

**In the Central Information Commission
at
New Delhi**

File No: **CIC/AD/A/2011/000264**

Date of Hearing : March 8, 2011

Date of Decision : March 8, 2011

Parties:

Applicant

Shri Kaptan Singh Sehwat
Dept. of Biochemistry
Room No.233
Kalawati Saran Children's Hospital
Bangla Sahib Marg
New Delhi 110 001

The Applicant was present along with Shri Dipak Dholakia during the hearing.

Respondents

Directorate General of Health Services
Medical Education Section
Nirman Bhawan
New Delhi

Represented by : Shri R.P.Sharma, PIO & Director (Admn.)
Dr.Arvind Thergaonkar, Appellate Authority & DDG

Information Commissioner : Mrs. Annapurna Dixit

Decision Notice

As given in the decision

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ORDER

Background

1. The Applicant filed an RTI application dt.23.2.10 with the PIO, DGHS seeking information against 7 points all related to the Patient Care Allowance & Nursing Allowance. Ms. Usha Tageja, S.O (ME) replied on 9.3.10 stating that as far as Medical Education section is concerned, the information may be treated as 'NIL'. The Applicant filed an appeal dt.20.4.10 with the Appellate Authority adding on his own that information has been denied u/s 8(1)(d) (e) of the RTI Act. On not receiving any reply from the AA, the Applicant filed a second appeal dt.18.11.10 before CIC.

Decision

2. During the hearing, the Respondent Appellate Authority submitted that information sought relates to a policy matter which is dealt with only by the Ministry of Health & Family Welfare and hence had been transferred to the Section Officer, CDN- II in the Ministry. He added that the first appeal too was transferred to the Section Officer, CDN-II, on 30.4.10.
3. The Commission accordingly directs the PIO, Ministry of Health and Family Welfare to provide the information to the Appellant by 8.4.11 and the Appellant to submit a compliance report to the Commission by 15.4.11.
4. The concerned CPIO, Ministry of Health & Family Welfare is directed to show cause as to why a penalty of Rs.250/- per day (Maximum Rs.25000) should not be levied on him for not responding to the RTI Application within the stipulated time period as prescribed in the RTI Act. His explanation may reach the Commission by 15.4.11. The PIO, DGHS is directed to forward a copy of this order to the concerned CPIO, Ministry of Health & Family Welfare.
5. The appeal is disposed of with the above directions.

(Annapurna Dixit)

Authenticated true copy

(G.Subramanian)
Deputy Registrar

Cc:

1. Shri Kaptan Singh Sehrawat
Dept. of Biochemistry
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New Delhi 110 001
2. The Public Information Officer
Directorate General of Health Services
Medical Education Section
Nirman Bhawan
New Delhi
3. The Appellate Authority
Directorate General of Health Services
Medical Education Section
Nirman Bhawan
New Delhi
4. Officer Incharge, NIC