Sen)  
Dy. Registrar/Designated Officer

Copy to be served through the present CPIO to:

Mr. V.P Singh  
Then CPIO & Director  
MES Engineer in Chief's Branch  
IHQ of MoD (Army), Kashmir House  
Rajaji Marg, New Delhi  
--(For timely compliance of directions as above)