

**CENTRAL INFORMATION COMMISSION**  
**Club Building, Old JNU Campus,**  
**Opposite Ber Sarai, New Delhi 110067.**  
**Tel: + 91 11 26161796**

**Decision No. CIC/SG/A/2009/001157/3919**  
**Appeal No. CIC/SG/A/2009/001157**

**Relevant Facts emerging from the Appeal:**

Appellant : Mr. J.S Jendu,  
B-716, DDA MIG Flat,  
East of Loni Road, Sahadara  
New Delhi-110093

Respondent : Mrs. Saroj Gupta  
PIO, Dy. Director,  
New Delhi Municipal Council,  
Palika Kendra, CGIT Cell,  
4<sup>th</sup> Floor, Room No.4004  
New Delhi

RTI application filed on : 12.02.2009  
PIO replied : 06.03.2009  
First appeal filed on : 24.04.2009  
First Appellate Authority order : 30.04.2009  
Second Appeal received on : 13.05.2009

**Information sought:**

1. Postal Address, telephone Nos. Fax Nos, E-mail address of the-
  - a) Committee
  - b) Its constituent members.
2. How much expenditure till now on the above committee; and by the above committee, since it was formed on 08.08.2008?
3. How many case have been decided by the committee till now i.e. upto 12.02.2009 s pertaining to –
  - a. anomaly in pay scales
  - b. fixation of salary under 6<sup>th</sup> pay commission
  - c. Individual cases of pay/scale anomaly which are sub-judice.
4. Cases of how many and which
  - a. individuals
  - b. category of staff,
    - i) taken up by the committee till 12.02.2009
    - ii) Decided by the committee till 12.02.2009
5. How many times and for what reasons has the committee been granted extension of time and by whose approval?
6. During the tenure of its existence, how many case had been decided and what decisions had been taken by the committee during the first 3 months and each extension period.
7. provide attested copies of the 'agenda and the Minutes of the meeting for each time the committee had met in chronological order from 08.08.2008 to 12.02.2009

**Reply of PIO:**

The committee has been constituted for rationalization of pay scales of all the employees of NDMC. The report of the Committee is still awaited. The matter is sub-judice. The information asked for, shall be supplied only after the report submitted by the Committee is accepted by the Council

**Order of First Appellate Authority:**

Point wise information has been provided by the PIO.

**Grounds for Second Appeal:**

1. Non-providing of the information, as sought
2. Expressing inability in providing reply within the stipulated time period
3. No response from the FAA, director (Public Relation)
4. A very vague, misleading letter whose text contradicts the norms of the RTI Act-2005

**Relevant Facts emerging during Hearing:**

The following were present

Appellant : Mr. J.S Jendu

Respondent: Mr. Daryav Singh APIO on behalf of PIO Mrs. Saroj Gupta

The PIO has given no information without any reasons on the ground that “the Committee has been constituted for rationalization of all employees of NDMC. The report of Committee is still awaited. The matter is sub-judice.” The appellant claims out that he has not sought the report of the Committee. The PIO has brought the information consisting of 24 pages which he claims he has sent to the appellant on 24 June 2009. The appellant claims he has not received this so far.

The FAA has also not applied his mind in passing the order.

The information brought by the respondent has been perused by the appellant who points out that no agendas of the meeting has been given, out of 43 meetings held by Committee, minutes of only 5 meeting have been provided. The respondent contends that there is no agenda available on records and that minutes are only available for 5 meetings out of 43 meetings. The PIO will give this information in writing to the appellant.

**Decision:**

The Appeal is allowed.

The PIO will give the information described above to the appellant before 10 July 2009.

**The issue before the Commission is of not supplying the complete, required information by the PIO within 30 days as required by the law.**

From the facts before the Commission it is apparent that the PIO Mrs. Saroj Gupta is guilty of not furnishing information within the time specified under sub-section (1) of Section 7 by not providing information within 30 days, as per the requirement of the RTI Act. It appears that the PIO's actions attract the penal provisions of Section 20 (1) .

A showcause notice is being issued to her, and she is directed give her reasons to the Commission to showcause why penalty should not be levied on her.

She will present herself before the Commission at the above address on 10 August 2009 at 4.00pm alongwith her written submissions showing cause why penalty should not be imposed on her as mandated under Section 20 (1). She will also submit proof of having given the information to the appellant.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

**Shailesh Gandhi**  
**Information Commissioner**  
**30 June 2009**

*(In any correspondence on this decision, mentioned the complete decision number.)*