



The State Information Commission, Kerala
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Complaint No.73/2007/SIC
(File No.278/SIC-G1/2007)

Shri.Jupudi Prasad.IFS,
Conservator of Forests (I&E),,
Forest Quarters,
S.H.Mount, Forest Complex,
Kottayam.

}
} Petitioner

Vs

Public Information Officer,
GAD(Special C) Department,
Secretariat,
Thiruvananthapuram.

}
} Respondent

ORDER

Shri. Jupudi Prasad.IFS, is the requester in this case. Under Section 6 of the RTI Act, Shri.Jupudi Prasad had made the following request before the State Public Information Officer, General Administration (Special C) Department, Secretariat, Trivandrum. Ext A1 is the report and the same is reproduced below for further reference;

1. "Copy of enquiry report submitted by Shri.V.Gopinathan, Chief Conservator of Forests (Wildlife) and Inquiring Officer, as per the enquiry ordered order vide GO(Rt)No.1208/01/GAD dated 13.2.2001.
2. Copy of the findings of the Forest Secretary, Principal Secretary, GAD and Chief Secretary on the recommendation of the Inquiry Officer in the above mentioned enquiry in the said note file.
3. Information on the number of days taken by each officer ie., Forest Secretary, Principal Secretary, GAD, Chief Secretary and Forest Minister in taking the decision.

4. Information on the date of submission file No.107537/GAD/Spl.C/2001, to the Forest Minister and the date on which the file is disposed by the Forest Minister".

In the above request, four items of information were requested by him. The first one was copy of an enquiry report by one Mr.V.Gopinathan, Chief Conservator of Forests (Wildlife) . The second one was also copy of findings probably report by the then Principal Secretary and Chief Secretary. The other two items of information were the number of days taken by each Officer for disposal of the said file or transmission of the said file from their custody during the course of the disposal of the entire matter of file No.107537/GAD/Spl.C/2001. The request was dated 6.12.2006.It was seen that on the 11th day of January 2007, Shri.Oommen George, State Public Information Officer, GAD (Special A,C and SS) Department had given a reply to Ext A1. The reply as such was marked as Ext A2 and the same could be reproduced as follows;

"Sub:- Request for information under Right to Information Act 2005 -
Representation from Shri.Jupudi Prasad.IFS - regarding.
Ref:- Your application No.CF/JP/06 dated 6.12.2006.

Inviting attention to the reference cited I inform you that the file relating to the disciplinary action against you is under process. Since you will get opportunity later to have a copy of the Inquiry Report at the appropriate stage of disciplinary action, your request cannot be considered now.

I am also to inform you that details regarding movement of files is not a piece of information as per the definition under Article 2(f) of Right to Information Act, 2005 and the number of days taken by each officer to clear the file, cannot be given".

The first part of the reply is an intimation to the requester that the report is part of a disciplinary proceedings and the same will be intimated to him or the requester at the appropriate stage of the enquiry. The later part of the reply has refused the information

The question that arises for consideration is whether Ext A2 reply is acceptable at all or not?

Today when the case was taken up for hearing, both the requester and the present Public Information Officer were present. Both of them were heard. It was submitted by the present Public Information Officer that the enquiry pertaining to Shri.Jupudi Prasad was already been closed and he has been completely exonerated from the charges leveled against him. The Commission is least bothered about the enquiry and its outcome. The pertinent question was whether the reply marked as Ext A2 was justifiable in the light of the RTI Act? It was true that the request was disposed off within the strict timeframe of the RTI

Act. Though the Ext A1 request was dated 6.12.2006, the PIO had convinced the Commission that it was actually received in the Office only on 11.12.2006. Ext A2 was an order dated 9.1.2007. So the disposal was on the 30th day of the submission of the request.

Item number one and two refers to two reports. it may be correct that the delinquent employee is entitled for copies of all the allegations and charges and statement of facts during the course of the enquiry. But a person part from this statutory provision is also entitled for copies of the report as a requester u/s.6 of the RTI Act. he is not an outsider. he is not a third party. He is the requester for an authenticated copy of a report concerning his own affairs and therefore, he is rightly entitled for the copies. Therefore, denial of item.No.1 & 2, vide Ext A2, was not justifiable in the light of the RTI Act.

The next corollary and subsidiary question is whether the details regarding the number of days taken by each Officer in the disposal of the matter could be denied. The answer is negative. It could not be denied because the requester himself is entitled for a full text of the file and there is no provision to deny him the reasons for causing the delay or the number of days taken by each individual officer in disposing of the matter. Therefore, to sum up, the Commission concludes that the denial of the entire information was unjustifiable and the requester was very much entitled for the same. Therefore, the PIO is directed to furnish the information requested by the requester within 10 days of the receipt of this order.

Pronounced by the Commission on this, the 15th day of October, 2007.

Authenticated copy

Secretary to Commission

