DISPATCHED
08/06/2020

24.3.2020

STATE INFORMATION COMMISSION,KERALA

Punnen Road, Thiruvananthapuram- 695 001

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AP.2678/(2)/2018/SIC

(File No. 13984/SIC—G6/2018

Present

Dr.K.L.Vivekanandan, State Information Commissioner

Sri.V.Radhakrishnan Nair,
" Sreepadmam", TC 52/1749(1),
Studio Road, Estate P.O.,
Thiruvananthapuram – 695 019.

} Appellant

Vs

1. The State Public Information Officer,
   Engineering Wing,
   Corporation Office, Thiruvananthapuram.

2. The Appellate Authority,
   Engineering Wing,
   CorporationOffice,Thiruvananthapuram.

} Respondents

ORDER

Date of application u/s 6(1)	15.10.2018
Date of reply from the SPIO	-
Date of first Appeal	08.11.2018
Date of decision on the first appeal	-
Date of filing second appeal	03. 12.2018
Date of receipt of second appeal	03. 12.2018

Appeal Petitioner Sri.V.Radhakrishnan Nair, in his second appeal dated 03.12.2018, represented before the Commission that the first Respondent did not reply to his application. Following which he filed an appeal before the second Respondent but the second Respondent also failed to dispose of the appeal petition till date.

2. The above appeal was taken on file as AP.No.2678(2)/18/SIC and the Commission conducted a detailed hearing at its headquarters on 29.10.2019 in which the Appellant as well as the first Respondent were present.

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

In connection with the File No.E8/53968/16-Demolition of illegal construction he attended the hearing convened by the Corporation Secretary at the office of the Executive Engineer on 12th September, 2018, as per notice No.E8/81517/18 dated 31.08.2018 (the year was wrongly mentioned as 2017 in the notice) and his statements were recorded. As he was not aware of the further actions taken he requested the SPIO to provide the details of the action taken for demolition of the illegal construction and the reason for delay regarding the matter.

Reply to the above application was not given by the SPIO and subsequently the Appellant filed an appeal before the second Respondent However, the Appellant stated that his appeal was not disposed of by the second Respondent.

4. On scrutinizing the appeal petition and connected documents and in the light of the arguments put forth by the Appellant during the hearing, the Commission finds that the first and second Respondents have not responded to the Appellant within the stipulated time. 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 transferred out or retired.

5. The Commission provisionally disposes of this appeal petition accordingly on the 24th day of March, 2020.

Sd/-
Dr.K.L.Vivekanandan
State Information Commissioner

Authenticated copy

Joint Secretary(Finance)
Ge/

STATE INFORMATION COMMISSION KERALA THIRUVANANTHAPURAM