

केंद्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION
बाबा गंगनाथ मार्ग
Baba Gangnath Marg
मुनिरका, नई दिल्ली - 110067
Munirka, New Delhi-110067

File No. CIC/NSTFD/C/2022/127715

In the matter of:
Pradip Kumar Singh

...Complainant

VS

The CPIO
National Scheduled Tribes Finance and Dev. Corpn,
NBCC Tower, 5th Floor, 15, Bhikaji Cama Place,
New Delhi-110066

...Respondent

RTI application filed on	:	26/04/2022
CPIO replied on	:	27/05/2022
First appeal filed on	:	Not on Record
First Appellate Authority order	:	Not on Record
Complaint filed on	:	10/06/2022
Date of Hearing	:	18/01/2023
Date of Decision	:	18/01/2023

The following were present:

Complainant: Present over VC at CIC

Respondent: R.J Kachhap, General Manager (Proj., Pers. & Vig) and CPIO, present over VC

Information Sought

The complainant has sought the following information:

- Provide a copy of note sheet/ letter dated 09.09.2021, written by Sh. S.N. Galgotia, Ex GM (Proj.) to CMD / Personnel Department regarding the applicant.
- How many cadres exist under NSTFDC RPS Rules? Specify the various cadres under RPS Rules.

iii. What are various cadres for Roster in NSTFDC? What is total number of posts reserved in each cadre as per roster?

iv And other related information.

Grounds for filing Complaint

The CPIO provided misleading information.

Submissions made by Complainant and Respondent during Hearing:

The complainant submitted that he is not satisfied with the reply of the CPIO. He also submitted that the written submissions dated 11.01.2023 was not received by him. He also informed that his address was updated and informed to the CPIO and he tried to avail inspection on various dates but the CPIO was not available.

The CPIO vide written submissions dated 11.01.2023 submitted that the applicant is an employee of the Corporation, and this application is one in the series of RTI applications which the complainant has filed on multiple occasions in the recent past, despite having received the information or after having been given opportunities for inspection of documents by the public authority.

While exercising his right to information, the applicant follows a well thought of pattern i.e seeking voluminous information or information pertaining to old records pertaining to the past periods often involving third party information which is evidently, a questionable motive of either thwarting the information sharing process or causing undue strain on the public authority.

The applicant has been relentlessly seeking information related to his transfer/posting/seniority/third party/rules & regulations etc., from the HR department in which he had been working in various capacities as Assistant Manager, Deputy Manager and Manager. He is well acquainted with the rules and regulations of the Corporation and its functioning. Apparently, his RTI applications are borne out of his personal grievances towards the management for his transfer from one Department to another, or his transfer from Head Office, New Delhi to Zonal office, Bhopal or for his down gradation of seniority. While dealing with several of his previous RTIs, covering common and similar subject matters, it was highlighted that the appellant being an employee of the Corporation could have requested for such information from the head of the HR Department. But the appellant deliberately chooses to seek information under the provisions of the RTI Act.

Through this RTI application, the applicant has once again raised a demand for information which is not only voluminous but is also scattered. Therefore, taking a balanced view and in line with the decision taken on the previous occasions and in the interest of the applicant, he was given an opportunity for inspection of the documents. But, instead of availing this opportunity, the applicant has preferred to appeal directly to the CIC wrongfully projecting that he has not been given the information sought whereas, the fact remains, that the information sought was not denied to the complainant.

Attention was drawn to the order dated 19.09.2022 of the same bench in respect of the present applicant where the applicant was advised to follow restraint and not act irresponsibly by making repeated RTI applications , causing strain to the public authority.

Observations:

Based on a perusal of the record, it was noted that the CPIO vide letter dated 27.05.2022 replied to the complainant and stated that the complainant has sought various information and documents. In this regard, he was advised to see and collect the information/documents personally from the Head Office, New Delhi as required by him during the office hours. It is relevant to mention that on 19.09.2022 the following was observed by this bench in case no. CIC/NSTFD/A/2021/142416, where it was held as follows:

“The CPIO vide written submissions dated 14.09.2022 submitted that the appellant is a repeated RTI information seeker and is not availing inspection despite the offer and approaches CIC. The appellant being from the same city was asked why he had not availed of inspection and also not considered the fact that he is seeking huge information on 32 points, to which he submitted that irrelevant information was given. He also stated that he was transferred in retaliation to his applications. However, he failed to provide any justifiable reason for not availing inspection rather he stated that the officers have created a hostile environment.

Decision:

In view of the above observations, the Commission finds no ground to intervene. The appellant is advised to exercise his right to information responsibly and refrain from filing multiple RTI applications seeking voluminous information which puts a strain on the public authority.”

Decision:

The Commission observed that the present complaint was filed under Section 18 of the RTI Act, 2005 where the Commission was only required to ascertain if the information has been denied with a *malafide* intent or due to an unreasonable cause or under any other clause of Section-18. Since records of the case do not indicate any such deliberate denial or concealment of information on the part of the CPIO, the Commission concluded that there was no cause of action which would necessitate action under the provisions of the Section 20(1) of the RTI Act, 2005 in the instant complaint. In view of the above, no further action is warranted.

The CPIO shall however send a copy of the written submissions dated 12.01.2023 to the complainant within 7 days from the date of receipt of this order.

The complaint is disposed of accordingly.

Vanaja N. Sarna (वनजा एन. सरना)

Information Commissioner (सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

A.K. Assija (ऐ.के. असीजा)

Dy. Registrar (उप-पंजीयक)

011- 26182594 /

दिनांक / Date