

**BEFORE THE REGISTRAR OF CO-OPERATIVE SOCIETIES-CUM-FIRST APPELLATE
AUTHORITY UNDER THE RIGHT TO INFORMATION ACT, 2005**

Present: **Thiru B.R. BABU**
Registrar of Co-operative Societies-cum-
First Appellate Authority.

FA/4/2012

Thiru R. Govindaraju,
BR.6, Government Staff Quarters,
Lawspet,
Puducherry – 605 008.

>>>>>

Appellant

Vs.

The Public Information Officer / Junior Accounts Officer,
Co-operative Department,
Puducherry.

>>>>>

Respondent

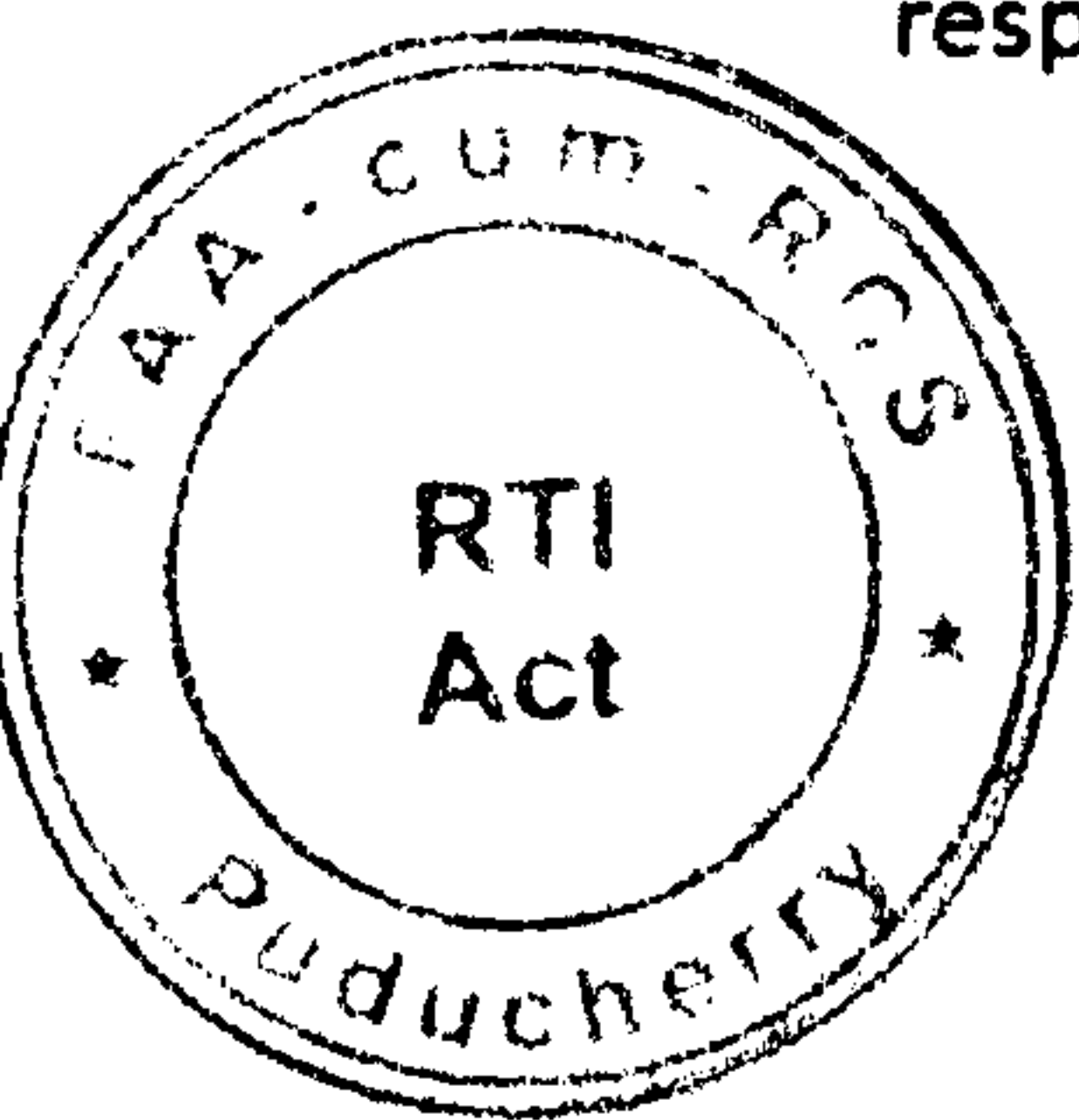
ORDER

(Issued under Section 19 of the Right to Information Act, 2005)

Finding that the interim reply given by the respondent was not followed by the information requested, the appellant herein preferred this first appeal invoking Section 19 of the Right to Information Act, 2005 (for brevity 'the Act').

