

South Eastern Railway

No:- 46/7/18AA

11 Garden Reach Road, Kolkata-43

Dated: 26.10.18

To,
Sri Shankar Poddar,
"Sitaram Bhawan" Vidyasagarpur,
P.O. India, P.S. Kharagpur (T),
Dist. Midnapur (West),
Pin: 721305 (W.B.)

1. One application dated 9.5.18 had been received under the signature of Shankar Poddar, addressed to CPIO, South Eastern Railway, asking for information under 4 different items. Thereafter an appeal under section 19/1 of the RTI Act, dated 28.6.18 addressed to the undersigned as First Appellate Authority (FAA) has been received under the same signature. The application, under the name of Shankar Poddar, (signed as Shankar Podder), is seen to be made under the following specific identity attached to the signatory:- Tech.I, T. No. 10305, S.E. Railway W/Shop, Kharagpur. The appeal, also under the signature of Shankar Podder, is seen to be made under the following specific identity:- Technician Gr.I, T. No. 10305 of Kharagpur Workshop, S.E. Railway.
2. Vide Item 3 of the application, information has been sought on the fate of a letter dated 28.4.18, addressed to Hon'ble Chief Personnel Officer, South Eastern Railway and is signed by Shankar Podder, the signatory identifying himself with the designation of Technician Gr I, T. No: 10305. Vide Item 4 of the application, information has been sought on the fate of a letter addressed to Hon'ble Additional General Manager, South Eastern Railway dated 20.4.18. This letter is also signed by Shankar Podder, the signatory identifying himself once more with the designation of Technician Gr I, T. No: 10305, KHARAGPUR WORKSHOP. Thus, the 2 letters dated 20.4.18 and 28.4.18 are apparently signed by one and the same person, named Shankar Poddar (signed Shankar Podder) and having been identified by the signatory himself as Technician Gr. I, T.No. 10305.
3. It has been verified that on both dates 20.4.18 and on 28.4.18, viz. the dates on which letters to Hon'ble Additional General Manager and to Hon'ble Chief Personnel Officer were respectively addressed, T.No. 10305 was not held by any person by the name of Shankar Poddar, designated as Technician Gr. I of KHARAGPUR WORKSHOP.
4. Further, on 9.5.18 also, i.e. the date of the present RTI application, the T.No. 10305 was not held by any person by the name of Shankar Poddar, who was designated as Technician Gr. I, T. No. 10305, KHARAGPUR WORKSHOP.
5. In order to deal with the present RTI application & appeal, it is felt necessary to bring the following on record. It has transpired that one person by the name of Shankar Poddar ceased to be a Railway employee of Railway Workshop, Kharagpur with effect from 14.9.16. Assuming that the letters dated 20.4.18 and 28.4.18 and the RTI application dated 9.5.18 were made by the same person named Shankar Poddar, then the same were all made by the signatory under a designation, which did not allude to him on those dates. The RTI application is therefore made, by identification by the signatory himself with an identity, which had no correlation or validity to the factual status of the applicant, as on the date of application. The RTI application and resultantly the appeal has therefore to be treated as having been made under a forged identity.
6. Besides, it is found that subsequent to 14.9.16 till 9.5.18, there have been not less than 52 nos. of RTI applications and 12 nos. of RTI First appeals to different authorities, made under the same name, the perpetrator identifying his person with designations, which

had the following variations of (i) Tech.I./Technician Gr. I, T. No. 10305, KHARAGPUR WORKSHOP, (ii) Tech.I./Technician Gr. I, T. No. 10305, (iii) Ex-Technician Gr.-I, T. No. 10305, (iv) C Eng(I) (Ex-Tech Gr.I, T. No. 10305), (v) Tec-I, T. No.10305/KGPW.

7. (a) That the difference in designation in the various RTI Applications and Appeals, whereby somewhere Tech. Gr. I has been used and elsewhere Ex-Tech, Gr I, cannot be treated as coincidences or simply as cases of innocent oversight, would be apparent from what is stated in the following paras. Though the same may not be totally in the domain of RTI dealings in the context of the current application and appeal, the same is nevertheless considered relevant to the treatment of the current application and appeal.

(b) As mentioned earlier, the information sought vide Item 4 of the application refers to a letter dated 20.4.18. In the letter dated 20.4.18, reference is made to representations dated 1.5.17, 7.6.17, 7.7.17, 29.1.18, 21.3.18. The representation dated 1.5.17 is under the signature of Shankar Podder with the identity of Technician Gr I. The next representation dated 7.6.17 is however signed under the identity of **Ex- Tech Gr I**. The next representation dated 7.7.17 is again signed under the identity of **Ex-Technician Gr I**. However, without any change in the status of the person bearing the name of the signatory, as regards his having ceased to be in service from 14.9.16, the representations dated 29.1.18 & 21.3.18 have been signed under the identity of **"Tech. Gr.-I", with the "Ex" omitted**. Other than the representations referred to, there are several other representations addressed to different authorities over the same period of time, e.g. on dates 5.5.17, 15.5.17, 24.5.17, 26.5.17, 9.6.17, 10.6.17, 20.6.17 etc., where the representations by the same signatory have been made, sometimes under identity of Tech./Technician Gr.I and at other times under the identity of Ex-Technician Gr.I.

