

PUBLIC GRIEVANCES COMMISSION

(Govt. of National Capital Territory of Delhi)

APPELLATE AUTHORITY

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

Appeal No. : 154/2019

Date of Hearing : 07/08/2019

Date of Decision : 07/08/2019

Appellant : Shri Rishipal Singh Tomar

Respondent : Deputy Director of Education (South West-B), Directorate of Education

DRTI Application filed on : 26/03/2019

Appeal filed on : 09/05/2019

1. Background

Shri Rishipal Singh Tomar, the appellant vide application dated 26/03/2019 under Delhi Right to Information Act, 2001, had sought information from the Competent Authority on 11 points. Being aggrieved with the information provided by the department, he filed this appeal before the Commission.

2. Proceedings

The appellant is present and heard.

Shri H.N.Meena, ADE, District SW-B, is present on behalf of the department. He informed that point-wise information has already been provided to the appellant vide letter dated 08/04/2019. A copy of the same is available in the appeal file.

Perusal of the documents reveal that the information has been provided by District SW-B, but the appellant is not satisfied with the same since he has sought the information in respect of his inquiry from the Directorate of Education (HQ). In particular, he mentions that he may be provided information regarding the rule under which the disciplinary authority /Director, Directorate of Education is empowered to impose major penalty without grave misconduct, as sought by him vide query no. 4 of his DRTI application.

The Appellate Authority / PGC has on numerous occasions mentioned that applications under the Delhi Right to Information Act, 2001, cannot be transferred from one Competent Authority to another. In the instant case, the appellant had submitted his application at HQ and the Competent Authority viz. DDE (RTI Branch), Education Department (HQ) should have ensured that the information available with him is provided to the appellant and should not have transferred the application to the District SW-B. The matter is brought to the personal attention of the Director, Directorate of Education, with the advice that the officers dealing with DRTI matters

may be properly sensitised, so that all applications are disposed of keeping in mind the provisions of the Act.

Accordingly, the department may provide the required information to the appellant as there may not be many such instances where disciplinary authority has passed final orders, imposing penalty adversely affecting the pensionary benefits of teachers / officials.

3. Decision

The Director, Directorate of Education, shall direct the Competent Authority viz. Deputy Director of Education (RTI Branch, HQ) to provide point-wise information to the appellant as per the records available in the department. The information shall be sent directly to the appellant within 3 weeks of receipt of this order, under intimation to this Commission.

The Director, Directorate of Education, shall further ensure that the Competent Authorities in the Directorate of Education shall take proper care while handling the applications / appeals under the Delhi Right to Information Act, 2001 and dispose them keeping in mind the provisions of the Act and Rules framed thereunder.

With the above direction, the appeal case is ordered to be closed before the Appellate Authority / PGC.

(ASHOK KUMAR)
CHAIRMAN,
PUBLIC GRIEVANCES COMMISSION

Appeal No.154/2019/PGC/DRI/Edn./

Date :

Copy to :

1. Shri Binay Bhushan, Director, Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi – 110 054.
2. Shri S.C.Meena, Deputy Director of Education (RTI Branch, HQ), Directorate of Education, Govt. of NCT of Delhi, Old Secretariat, Delhi – 110 054.
3. Smt. Vimla Devi, Deputy Director of Education, District SW-B, Najafgarh, New Delhi.
4. Shri Rishipal Singh Tomer