2. The matrix of facts, culminating in the commencement, relevant for the disposal of the first appeal and emanating from the records are that the appellant / applicant vide his application dated 13.10.2011 has requested a host of information comprising of recruitment rules of various posts of the Department, copies of vacancies based roster, seniority list, name-wise details of various officers / officials for the period from 1.1.1995 to 31.10.2011, minutes of the DPC, name of the officers holding ex-cadre post and name of officers retired / expired / promoted for the above period. This application was received by the respondent's office on 17.10.2011. By letter dated 16.11.2011, the respondent informed the appellant that the particulars sought would be furnished soon since it required some time for consolidating information. Finding no details flowing from the respondent, the appellant preferred this first appeal.

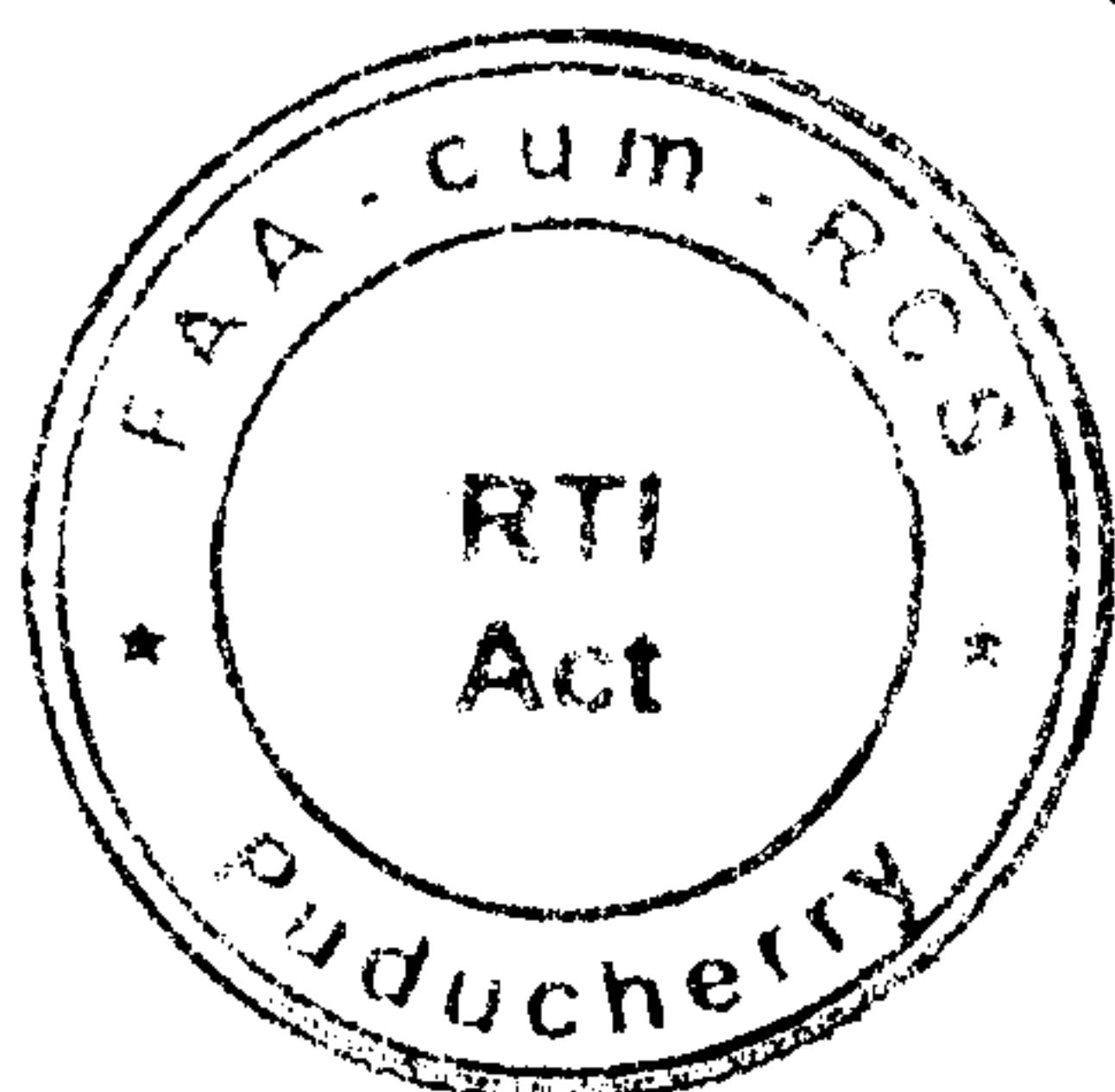
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3. The appeal was admitted and response was sought from the respondent. While submitting the response, the respondent provided the information sought for most of the queries. A copy of the reply, as furnished by the respondent, is forwarded to the appellant (except the copies of the DPC minutes).

