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STATE INFORMATION COMMISSION, KERALA
PUNNEN ROAD, THIRUVANANTHAPURAM 695 001

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Proceedings of the Appeal Petition No.1314(1)/2021/SIC
(File No.11395/SIC-Gen4/2021)

PRESENT

Dr. Vishwas Mehta, Chief Information Commissioner

Dated: 15th February, 2022

Sri.D. Rajendran
S/o Devadasan Nadar,
Kollamvilakam House,
Arangamukal, Aralumoodu P.O..
Thiruvananthapuram – 23.

Appellant

1) The State Public Information officer &
Under Secretary,
Water Resource (GW) Department,
Govt. Secretariat, Thiruvananthapuram.

Respondents

2) Appellate Authority & Deputy Secretary,
Water Resource (GW) Department,
Govt. Secretariat, Thiruvananthapuram.

Date of application u/s 6(1)	04/05/2021
Date of reply furnished	23/06/2021
Date of 1 st appeal	13/07/2021
Date of decision on the 1 st appeal	09/08/2021
Date of filing 2 nd appeal	20/09/2021
Date of receipt of 2 nd appeal in the Commission	20/09/2021
Date of report called for by the Commission	06/10/2021
Date of receipt of report in the Commission	22/12/2021
Date & Venue of hearing	08/02/2021 – Audio/Video
Presence in the hearing : Appellant	Absent
: SPIO, AA	Present

ORDER

Appellant, Sri. D. Rajendran, in his 2nd appeal dated 20/09/2021, represented before the Commission that replies to his RTI application dated 04/05/2021 and 1st Appeal dated,13/07/2021 was deliberately given false,

wrong & misleading information, without answering to the questions, by the 1st and 2nd Respondents. The Appellant has also requested to furnish the information sought and to take action under Section 20(1) and Section 20(2) of the Right to Information Act against the Respondents.

2) In his RTI application submitted before the 1st Respondent, the Appellant sought the following information:

1. Whether the report E(1)3920/2015/DGW dated 04/03/2020 submitted by the Director, Ground Water Department was brought to the notice of the Secretary, WRD;
2. If it has been seen by the Secretary, WRD furnish attested copy of the document to prove the same.

3) In reply to the above application the 1st Respondent furnished reply along with two pages of Note file No.GW1/122/2019-WRD on 23/06/2021 to the Appellant. Being dissatisfied with this reply given by the 1st Respondent, the Appellant preferred first appeal on 13/07/2021 before the 2nd Respondent. Pursuant to this first appeal the 2nd Respondent furnished reply along with the same pages of the above mentioned note file on 09/08/2021 to prove that the Special Secretary, WRD had seen the report of the Director, Ground Water Department.

4) The Appellant filed 2nd appeal before the Commission on 20/09/2021 stating that the Respondents deliberately gave false, wrong and misleading information to his RTI application and 1st appeal and requested to take action against the Respondents under Section 20(1), 20(2) of the RTI Act.

5) Immediately after receiving the 2nd appeal Commission sought report from the Respondents on 06/10/2021. Accordingly the 1st Respondent vide Lr.1/277/2021/WRD and 2nd Respondent vide Lr.1/278/2021/WRD dated 21/10/2021 submitted report before the Commission. On scrutinising this reports, it is found that the Respondents had timely replied to the RTI

Application and 1st appeal with available copy of the documents to prove that the communication E(1)3920/2015/DGW dated 04/03/2020 mentioned in the RTI application was brought into the notice of the Special Secretary, WRD on 09/12/2021. On the basis of this reports, vide Lr. No.11395/SIC-Gen4/2020 dated 26/11/2021, Commission directed the 1st Respondent to give a chance to the Appellant for physical verification of the available documents to clarify the Appellant's existing doubts on the reply.

6) In the report furnished by the 2nd Respondent before the Commission, it is stated that on the basis of the appeal preferred by the Appellant against the proceedings of the Director, Ground Water Department, orders were issued finalizing the disciplinary action initiated against him for his unauthorized absence which is dealt with in the e-file No.GW1/122/2019-WRD. In his RTI application dated 04/05/2021, he has sought the evidence of document/information, to prove whether the communication number E(1)3920/2015/DGW dated 04/03/2020 submitted by the Director, Ground Water Department to the Secretary, Water Resource Department were brought to the notice of the Secretary, WRD or not? This communication was seen by the Special Secretary, WRD on 09/12/2020. It is also reported that the said communication was attached with the e-file No.GW1/122/2019-WRD as link file at Para 123 of the note file and it can be seen while clicking the cursor on the underlined words **letter dated 19/09/2020** at para 123 of the note file No. GW1/122/2019-WRD and this letter along with the report can be seen by all officials concerned who dealt with this file. Since the charge of establishment matters of the Ground Water Department is allotted to the Special Secretary, WRD, this file was circulated to the Special Secretary, WRD and he had approved the file on 09/12/2020. Under the circumstances, it is clear that the report dated 04/03/2020 of the Director, Ground water Department and Appellant's letter dated 19/09/2020 were brought the notice of the Special Secretary, WRD and this report and letter were considered while finalising his

appeal, as the file was approved by the Special Secretary on 09/12/2020 and hence the Respondents did not provide any wrong information to the Appellant as stated in his appeal.

7) Meanwhile the Appellant filed WP (C) No.27239/2021 before the Hon'ble High Court of Kerala stating that the Commission has not disposed his 2nd appeal dated 20/09/2021 (Exhibit P9) so far, and it is still pending for consideration before the Commission. Judgment in WP(C) No.27239/2021 dated 07/01/2022 was received in the Commission on 13/01/2022, with a direction to hear and dispose of Ext.P9 appeal pending before the Commission with due notice to all the parties, as expeditiously as possible and at any rate within a period of three months from the date of receipt of a copy of judgment.

8) As per the direction of the Hon'ble High Court the Commission issued hearing notice to the Respondents and the Appellant vide Lr. No.11395/SIC-Gen4/2021 dated 20/01/2022 to attend video hearing on 08/02/2022 conducted by the Chief Information Commissioner. In response to this notice the Appellant submitted an application on 28/01/2022 requesting to conduct a direct hearing instead of video hearing, as he is not aware of video hearing and not having smart phone. However, as several officers and staff of the Commission were affected by Covid-19, Commission is not in a position to conduct direct personal hearing due to current pandemic situation. Commission conducted video hearing on 08/02/2022 itself and tried to contact the Appellant on his mobile phone No. 9400016305, but he did not accept the call. The Respondents 1 and 2 attended the hearing and they submitted that as per the direction of the Commission vide letter No.11395/SIC-G4/2021 dated 26/11/2021, the Appellant was allowed dates for physical verification of documents on 13/12/2021 & 03/01/2022, but he did not turn up for physical verification of documents on these days and was given a chance to appear physically on 09/02/2022 again. He attended the office on 9.2.2022 and

submitted a written complaint and left the office without going through any documents made available to him for the physical verification of the e-file.

9) On scrutinizing the appeal petition and the connected documents, the Commission finds that the Respondents has provided all available information sought by the Appellant. It is also seen that as per the direction of the Commission, the Appellant was given several chances for physical verification of the e-file and connected documents. However, he has not utilised those opportunities to clear his doubt on the replies and take copies of the documents as available with the Respondents. The Appellant does not appear to cooperate with Respondents or this Commission for reasons best known to him.

10) In view of the above, the Commission does not find any lapse on the part of the Respondents and hence dismisses this appeal petition on the day of 15th February, 2022.

Sd/-

Dr. Vishwas Mehta
Chief Information Commissioner

Authenticated Copy



Commission Secretary



