

DESPATCHED
On 29/06/2015
16.3-20.



STATE INFORMATION COMMISSION, KERALA

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AP.156(7)/2015/SIC

(File No. 973/SIC—G6/2015)

Present

Dr.K.L.Vivekanandan, State Information Commissioner

Sri.Sudheer Chandran,
30 – A Prasadam,
Green Nagar 5th Cross,
Krishnan Nair Raod, Karaparamba,
Kozhikode – 10.

Appellant

Vs

1. The State Public Information Officer &
Joint Registrar, Director in Charge,
School of Distance Education,
Kannur University.

Respondents

2. The Appellate Authority,
Registrar,
Kannur University, Mangattuparamba,
Kannur University Campus P.O., Kannur.

ORDER

Date of application u/s 6(1)	28.09.2014
Date of reply from the SPIO	14.11.2014
Date of first Appeal	11.11.2014
Date of decision on the first appeal	01.12.2014
Date of filing second appeal	12.01.2015
Date of receipt of second appeal	19.01.2015

Appeal Petitioner Sri.Sudheer Chandran K.P., in his second appeal dated 12.01.2015, represented before the Commission that the first Respondent has not furnished any reply to his 6(1) application on time. Meanwhile he filed an appeal before the second Respondent, and the second Respondent replied on 01.12.2014.

2. The above appeal was taken on file as AP.No.156(7)/15/SIC and the Commission conducted a video conferencing at Collectorate Conference hall, Kannur on 12.11.2019 in which the first Respondent was present. The Appellant was absent.

3. In his application submitted before the first Respondent, the Appellant sought the following information:

Copy of the letter made in the letter head of Kannur University Staff Organisation dated 06.06.2014 addressed to Vice-Chancellor(current No.353 dated 07.06.2014 of the Vice-Chancellor's office) whether the V.C. has ordered the R to seek legal opinion from the Standing Counsel on 6.6.2014, he also requested the SPIO to make available the copy of the letter seeking legal opinion (Letter from Registrar to Standing Counsel). He further requested him to make available the letter from the Standing Counsel giving his legal opinion.

Reply to the above application was despatched on 14.11.2014 stating that the copy of the document will be furnished after the final decision is taken on the matter and the communication between the Standing Counsel and the University is based on trusteeship and hence copy of such communication cannot be issued to a third party. Not satisfied with this reply, the Appellant filed an appeal before the second Respondent on 11.11.2014.

4. On scrutinizing the appeal petition and the report dated 24.02.2015 and in the light of the arguments put forth by the SPIO at the

time of hearing, the Commission finds that the first Respondent did not give a proper reply to the Appellant on time. The report further stated that the allegation made by the Appellant in the above appeal that his DCRG was withheld for more than one year based on the letter of Kannur University Staff Organisation is not correct. The Appellate Authority further stated that decisions taken by the University is not on the basis of the advice from a particular Organisation or individual but on the basis of relevant facts and related rules touching the subjects. The Commission finds that the first Respondent has not given a proper reply to the Appellant within the stipulated time limit. The above failure on the part of the first Respondent amounts to violation of the provisions of Section 7(1) of the Act, warranting penal action under section 20(1) of the Act. The Commission provisionally decides to take penal action against the then first Respondent with regard to the above lapse. He is directed to furnish his explanation within 15 days of receipt of this order lest the Commission should be constrained to issue final orders under section 20(1) of the Act. If the above Respondent wants to represent anything in person before the Commission, the same should be made clear in his explanation. The present first Respondent will furnish a copy of this order to the then first Respondent if he has since been^{em} transferred out or retired.

5. The Commission provisionally disposes of this appeal petition accordingly on the 16th day of March, 2020.

Sd/-

Dr.K.L.Vivekanandan
State Information Commissioner



Authenticated copy


Joint Secretary (Finance)
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