4. The respondent has not given any reason / justification, worth its name, for not disposing the application in time. The Legislature, at its wisdom, has prescribed a maximum time limit of 30 days for providing the information or rejecting an application in accordance with law. When the respondent has sought time, he ought to have provided the information within the shortest possible time, but the information is provided only when the appellant / applicant preferred this first appeal and that after consuming considerable time. I am inclined to quote an observation made by State Information Commission, Punjab to drive home this point :

"The manner of disposal of requests for information is provided for in Section 7 of the Act. The language used in this Section is pre-emptory. It sets out the time limit within which a request for information has be served. This Section obligates the PIO concerned to provide the information requested or reject the application for any of the reasons specified in Sections 8 or 9 as expeditiously as possible and in any case within 30 days of the receipt of the request. The use of the word "shall" in the Section when used in conjunction with other expressions used therein "as expeditiously as possible" and "in any case within 30 days of the receipt of the request" is clearly indicative of the legislature intent that requests for information must not be kept pending without cogent reasons therefor," Smt. Janak Garg, Patiala Vs. Office of the Registrar (General), Punjab and Haryana High Court Chandigarh [2008 (1) ID 46].



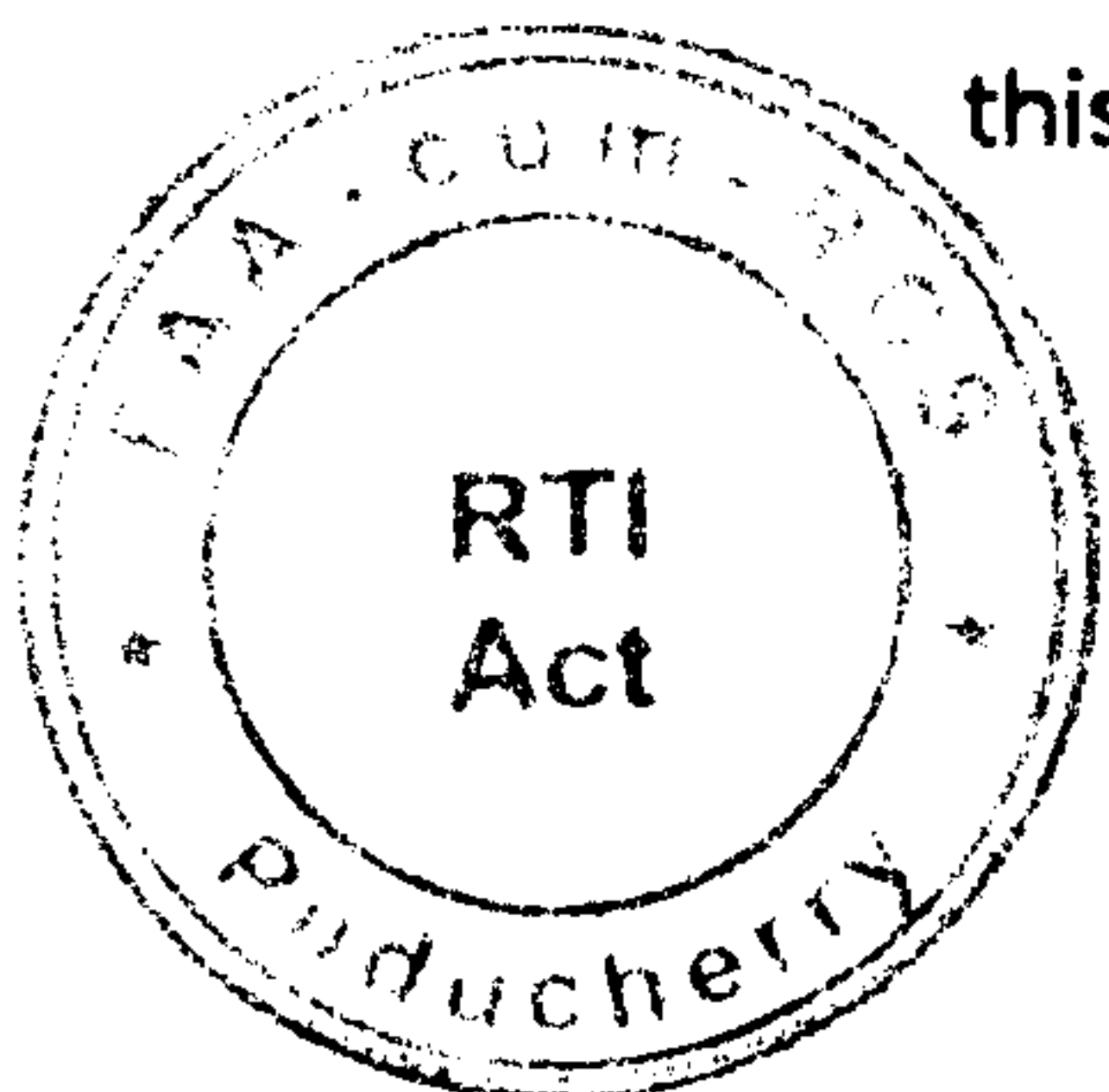
