

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

File No: **CIC/AD/A/2011/900246**

Date of Hearing : **March 8, 2011**

Date of Decision : **March 8, 2011**

Parties:

Applicant

Shri V. Thomas
H.No.E-55
Sector-E
Gole Market
New Delhi 110 001

The Applicant was present along with Shri Dipak Dholakia and Shri Kaptan Singh Sehrawat during the hearing.

Respondents

Directorate General of Health Services
(O & M Section)
Nirman Bhawan
New Delhi

Represented by : Shri R.P.Sharma, PIO & Director (Admn.)

Dr.Arvind Thergaonkar, Appellate Authority & DDG
Shri P.C.Pratihari, CoE, Dr.RML Hospital
Dr.K.T.Bhowmick, Appellate Authority, Safdarjung Hospital
Dr.Manoj Kumar, CPIO, Safdarjung Hospital
Dr.R.K.Anand, CPIO, Safdarjung Hospital
Shri Debasish Sarkar, CAPIO & LDC

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 miscellaneous information against 4 points including information related to Laboratory technical staff, copy of Dr.R.Gupta Committee Report, recruitment rules for any newly created posts in Gr. 'B', 'C' and 'D' etc. . On not receiving any reply, he filed an appeal dt.20.4.10 with the Appellate Authority reiterating his request for the information. On not receiving any reply from the FAA, the Applicant filed a second appeal dt.18.11.10 before CIC.

Decision

2. During the hearing, the Respondent Appellate Authority representing the MH Section of DGHS submitted that the RTI application which had been forwarded to them by the RTI Cell was transferred to two hospitals falling under their jurisdiction viz., Safdarjung Hospital and Dr.R.M.L.Hospital on 26.3.10. The information against points 1 and 4 was provided on 30.4.10 by Dr.RML Hospital while Safdarjung Hospital provided the same on 1.5.10 after receiving the application only on 1.4.10. When the Commission queried as to who will provide the information against points 2 and 3, the Respondent Appellate Authority from DGHS submitted that due to oversight they had left the two points and expressed regret for the same. He added that after receipt of the hearing notice, they had gone through the documents once again and information against points 2 and 3 was sent on 7.3.11 to the Appellant. A copy of the same was handed over to the Appellant in the presence of the undersigned.
3. From the documents produced by the Appellant during the hearing it was noted by the Commission that the RTI Cell had forwarded the RTI Application also to the ME section on 25.2.10 and that the ME Section had transferred the same to Lady Harding Medical College on 4.6.10 and that the CPIO

Lady Harding Medical College vide his letter dt.26.6.10 had replied that information has already been provided on 9.4.10. The Commission on review of the information provided on 9.4.10 noted that the PIO had not furnished the numbers against different categories of staff as required by the Appellant. This reply indeed reflects the PIO's careless and casual attitude towards the RTI Act. He is advised to be careful in future while replying to RTI applications. The PIO, Lady Harding Medical College is therefore directed to provide the information sought in the RTI Application once again as available in the records to the Appellant by 8.4.11. The PIO, DGHS is directed to forward a copy of this Order to the PIO, Lady Harding Medical College.

4. Since all the Institutions under the jurisdiction of all sections of DGHS have not provided the information since the RTI application had not been transferred to them, the Commission directs the PIO in charge of the RTI Cell to forward the RTI application to the left over Sections in DGHS , under intimation to the Appellant, with a direction to the Sections to further transfer the RTI applications to the left over Institutions/hospitals under their jurisdiction. A list of the left over Institutions/hospitals may also be shared with the Appellant by the PIO RTI Cell. All information to be provided to the Appellant by 20.4.11.
5. The Commission also directs the PIO, MH Section, DGHS to show cause as to why action should not be taken against him for not transferring the RTI Application within 5 days of its receipt, as stipulated in the RTI Act. He is directed to submit his explanation to the Commission by 20.4.11.
6. The appeal is disposed of with the above directions.

(Annapurna Dixit)
Information Commissioner

Authenticated true copy

(G.Subramanian)
Deputy Registrar

Cc:

1. Shri V. Thomas
H.No.E-55
Sector-E
Gole Market
New Delhi 110 001

2. The Public Information Officer
Directorate General of Health Services
(O & M Section)
Nirman Bhawan
New Delhi

3. The Appellate Authority
Directorate General of Health Services
(O & M Section)
Nirman Bhawan
New Delhi

4. Officer Incharge, NIC