

CENTRAL INFORMATION COMMISSION
Adjunct to Appeal No. CIC/MA/A/2008/001264 dated 11-8-2007
Right to Information Act 2005 – Section 19

Appellant: Dr. G. John

Respondent: Oil & Natural Gas Commission, (ONGC)

ORDER

In our decision of 4-12-2008 we had found as follows:-

On the complaint of delay, we find that the information was to be provided by 19.6.08 but has in fact been provided on 24.6.08. The plea of CPIO that he was simply a forwarding authority and, therefore, not responsible for the delay is correct only in part because u/s 5(4) of the RTI Act the CPIO has the authority to seek information from any other officer, as he/she considers necessary for appropriate discharge of his duties, which is providing of information on request. Under Sec. 5(5) any officer whose assistance has been so sought is deemed CPIO for this purpose. The Officer from whom the information was delayed in responding to CPIO Shri Barthwal's request, therefore, will now show cause as to why he/she should not be held liable for penalty @ Rs. 250/- a day amounting to Rs. 1250/-. He may do this in writing by 18th December, 2008.

In response we have received a letter of 5.1.2009 from CPIO Shri Manoj Barthwal, DGM, HR, ONGC. He has submitted that the Department had in fact sent a reply on 9.6.2008. However the response from him was delayed because of the unsettled position with regard to disclosure of ACRs. He has, therefore submitted as follows:-

“Once the decision was communicated to department concerned along with judgment in case of Devdutt vs. Union of India, they supplied the information to Dr. John. The entire issue of delay of five days arose because of lack of clarity regarding supply of ACR/ PAR especially in view of the above referred recent judgment. I find no lapse on the part of department concerned and it was my inability to convince them about supply of information. Therefore, if there is any lapse at all, it is on my part and penalty if at all has to be imposed, it must be imposed on me alone.”

Since CPIO Shri Manoj Barthwal has manfully accepted responsibility for the delay of five days in supplying the information sought his liability of penalty of Rs. 1,250/- is hereby confirmed. **Shri R.S. Sharma, CMD, ONGC is directed to recover Rs. 1,250/- from the salary of Shri Manoj Barthwal for the month of February, 2009 and deposit the same by 3rd March, 2009 with Pay and Accounts Officer, Central Administrative Tribunal, C-1, Hutments, Dalhousie Road, New Delhi-110001** under intimation to Shri Pankaj K. P. Shreyaskar, Jt. Registrar, CIC.

Announced. Notice of this decision be given free of cost to the parties.

(Wajahat Habibullah)
Chief Information Commissioner
5-2-2009

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(Pankaj K.P. Shreyaskar)
Joint Registrar
5-2-2009