(c) Further, while RTI applications/appeals dated from 7.1.17 till 25.3.17 under the same signature of Shankar Poddar have been signed under the identity of Ex- Tech Gr I, an application dated 28.4.17 has been signed as Tech. Gr-I. Again, RTI applications/appeals dated to a later period, viz. from 8.5.17 till 17.5.17 have been signed under the identity of Ex-Tech Gr I. Then a RTI application dated 28.6.17 has been signed as Ex-Tech. Gr-I. Thereafter, RTI applications/appeals till the present are being received under the same signature, declaring the identity as Tech Gr. I. (Copies of RTI applications./appeals are enclosed). Even for the same period of time, the identity as Tech Gr. I or Ex-Tech Gr. I is seen to be varying, depending on the authority to whom representations are being addressed. The inconsistency in the signatory identifying himself, sometimes as Tech. Gr-I & at other times as Ex-Tech. Gr-I, with the variations in designation of Ex-Tech Gr.-I and Tech Gr.-I occurring, without any sequential order, is therefore obvious.

(d) Even if outside the domain of the instant RTI application & appeal, relevant in the RTI dealings are some communications, received under this very signature. The signatory had thereby assigned to himself that he is still a Railway employee, despite having admitted in other correspondences regarding his having ceased to be a Railway employee from 14.9.16. This interpretation was attempted by him, citing a reply by the Railway administration given to a communication of his, in which the designation of Technician Gr-I had been used by him. This, according to him, implied that he was still an employee holding designation of Technician Gr. I. It is in this background that the inconsistent variations of Ex-Tech Gr-I and Tech Gr. I, administered by the signatory in the repeated RTI applications and appeals, cannot be treated as innocent omissions, but have to be treated as cases of deliberate forgery of identity. (copies of the said communications are annexed).

8. It is therefore under such compelling circumstances as stated, that the present RTI application & appeal have to be treated as not only having been made under a forged identity regarding the applicant-cum-appellant's pretence of being a Railway employee, the forgery of identity has also to be treated as motivated and done in an attempt to interpret any

communication from this public authority, as per the applicant's convenience. The aspect, regarding correctness of identity, required verification and re-verification, sifting of numerous office records, to establish the issue beyond all reasonable doubt, before the dealing of the application dated 9.5.18 and the appeal dated 28.6.18, under the jurisdiction of the RTI Act, could be considered. An intermediate reply to the applicant/appellant was not considered appropriate, as a reply addressed to an applicant-cum-appellant whose identity prima-facie had the evidence of being forged would, it was felt, be concomitant to promoting exploitation of the RTI Act. This has resulted in the time limit being exceeded in making a response.

9. The Central Information Commission, while adjudicating on a Second Appeal on 23.6.17, in case no. CIC/CC/A/2016/000685-AB, lodged by an appellant under this very name, viz. Shankar Poddar, with the same address, as is seen to occur, in the present application and First Appeal, had made some important observations, while drawing reference to 14 nos. of earlier Second Appeals he had submitted before the Commission(copy enclosed). It is necessary to put on record some of the relevant observations, in the context of the present application and first appeal, which are as below:-

- The above cases are highlighted to describe the attempt by the appellant to exploit the system of RTI Act to redress his service grievances.
- 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 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.
- 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.***

10. In consideration of the Central Information Commission's observations and the fact that the appellant in this case is with the same name, viz. Shankar Poddar and with the same address, it would be reasonable to assume that the present application and appeal pertain to the very person to whom CIC had referred. It is therefore obvious that the appellant has not paid any heed to the advice given to him by the Commission, while adjudicating on case no. CIC/CC/A/2016/000685-AB. Rather, he has gone further in perpetrating another gross abuse of the RTI Act, in seeking information under a forged identity. This office therefore has no option left but to express its inability to deal with the present appeal any further.

11. This letter is being addressed to the name of the appellant Shankar Poddar, at the address which has been given in the appeal, provided under the forged identity. This is being done, as the address appearing in the current appeal has also appeared in earlier applications/appeals under the same name and is also being done in the hope that the correlation of this address, with those given in the earlier appeals to the Central Information Commission, still exists and the observations made herein will reach him at the said mentioned address.

12. This reply is made without prejudice to any previous replies/information provided by the undersigned as 'First Appellate Authority (FAA), to the signatory in this appeal, in

response to any other first appeals made by the same signatory within the jurisdiction of the RTI Act 2005, when the matter of forged identity of the appellant may not have come to light before the undersigned as FAA.

13. Action has been recommended to be taken by Central Information Commission in a number of its orders against abusers of RTI Act as in case no. CIC/DS/A/2013/001487-SA, case no. CIC/ALDMU/A/2017/102135, case no. CIC/DS/A/2013/001734-SA, to cite only 3 such orders. This case being a case of gross abuse of the RTI Act, action as recommended by Central Information Commission is under contemplation. However, giving full credence to the requirement of following the tenets of natural justice, CPIO, South Eastern Railway will inform the signatory at the address provided in application & appeal, regarding action proposed to be taken in consonance with CIC's recommendations vide cases of abuse of RTI Act, of which 3 cases have been quoted. In case the signatory wishes to make any communication, in response to CPIO's communication, the same is required to reach this office within 2 weeks from the date of CPIO's communication. It is made clear that while contents of any such communication, if received from signatory, will be kept in view, decision regarding action in terms of CIC's referred orders will not be prejudiced solely on grounds of timely receipt or non-receipt of any communication from the signatory of the current RTI application and First appeal.

A. Datta
26/10/18
(A. Datta)

First Appellate Authority

Copy to CPIO/SER:- Copy of order of CIC, whereby CIC has advised action to be taken against abusers of RTI Act is enclosed. Action as advised in para 12 to be taken w.r.t. the present application and First appeal.