

Office of The
Dy. CME (Prod.) / KGP W
R.R No. 164 (RTI)
Date 26/04/15

CENTRAL INFORMATION COMMISSION
Club building, Opposite Ber Sarai Market, Old JNU Campus, New Delhi- 110067.

Tel: 011 - 26182553/26182594

Email: registrycab@gmail.com

File No : CIC/CC/A/2016/000685-AB

In the matter of:

Shankar Poddar
Sitaram Bhawan, Vidyasagarpur, Behind
College, PO. - India, P.S. Kharagpur (T),
Dist - Paschim Medinipur - 721305, WB

...Appellant

VS

Central Public Information Officer,
South Eastern Railway, O/o the Dy. Chief
Mechanical Engineer (Production),
Kharagpur Workshop

...Respondent

Dates

RTI application	:	29.08.2015
CPIO reply	:	01.10.2015
First Appeal	:	30.10.2015
FAA Order	:	27.11.2015
Second Appeal	:	24.12.2015
Date of hearing	:	23.06.2017



Facts:

The appellant sought information on 10 points, rules relating to departmental enquiry, attested copies of railway board rules, copy of AFAR for 2000-01, 2010-11, attested copy of pay slip of Nov 14 and Aug 15, attested copy of C.A Card for the month of March 2011. The CPIO replied on 01.10.2015. The appellant being aggrieved filed first appeal on 30.10.2015. The FAA provided a revised reply on 27.11.2015.

Grounds for Second Appeal

The CPIO did not provide the desired information

Order

Appellant : Present
Respondent : PIO, Shri Ashish

At the outset the Commission observes that the same appellant had filed repeated RTI applications for the redressal of his grievances. The appellant however insists that the RTI applications submitted by him before the CIC are related to different subject matters. During the hearing the Commission observes that the matter is related to the appellant's service grievance and the same had been dealt with earlier in other similar cases. The conduct of the appellant in filing applications for second appeal before CIC repeatedly needs to be discouraged.

On perusal of record it was seen that appellant's service grievance related RTI applications were adjudicated in several earlier cases. The Commission is of the view that the appellant's second appeals are endless and need to be checked at the initial stage itself.

The table below reflects the history of his earlier second appeal cases;

Sl no.	Case No.	RTI application	Decision	Remarks
1	CIC/VS/A/2014/002145/BJ	18.02.2014: Regarding Indian Railway Rules empowering Railway Authority to treat an employee's attendance as unauthorised absence.	27.10.2016: CPIO to provide necessary information within a period of 10 days.	Disposed of
2	CIC/VS/C/2014/000568/BJ	10.09.2014: Copy of his G.A card for the month of March 2011 copies of letters dated 13.10.2012 and 14.10.2012.	05.01.2017: Grievance, no further intervention of the Commission is warranted in this matter.	Disposed of
3	CIC/VS/A/2014/003695/AB	18.02.2014: Regarding rules under which leave of absence is considered as	20.07.2016: PIO was directed to provide information within 15 days.	Disposed of

		<i>unauthorised leave in connection with his unauthorised leave of 2012.</i>		
4	CIC/RK/A/2016/000138/AB	<i>18.02.2014: Regarding rules under which his absence was considered as unauthorised absence despite submission of leave application.</i>	<i>06.04.2017: Information provided is just and proper. The Commission finds no ground to intervene in the matter.</i>	Disposed of
5	CIC/AB/A/2016/000362/AB	<i>10.09.2014: Copy of his G.A card for the month of March 2011, copies of letters dated 13.10.2012 and 14.10.2012 etc.</i>	<i>11.05.2017: The same RTI application was heard in case no CIC/VS/C/2014/000568 on 05.01.17. Hence, infructuous.</i>	Disposed of
6	CIC/AB/A/2016/000363/AB	<i>20.07.2015: Regarding rules of IREM relating to APAR of employees.</i>	<i>11.05.2017: CPIO directed to furnish the copy of the reply dated 08.08.15.</i>	Disposed of
7	CIC/AB/A/2016/000386/AB	<i>18.02.2014: Regarding Indian Railway Rules empowering Railway Authority to treat an employee's attendance as unauthorised absence.</i>	<i>01.06.2017: The same RTI application was decided on 20.07.2016, 27.10.2016 and 06.04.2017 in appeal case nos. CIC/VS/A/2014/003695, CIC/VS/A/2014/002145 and CIC/RK/A/2016/000138. Hence, present appeal is infructuous.</i>	Disposed of
8	CIC/CC/A/2016/000606/AB	<i>06.07.2015: Regarding</i>	<i>19.06.2017: CPIO was directed to</i>	Disposed of

