

MEGHALAYA INFORMATION COMMISSION, SHILLONG

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No.MIC/APPEAL/72/2008/9

Shri S.K.Singh, - Appellant

-Vrs-

1. Branch Manager, Meghalaya Cooperative Apex Bank, Shillong -PIO } Respondents
2. D.A.A. , Meghalaya Cooperative Apex Bank, Shillong }

14-10-2008

ORDER

Shri S.K.Singh, Limbu Compound, Barapathar, Shillong is the Appellant in this case. The appeal petition was received by the Commission on 22-9-2008.

The gist of the case is as follows.

Vide his application No.1108/SKS/RTI-2005/129 dated 28th May, 2008 the Appellant made a request for certain information from the Respondent No. 1 namely the PIO, M.C.A.B., Shillong. Respondent No.1 made a decision, refusing the information claiming exemption from disclosure u/s 8 (1) (e) of the RTI Act, 2005. The decision was communicated to the Appellant in time. Not satisfied with the decision of the PIO, he approached the Respondent No. 2 namely the D.A.A., MCAB, Shillong vide his letter No. 1108/SKS/RTI/2005/134 dated 11-9-2008. It however, appears that the Appeal petition was submitted through the Respondent No. 1 i.e. the PIO - Branch Manager, MCAB on the ground that the Appellant is not aware of the actual address or designation of the D.A.A. The Respondent No. 1 namely the PIO - Branch Manager, MCAB returned the application to the Appellant instructing him to submit the same directly to the addressee. Not satisfied with the action taken by the PIO, the Appellant preferred the Second Appeal before this Commission seeking the Commission's intervention in the case. Hence, the ground for Appeal appears to be, refusal on the part of the Respondent No. 1 namely the PIO - Branch Manager, MCAB, Shillong to receive

his Appeal application and re-direct it to the D.A.A., concerned as desired by the Appellant.

Section 5(1) of the RTI Act enjoins upon the PIO the duty to provide information to person requesting information under the RTI Act. Section 5(2) enjoins upon the APIO the duty to receive the applications for information or appeals under the RTI Act and forward the same to the PIO or the DAA or the Commission as the case may be.

From the above provisions of Law, it is, therefore very clear that, while it is mandatory on the part of the APIO to receive Appeals and to forward the same to the DAA/Commission, the Law does not enjoin upon the PIO the same duty. On the other hand, it is the Appellant's duty to address his Appeal to the DAA and submit it direct to him/her or through the APIO of the Public Authority. The PIO is not bound to receive complaints/appeal addressed to the DAA even if routed through him/her. Hence, the action taken by the respondent No. 1 – PIO to return the appeal to the Appellant for submission before the proper authority can not be considered as any violation of Law.

The Commission, therefore, finds no merit in the appeal petition to warrant its intervention.

(G.P.Wahlang)
C.I.C.

Memo.No.MIC/APPEAL/72/2008/9-A
Copy to:-

Dated Shillong, the 14th October, 2008

- (1) Shri S.K.Singh, C/o Limbu Compound, Barapathar, Shillong – 2.
- (2) The Branch Manager, Meghalaya Cooperative Apex Bank, Ltd., Shillong Branch, Shillong.
- (3) The D.A.A., Meghalaya Cooperative Apex Bank, Ltd., Shillong.

(P.T.Rani)
Under Secretary,
Meghalaya Information Commission,
Shillong.