

PUBLIC GRIEVANCES COMMISSION

(Govt. of National Capital Territory of Delhi)

APPELLATE AUTHORITY

[Under Section 7, Delhi Right to Information Act, 2001]

Appeal No. 459/2017/PGC/DRTI/EDMC dated 06.10.2017

Date of Hearing : 02.07.2018

Appellant : Sh. Shiv Kumar

Competent Authority : OSD to Commissioner, East DMC

Application under DRTI filed on : 28.08.2017

Background

The appellant vide his DRTI application dated 28.08.2017 has sought information on 3 counts. Aggrieved with no information furnished by the Competent Authority, the appellant filed this Appeal.

Proceedings

The appellant is present. None present on behalf of the Competent Authority.

The appellant states that he had received the reply from the department, however he is not satisfied with the same. He submitted the copies of the reply before the Commission. The reply is perused.

The Commission notes that the information has been furnished by the Deputy Commissioner (Shahdara North Zone), whereas the DRTI application has been filed by the appellant before the OSD to Commissioner, East DMC. The reply should have been furnished by the Competent Authority i.e. OSD to Commissioner, in the present appeal cases.

On perusal of reply, it has been observed that the appellant had asked specific questions regarding his complaints and whatever action has been taken in the matter including the name of officers who handled the complaint. However, the department informed that no such record is available in the office. The same is unacceptable.

The appellant stated that the said complaints are against Shri Shail Tyagi, J.E. and the same, as per the reply furnished by the department have been entrusted to Sh. Shail Tyagi himself. The Commission observed that the above said act is highly inappropriate and against the natural justice. Any complaint, if involves / alleges corrupt practices be referred to Vigilance Department or if the complaint is regarding dereliction in discharge of duty, the same should be referred to some superior officer or to the officer of administrative department. The appellant further denied having received any copies of the notings, as informed by the department.

Decision

The matter is brought to the personal attention of the Competent Authority i.e. OSD to Commissioner, East DMC.

The Commission, on perusal of reply, finds it, prima facie, a case of malafide denial of legitimate information and causing deliberate obstruction in flow of information.

The Commission noted that the information furnished by the Deputy Commissioner (Shahdara North Zone) is incomplete and evasive. Rather no factual information as asked by the appellant has been provided.

The Competent Authority i.e. OSD to Commissioner is hereby directed to furnish a factual reply to the queries of the appellant within 15 days from the date of receipt of this order, directly to the appellant with a copy marked to the Commission under his own signature / stamp.

With the above direction, the appeal stands closed at the Commission's end

(SUDHIR YADAV)

Member,
Public Grievances Commission

Copy to :

1. OSD to Commissioner,
East Delhi Municipal Corporation
Udyog Sadan, Plot No. 419.
FIE, Patparganj Industrial Area,
DELHI – 110 092.
2. Shri Shiv Kumar