

EMPLOYEES' PROVIDENT FUND ORGANISATION
(Ministry of Labour, Govt. of India)
Head Office, Bhavishya Nidhi Bhawan,
14-Bhikaiji Cama Place, New Delhi – 110 066

No. PID/HQ/Genl/11

15814

Dated:

3 JUN 2011

To

The Director(NATRSS)
All Addl. Central.P.F.Commissioner(Zones/Head Office)/CVO
All Regional.P.F.Commissioners(Regions)/Head Office
All Officer In-Charge(Sub-Regional Offices)
All Dy. Director(vigilance) (Zones)
All Officer In-Charge (ZTIs)

Sub:- Instructions on dispatch of information provided under RTI Act,2005 by speed post-regarding.

Sir,

The information provided under RTI Act,2005 is generally dispatched by "speed post" except for certain offices where it is being dispatched by ordinary post.

The Central Information Commission has issued directions that information provided under RTI Act should invariably be dispatched by "speed post". Copy of CIC decision in case no. CIC/SG/C/2010/1437/12013 dated 15.04.11 is enclosed.

All CPIOs are requested to comply with the CIC directions.

Yours faithfully,

Amit 2.6.2011
(Amit Vashist)

Regional P.F. Commissioner(PID)

✓ Copy to:-The RPFC(NDC) for web upload.

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067.
Tel: +91-11-26161796

Decision No. CIC/SG/C/2010/001437/12013
Complaint No. CIC/SG/C/2010/001437

Complainant : **Mr. V Kumar,**
20/17, Shakti Nagar,
Delhi – 110 007

Respondent (1) : **PIO & Assistant Commissioner,**
Municipal Corporation of Delhi,
Civil Lines Zone, 16, Rajpur Road,
Delhi – 110 054

Respondent (2) : **PIO & Deputy Health Officer,**
Municipal Corporation of Delhi,
Civil Lines Zone, 16, Rajpur Road,
Delhi – 110 054

Facts arising from the Complaint:

The Complainant had filed a RTI application dated 15/05/2010 with the aforementioned PIO, sent through Speed Post Receipt dated 28/05/2010, asking for certain information. However on not having received the information within the mandated time, the Complainant filed a complaint under Section 18 of the RTI Act with the Commission. On this basis, the Commission issued a notice to the concerned PIO on 1/12/2010 with a direction to provide the information to the Complainant and further sought an explanation for not furnishing the information within the mandated time.

The Commission is in receipt of the submissions of the Respondent PIO vide a letter dated 29/12/2010 wherein it has been stated that the RTI application was received in his office on 31/05/2010 and assigned **LD. No. 1744**, thereafter it was transferred to the Superintending Engineer (S.E.) and Deputy Health Officer (DHO) of the Civil Line Zone on 1/6/2010. The reply was sent to the Complainant vide a letter dated 23/06/2010, a copy of which was placed on record along with dispatch proof.

On perusal of the records it is observed foremost that the reply dated 23/06/2010 is incomplete. It appears that query no. 1 & 2 of the RTI application pertain to the Health Department of the Civil Line Zone. The PIO had transferred the original RTI application to the S.E. as well as the DHO on 1/06/2010. However the DHO has not provided any information. It is further noted that after receipt of the Notice of this Commission, the same was transferred by the PIO & AC to the DHO as well as the SE, the S.E. has replied, but no information was sent by the DHO. The Commission finds this strange as to why the Deputy Health Officer has not provided any information on two different occasions.

Secondly, the information dated 23/06/2010 was sent Under Postal Certificate (U.P.C). The Commission has on numerous occasions categorically ordered that information should be sent through Speed Post, so that it is ensured that information reaches the appellants.

The Commission has not received any explanation from the DHO for not supplying the information to the Complainant within the mandated time period. Therefore, the only presumption that can be made is that the Respondent has deliberately and without any reasonable cause refused to give information as per the provisions of the RTI Act. **There appears to be a delay of over 100 days in responding to the said RTI application.**

Decision:

The Complaint is allowed

In view of the aforesaid, the PIO & AC is directed to send all the information once again through Speed Post before 30th May 2011. The PIO further directed to submit before this Commission a copy of the Speed Post receipt(s) as proof of dispatch, before 10th May 2011.

The PIO & Deputy Health Officer is hereby directed to provide the requisite information on query no. 1 & 2 of the original RTI application and submit before this Commission a copy of the information sent and Speed Post receipt(s) as proof of dispatch, before 5th May 2011.

Furthermore, the issue before the Commission is of not providing the requisite information by the PIO & DHO within 30 days, as required by law.

From the facts before the Commission, it appears that the Respondent has not provided the correct and complete information within the mandated time and has failed to comply with the provisions of the RTI Act. The delay and inaction on the Respondent's part in providing the information raises a reasonable doubt that the denial of information may be malafide.

The PIO & DHO is hereby directed to present himself before this Commission on 9th May 2011 at 12.30 pm along with his written submissions to show cause why penalty should not be imposed and disciplinary action recommended against him under Section 20 (1) and (2) of the RTI Act. The PIO may serve this notice to any other official (s) who are responsible for this delay in providing the information, and may direct them to be present before the Commission along with him on the aforesaid scheduled date and time. The PIO shall also bring proof of seeking assistance from other officials(s), if any.

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

Any information in compliance with this order will be provided free of cost as per section 7(6) of RTI, Act, 2005.

Shailesh Gandhi
Information Commissioner
15th April 2011

(In any correspondence on this decision, mention the complete decision number:)ANP)