

**OFFICE OF THE ADDL. DISTRICT MAGISTRATE/
FIRST APPELLATE AUTHORITY (DISTT. NORTH-EAST)
DC OFFICE COMPLEX, DISTT. NORTH-EAST
NAND NAGRI, DELHI**

F.NO.PA/ADM/NE/RTI/Appeal/32/2010/ 926

Dated: 28/07/2010

Yash Pal Sethi

Vs.

PIO/SDM (Shahdara)

ORDER

Present Sh. Yash Pal Sethi, appellant in person. Sh. Amrender Patel, Setno on behalf of PIO/SDM (Shahdara).

The appellant is aggrieved by the order dated 20.05.2010 of PIO/SDM (Shahdara) on application dated 27.04.2010, ID No.10055. It is alleged by the applicant that he has not been supplied correct information on all the points in his application. The items wise question and the reply by the PIO is as under:-

Sl. NO.	Question	Answer of PIO
1.	Whether DC has the power to transfer the case and to hold contempt proceeding.	The information is not available in this office
2.	In case SDM is not delegated the powers would be office work would come to standstill.	This is not covered under the purview of information
3.	Is the duty of SDM staff to submit the file to another SDM.	As in 2.
4.	He has been demanded Rs.500/- for supply certified copy of girdawari jamabandi by Sh. Rajiv. Rajiv says without payment of Rs.500/- it cant be supplied the matter is pending for 8 months. Please inform whether the girdawari jamabandi is supplied without payment of Rs.500/-.	No such written complaint is available in the office. Without payment of Govt. fees certified copy are not supply, fees for certified copy can be deposit by way of challan in SBI instead of paying of cash and certified copy obtain by showing the bank challan.
5.	Case No. 34/40 u/s 145, when he would be given short date and contempt of his case proceeding	As in 2 above.
6.	When the DC order of transferred of case and for short date to some other SDM.	DC has not passed any such order.
7.	Please inform when the DC passed any order on the application of Yash Pal Sethi.	The applicant has not given the details in the application and in this circumstance the requisite information can not be supplied.
8.	Whether DC has the power to transfer the case to other SDM and hold contempt proceeding.	No such information is available in the office record.
9.	If the application of Yash Pal Sethi has been dismissed from where SDM/ADM/DC he can	In DC office no such information is available.

	obtained the certified copy of the order.	
10.	Please inform any second way by which without payment of heavy fees certified copy of nakal girdawari can be obtain to the benefit of lacs of persons.	The reply has been given in column 4.
11.	Whether the DC is competent to take any action against any delinquent patwari who refuses to supply copy of certify khasra girdawari.	On the allegation be proved action is taken is accordance with rules.
12	Whether DC is competent to take action against the patwari who dillydallies in supplying khasra girdawari for 8 months to an old person of 63 yrs.	Under the CCS conduct rule on the allegation being proved the competent authority can taken action against the officer.
13.	No action has been taken given to DC please informed to whom you can now make a complained.	The application has not given the details of information in this circumstance the information can not be supplied.
14.	I request that those option who do not give copy of khasra girdawri without of any bribe amounts to disobedience of law and also gives incentive to correction and the fear has been removed in the general public if during the status for order they disobeyed it and the SDM is helpless is taking any action.	Does not fall under the definition of information under the RTI Act.

As regard point No.1, information is not correct and applicant may be informed in Yes or No. with details.

As regard point No.2 & 3 is also not correct and the PIO is directed to supply the correct information i.e. whether or not the link officer can be taken in such a case.

As regard point No.4, it is observed that the govt. fees has not been supplied which may be supplied as prescribed in various statutes.

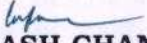
As regard point No.5, it is observed that this is a hypothetical question and does not fall under the definition of information.

As regard point no.6 & 7, the information has been supplied.

As regard point no.8, it is a repetition of question no.2.

As regard point no.9, 10, 11, 12, 13 & 14, information is supplied.

The appeal is disposed with the above observations. PIO is directed to supply the remaining information with in a period of 3 weeks from the date of the receipt of this order.


(PRAKASH CHANDRA)
FIRST APPELLATE AUTHORITY

Applicant may refer section 19(3) of RTI Act-2005 – A Second Appeal against the decision lies within 90 days from the date on which the decision has been made. Second Appeal can be made with Central Information Commission, 2nd Floor, August Kranti Bhawan, Bhikaji Kama Place, New Delhi.

Copy to:

1. Appellant.
2. SPIO/SDM (Seemapuri), Distt. Nand Nagri.
3. DIO, NIC, Distt. North-East for uploading on web site.
4. Guard file.