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AP.No.227/2007/SIC
File No.2869/SIC-Gen-1/2007

Shri.Sudheer,
5C, Vasanth Apartments,
Thamapanoor,
Thiruvananthapuram-1.



Appellant

Appellate Authority and,
Principal Secretary,
Vigilance (D) Department,
Govt. Secretariat,
Thiruvananthapuram.



Vs

Respondents

ORDER

Shri.Sudheer is the requester/appellant in this case. The requester had made a request before the PIO, Vigilance Department, Secretariat, Trivandrum, on 7.2.2007. The request was for obtaining the following information:-

1. അനർട്ടിലെ സെൻട്രൽ സ്റ്റോറിൽ നിന്നും സാധനങ്ങൾ കാണാതായതുമായി ബന്ധപ്പെട്ട് നടക്കുന്ന വിജിലൻസ് അന്വേഷണം (VE24/05/SIU) എത്രയും ഉദ്യോഗസ്ഥർക്കെതിരെയാണ് നടക്കുന്നത്?
2. അന്വേഷണത്തിൽ കത്തിയ വസ്തുതകൾ എന്തൊക്കെയാണ്? ആരൊക്കെയാണ് കുറ്റക്കാരായി അന്വേഷണത്തിൽ കെത്തിയിരിക്കുന്നത്?
3. ഈ അന്വേഷണം പൂർത്തിയാക്കി അന്തിമ റിപ്പോർട്ട് സമർപ്പിച്ചിരുന്നുവോ?

4. റിപ്പോർട്ട് ഇതിനകം സമർപ്പിച്ചിട്ടില്ലെങ്കിൽ അതിന് ഇനിയും എത്ര സമയം അവശ്യമായിവരുമെന്നാണ് കരുതുന്നത്?

The SPIO, Vigilance Department had furnished a time bound reply. It was informed that the investigation report has not been received by the Government and the details could be furnished only after the completion of the vigilance enquiry and, filing of the report. The appellant had again approached the Appellate Authority with the very same request. The Appellate Authority had also given a detailed reply on 4.4.2007. It was stated by the Appellate Authority , that what was stated by the PIO was true and no more information could be furnished as the investigation by the Vigilance Department had not been completed. Dissatisfied with this reply, the appellant had approached the SIC.

The question that emerges from he above pleadings is whether the request could be allowed or not?

The simple events leading to the filing of the second appeal were illustrated in the earlier paragraphs. Mr.Sudheer, the requester, was seeking information with regard to the vigilance enquiry (VE 24/2005/SIU) being conducted against the employees of ANERT. The PIO had given a reasonable reply to the requester that since the investigation was not over, he was not in a position to answer the queries and could not say who were all the delinquent employees against whom investigations were going on? And what was the expected period over which the investigation would be over etc. The very same order of the PIO was upheld by the Appellate Authority. The remarks submitted by the Appellate Authority would also show that the investigation had not been completed and it was highly premature to divulge any information at present. Furthermore, the furnishing of any information in the midst of the investigation would rather impede and, interrupt the process of investigation.

The Commission had thoroughly scrutinized the pleadings of both sides. It is true that there was a vigilance investigation and is also true that the investigation had not been completed. The reasoning of the PIO as well as the Appellate Authority is justifiable and, is adequately satisfactory. The appellant would have been satisfied with this reply. There is no scope for further agitation. There is no willful withholding of any information. The information sought has not been precipitated and, the PIO is helpless to furnish any information in this regard.

The appeal is, therefore, without merits and, therefore, dismissed.

Dated this the 5th day of July, 2007.