

Sh. Rohtas Bhankhar
US

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)

Information Commissioner

CIC/SA/A/2015/001849

Jagdish Kumar Koli Vs. Department of School Education & Literacy, MHRD, GOI

Important Dates and time taken:

RTI/CPIO: 14-8/31-8-2015	FA/FAO: 15-9/13-10-2015	2 nd Appeal: 23-11-2015
Dismissed - Misuse of RTI	Hearing: 19-02-2016	Decision: 25-2-16

Parties Present:

The appellant is present. The Public Authority is represented by Mr. Dinesh Kr, PIO, NBB, Mr. Rohtas Bhankhar, Under Secretary, MHRD and Mr. B.S. Bhandari, SO, MHRD.

FACTS:

2. The appellant filed the RTI application seeking information about daily progress report on some letters with respect to his promotion. The CPIO replied that the information as available was provided to him and that he has filed a number of representations on the same issue to the Bal Bhawan. The appellant filed appeal before the first appellate authority (FAA) against the reply of CPIO. The FAA directed CPIO to obtain information on the issue to the PG cell as the matter pertained to them. Dissatisfied, the appellant filed a second appeal before this Commission under section 19(3) of the RTI Act.

DECISION:

3. Both the parties made their submissions. The appellant submitted that he was not satisfied with the information furnished by the public authority by their letter dated 17-2-2016 and he had presented the same to the Commission by putting his marginal comments against each point, which was shown to the Public authority during hearing. Three respondent officers representing the Public Authority, namely, Mr. Rohtas Bhankhar, Under Secretary to Government of

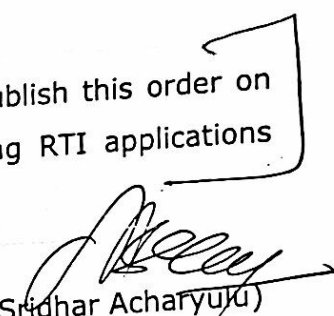
India, MHRD, Mr. B.S.Bhandari, Section Officer, MHRD and Mr. Dinesh Kumar, PIO, National Bal Bhavan made their submissions along with all the files and documents, in which all the letters of the appellant, which are numbering 68, were dealt with and showed the same to the Commission during hearing. They further submitted that the appellant has filed several applications/letters, with a motive to harass the Public authority to concede his non-entitled promotion, and/or, unwarranted enhancement in his pay. They also submitted that MHRD/National Bal Bhavan is a Government body, in which the government servants get promoted or get enhanced pay, as per the well-established rules and regulations laid down by DOPT/Ministry of Finance. The cadre in which the appellant is working is controlled by National Bal Bhavan, which is under the MHRD and it has limited scope for promotion. They further submitted that the appellant knows the limited scope of his promotion very much, and the efforts made by the Public authority to help him in this regard. They had taken the steps to prepare a Cabinet Note, which is the highest/maximum effort that can be done by any Public Authority to help the appellant and they had also sent a note to the Ministry of Finance for enhancement of the appellant's pay, which was rejected by the Finance Ministry. They also submitted that all the positive efforts made by them to help the appellant, prove that they do not bear any ill-will/partiality towards the appellant. In spite of these efforts to help the appellant, the appellant is not satisfied. He is continuing to shoot letters to various authorities, to get unwarranted sympathy. In this connection, the Public Authority presented to the Commission, during hearing, a long list of letters addressed by the appellant, which are numbering 68, and he wants all the details of the each and every letter, when it was received by them, what is the dairy number given on each letter, the list of officers who dealt his letters and their remarks on each letter, the list of files of each and every letter, and day to day progress of each of these 68 letters, etc. The respondent officers submitted that they are being harassed by the appellant with all his numerous letters, the dealing of which require lot of man-power and resources of the Public Authority, to reply to each and every letter. Their office work and other most important work like the Parliament work, is suffering.

4. The Commission heard all these submissions and perused the record and other papers presented by both the parties during hearing; and holds that there

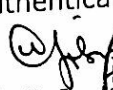
is no merit in the second appeal filed by the appellant; the appellant has sufficiently used the RTI Act for his self-interest, without any public interest for his personal vengeance against the public authority for denying him promotion/enhanced pay. Therefore, the Commission admonishes the appellant for this misuse of the RTI Act just for the sake of vengeance forcing them to devote all their valuable time, energy, etc. The appellant had chosen to send e-mail directly to the Commission, after the hearing was over, which was also perused by the Commission and finds no merit in the same. The Commission, therefore, **rejects** this appeal, with admonition.

5. This finally disposes of all his appeals on this matter, directs the appellant that he shall not repeat such RTI requests, and directs the respondent authority not to cause wastage of public resources in responding to a repeated, frivolous and harassing RTI application from the appellant.

6. The Commission also directs the Public Authority to publish this order on their official website under the heading "Repeated, harassing RTI applications cannot be entertained." Disposed of.


(M. Sridhar Acharyulu)
Information Commissioner

Authenticated true copy


(U. C. Joshi)
Deputy Secretary



Addresses of the parties:

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3. Shri Jagdish Kumar Koli
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