		Railway Service Conduct Rules, Copy of APAR for the year 2012-13 et.	provide the specific rules within 15 days.	
9	CIC/CC/A/2016/000685-AB	29.08.2015: rules relating to departmental enquiry, attested copies of railway board rules, copy of APAR for 2000-01, 2010-11, attested copy of pay slip of Nov 14 and Aug 15, attested copy of G.A Card for the month of March 2011		Present Case
10	CIC/RK/A/2016/001125-AB	23.09.2015 Clarification regarding Disciplinary Rules.		Pending
11	CIC/RK/A/2016/001067-AB	28.09.2015 Rules regarding not granting resignation and not granting leave.		Pending
12	CIC/SERLK/A/2017/144236	17.03.2017: Copy of Railway Board letters		Pending
13	CIC/SERLK/A/2017/133653	06.01.2017: Copy of railway board rules and letters.		Pending

The above cases are highlighted here to describe the attempt by the appellant to exploit the system of RTI Act to redress his service grievances. The appellant was heard at length in earlier cases and it transpired that his main grouse is certain "unjust" decisions of the railway authorities which the Commission is alas unable to redress. Further, it is relevant to mention here that the Commission's endeavour is to dispose of second appeal cases filed before the CIC in a time bound and effective manner. The cases are fixed by the Registry in a chronological sequence. There are a number of appellants who are waiting for settlement of their cases of appeals and complaints in the queue before the Commission. Hence the present and similar other cases strike at the very root of the dispensation of speedy and effective justice of the CIC.

The Commission observes that the RTI Act is aimed at bringing within its ambit the right of every citizen to information in order to promote transparency and accountability in the working of every public authority in the country.

The Commission also observes that in some cases certain disgruntled employees of the public authorities try to sabotage the information dispersing system through the unethical route of flooding the system with repeated applications/ flood of applications thereby trying to cause unnecessary pressure on these public authorities to settle their service related grievances. The Commission likes to caution these elements to desist from doing the same in a spirit of true democracy, patriotism and above all decorum.

A coordinate bench of this Commission in its order dated 10/11/2015 (File No. CIC/RM/A/2014/900600-SA etc- Mr. Kumar Pankaj Anand Vs University Grants Commission) has observed as under:

"13. The Commission noticed that three or four former employees in every public authority, who were either suspended or removed or facing charges, convicted in a crime or facing disciplinary action, or trying to run a counter inquiry with several harassing questions. The Commission also noted an atmosphere of fear and worry was spread in the offices and among the officers who are hesitating to take action against erring staff members for fear of facing flood of questions under RTI. Sometimes, the RTI applications are running into hundreds similar to those posed by lawyers during cross examination. It is almost a parallel enquiry against the authorities whose decision or disciplinary action might have adversely affected them. The respondents submitted that they were ready to comply with the RTI Act but answering 'enquiry' type questions and repeated RTI applications would involve diversion of resources, energy besides having demoralizing effect. The Commission appreciates the genuineness of the problem and sincere feelings of the

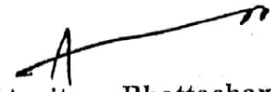
respondent officers and finds a need to address this serious issue. It is the responsibility of Government of India and Information Commissions to see that the RTI Act will not become rendezvous for disgruntled elements. The Commission records the admonition against the misuse by appellant and his group of individuals who filed multiple, repeated and vexatious RTI applications and appeals causing serious wastage of time, energy and resources of public authorities."

"In Prem Prakash Kumar v NFL, Panipat. (Decision no. 246/IC/(A)/2006, F.No. CIC/MA/A/2006/00374 & 375 dated 28 August 2006) the appellant sought documents and specific comments of CPIO on 89 queries. The Learned Commissioner Shri M M Ansari observed that in fact, the nature of queries and the information sought are such that the information seeker would never be satisfied because the promotion of self interest, rather than public interest, was dominant, as the appellant had sought redressal of grievances."

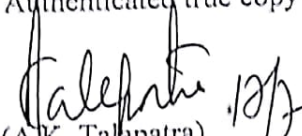
In the present case, the CPIO had provided parawise reply which was followed by the First Appellate Authority (FAA)'s order on some points. Hence, the Commission finds no merit in this second appeal as the case is related to a similar subject matter which was already adjudicated upon.

In view of the above, the present appeal is dismissed with "advice" to the appellant to use the RTI Act in a more constructive manner in future.

Copies of the order be sent to both the parties free of cost.


[Amitava Bhattacharyya]
Information Commissioner

Authenticated true copy


(A.K. Talapatra)
Deputy Registrar