5. While furnishing response the respondent forwarded the recruitment rules for the posts of Deputy Registrar of Co-operative Societies, Co-operative Officer, Senior Inspector and Junior Inspector, copies of seniority list for the above officers / officials name-wise particulars in the functional cadre of the Deputy Registrar of Co-operative Societies, Co-operative Officer, Senior Inspector and Junior Inspector, copies of the minutes of the DPC, name-wise details of officers of the Co-operative Department in the ex-cadre post and name-wise details of the officers retired / died / promoted in the above posts.

6. For the post of Joint Registrar, the respondent stated that the details are available with the Department of Personnel and Administrative Reforms Wing, Chief Secretariat, Puducherry. Instead, the respondent ought to have transferred that part of the question to the Department of Personnel and Administrative Reforms Wing, Chief Secretariat, Puducherry, invoking Section 6 (3) and informed the appellant about the transfer. This has not been done by the respondent and he has simply stated that the documents are available in the Department of Personnel and Administrative Reforms Wing, Chief Secretariat, Puducherry. The respondent is hereby directed to transfer that part of the application at least now, in any case within 3 days from the date of receipt of the order under intimation to the appellant.

7. For the copies of the vacancy based roster, the respondent has stated that they have been updated and sent to the Enforcement Cell for approval. As soon as they have received from the Enforcement Cell, the copies shall be provided to the appellant at free of cost.

8. Regarding copies of the minutes of the DPC the respondent shall sever the rankings / grades given by the DPC to the officials and thereafter provide copies to the appellant. These grades are personal information and shall not be disclosed to the appellant and the severability is to be done under Section 10 of the Act. After doing this exercise, the appellant shall be provided copies within one week from the date of receipt of this order.

