



RIGHT TO INFORMATION ACT-2005

TAMIL NADU INFORMATION COMMISSION

Kamadhenu Co-operative Super Market Building First Floor,
New No.378, Anna Salai, Teynampet, Chennai – 600018. Phone: 2431 2841

Case No,39171/Enquiry/2008 & 10551/Enquiry/2009

Date of Enquiry: 24th September 2009 at CHENNAI

**Present: Thiru S. RAMAKRISHNAN, I.A.S.,(Retd.),
State Chief Information Commissioner**

**Thiru G. RAMAKRISHNAN, I.A.S.,(Retd.),
State Information Commissioner**

**Petitioner: Thiru V. Madhav, Flat 31, Block IV, Maan
Sarovar Raja Apartments, 11-A, Arcot Road,
Porur, Chennai – 600 118.**

**Public Authority: The Public Information Officer, Personnel and
Admn.Reforms Dept., Chennai – 600 009.**

Both the parties were present.

The petitioner asked for information and permission; vide his RTI application dated 22-10-2008 to inspect files relating to G.O.Ms.No.158, dated 26-8-2008. He was told on 29-10-2008, that since the matter is subjudice with High Court, he cannot be allowed to inspect the file. The petitioner appealed against this rejection on 11-11-2008, but finding no reply, he came to the Commission on 11-12-2008 received in the Commission on 12-12-2008 resulting in today's enquiry.

In the meanwhile, on 16-12-2008, he was told that he can inspect the file on 31-12-2008 and he asked for some copies of papers. Nothing happened for a month and, finally on 25-2-2009, he was asked to remit a sum of Rs.104/- for the copies. On 31-3-2009, he went to pay, and avers the most harrowing experience from the administering department not being able to give him proper guidance and help for getting chalan in time, so that he can effect payment. Finally, he paid the amount by way of Demand Draft on 7-4-2009, but

the supply of copies was still delayed. Hence he came on second appeal to the Commission on 6-5-2009. Copies were given eventually on 19-6-2009.

The petitioner has asked for refund of the payment made by him as the information was not given within 30 days including the bank commission which he has incurred for taking the demand draft.

The public authority had no explanation to offer as to (1) how information can be refused because it is sub-judice, (2) how payment can be asked for after 30 days of the original application despite Section 7(6) of the Act, (3) how they have no proper facilities for receiving money or guiding the person trying to make payment, and (4) how even after receiving payment, the copies were supplied only after two months of payment.

The Commission is therefore constrained to uphold the complaint made before it on violation of the Right to Information Act by the very nodal department concerned. The Commission directs that the entire payment made by the petitioner including the original application fee plus Rs.30/- spent as the commission for obtaining the Demand Draft should be refunded to him under Section 7(6) of the RTI Act **within two weeks of this order and report the fact to the Commission.**

The Commission also directs the Secretary to Government, Personnel and Administrative Reforms Department to file before the Commission **within four weeks of this order**, the explanation of the then Public Information Officer for violation of the provisions of the Right to Information Act and why penalties as prescribed under the Act should not be levied upon him.

STATE INFORMATION COMMISSION

Orders approved on 16th October 2009
Under orders of the Commission

(S. MOHANA DHAS)
ASSISTANT REGISTRAR

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**The Secretary to Government,
Personnel and Administrative
Reforms Department,
Secretariat, Chennai – 600 009.**

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The Public Information Officer,
Personnel and Administrative
Reforms Department,
Secretariat, Chennai – 600 009.

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