

CENTRAL INFORMATION COMMISSION

**Room No. 415, 4th Floor,
Block IV, Old JNU Campus,
New Delhi -110 067.
Tel: + 91 11 26161796**

Decision No. CIC /SG/A/2009/000548/2803

Appeal No. CIC /SG/A/2009/000548

Relevant Facts emerging from the Appeal

Appellant : Mr. Rajesh Mehta
B2/104, Hoover Apartments,
773, Burari, Delhi -110084.

Respondent : Mr. Deepak Vats
Dy. Registrar & PIO
University of Delhi
Delhi - 110007.

RTI application filed on : 05/12/2008
PIO replied : 24/12/2008
First appeal filed on : 07/01/2009
First Appellate Authority order : 27/01/2009
Second Appeal filed on : 16/03/2009

The Details of required information:-

The appellant had asked following points regarding drinking water at W.U.S. Health Centre, North Campus in his RTI Application:-

1. What is the source of water available for drinking for staff and patients at WUS Health Centre, North Campus? Is it DJB water supply or bore well water? If bore well water is being supplied whether it is fit for drinking? Please provide a copy of laboratory report of the quality of water which is being supplied for drinking.
2. Who is responsible for the water supply in WUS Health Centre? Please give name, designation and contact number of the responsible person.
3. Whether any correspondence was done by the CMO/Medical Administrator of WUS Health Centre to the higher authority for providing suitable drinking water? Please give details of that application date wise and progress made on that application.
4. How many aqua guards are in working condition in WUS Health Centre, North Campus? When the last service of aqua guard was done? Please provide a copy of last service report of the aqua guard.
5. By when staff and patients of WUS Health Centre, North Campus will start getting DJB water or from any other source which will be fit for drinking as per government norms.

The PIO's reply.

PIO had replied that "The matter was referred to the University Engineer but inputs from them are still awaited"

The First Appellate Authority ordered.

The First Appellate Authority ordered "After considering the appeal, the University Engineer is directed to provide the information by 27th February 2009, under intimation to the PIO, University of Delhi."

In spite of the clear order of the First appellate authority the appellant did not get any information.

Decision:

The Appeal is allowed.

The complete information will be sent to the appellant by the deemed PIO –The University Engineer,- before 5 May, 2009.

The issue before the Commission is of not supplying the required information by the deemed PIO –the University Engineer,- by 27 February as ordered by the First Appellate authority.

Thus the First appellate authority's orders have not been implemented without any reasonable cause.

From the facts before the Commission it is apparent that the deemed PIO,-the University Engineer,- is guilty of not furnishing information within the time ordered by the First appellate authority. He has also further refused to obey the orders of his superior officer, which raises a reasonable doubt that the denial of information may also be malafide. The First Appellate Authority has clearly ordered the information to be given.

It appears that the deemed PIO's actions attract the penal provisions of Section 20 (1) .

A showcause notice is being issued to him, and he is directed give his reasons to the Commission to show cause why penalty should not be levied on him.

The University Engineer,-the deemed PIO,- will present himself before the Commission at the above address on 13 May 2009 at 4.30 pm alongwith his written submissions showing cause why penalty should not be imposed on him as mandated under Section 20 (1). He will also submit proof of having given the information to the appellant.

This decision is announced in open chamber.

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

**Shailesh Gandhi
Information Commissioner
17 April 2009.**

(In any correspondence on this decision, mentioned the complete decision number.)