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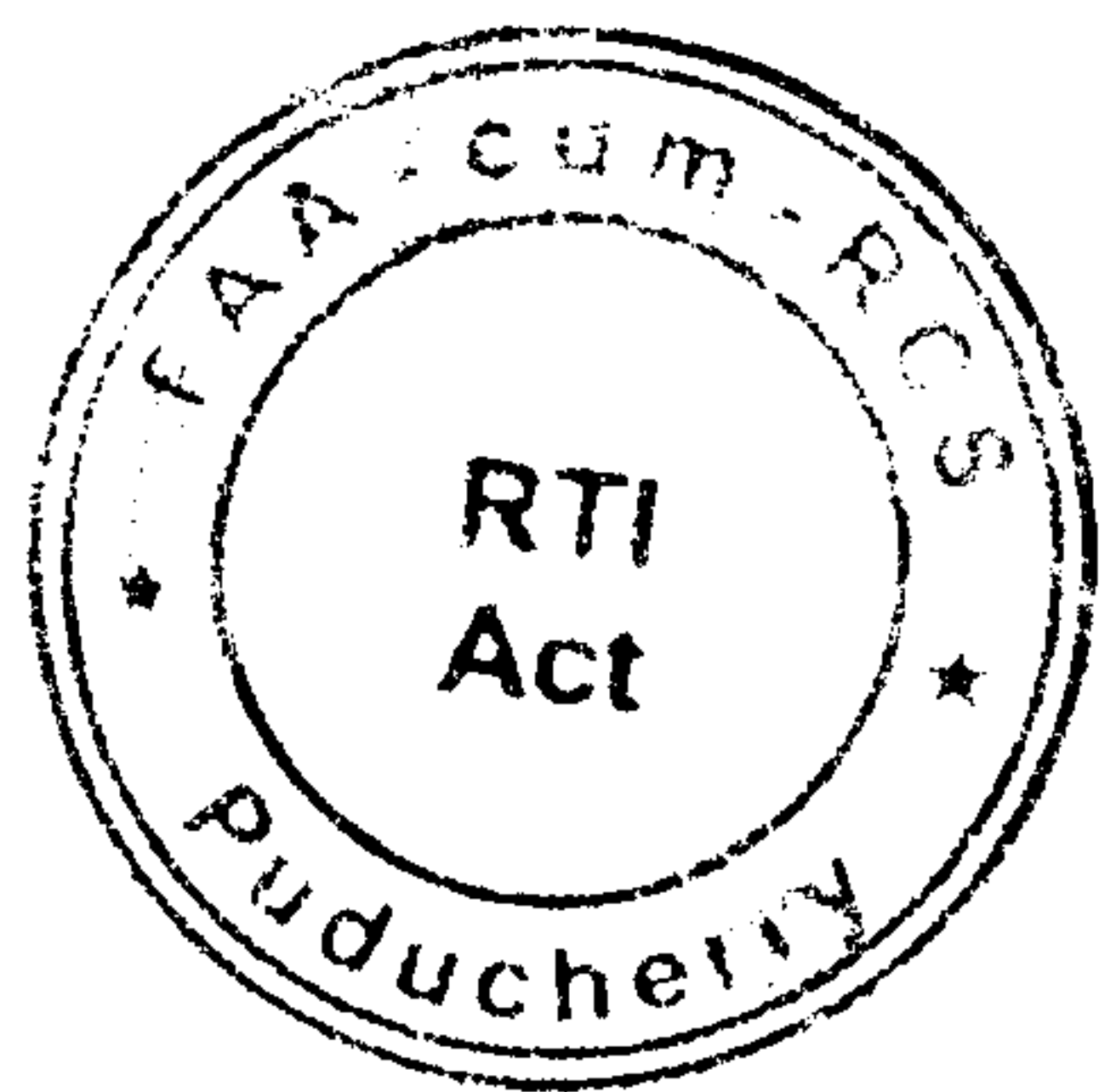
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9. The respondent is also directed to dispose the applications in strict accordance with the provisions of the Act and shall avoid delay at any cost.

10. With the above directions the appeal stands disposed.

11. A second appeal against the decision shall lie with the Central Information Commission, Room No.305, 2nd Floor, B-Wing, August Kranthi Bhavan, Bhikaji Cama Place, New Delhi – 110 066 within ninety (90) days, as provided in sub-section (3) of section 19.

Dated this 30th day of March, 2012.




(B.R. BABU)

REGISTRAR OF CO-OPERATIVE SOCIETIES

O/c k
29/3/12

4/A

Encl.: As above.

To

The Parties.