

केंद्रीय सूचना आयोग
CENTRAL INFORMATION COMMISSION
बाबा गंगनाथ मार्ग
Baba Gangnath Marg
मुनिरका, नई दिल्ली - 110067
Munirka, New Delhi-110067

File no.: - CIC/IGMUM/A/2019/655511

In the matter of:

Satish Ashok Sherkhane

... Appellant

Central Public Information Officer,
India Government Mint, Mumbai,
Shahid Bhagat Singh Marg Fort, Mumbai 400001

... Respondent

RTI application filed on	:	02/09/2019
CPIO replied on	:	01/10/2019
First appeal filed on	:	01/10/2019
First Appellate Authority order	:	31/10/2019
Second Appeal Filed on	:	31/10/2019
Date of Hearing	:	26/08/2021
Date of Decision	:	26/08/2021

The following were present:

Appellant: Not present

Respondent: Not present

Information Sought:

The appellant has sought the following information with reference to letter no. SC/ST-2015/07 dated 03/03/2015:

1. Provide photocopy of the above said letter submitted to General Manager along with file noting and signature of the officers.
2. Provide photocopy of documents which have been executed/prepared/issued/received till date by India Government Mint, Mumbai w.r.t. the above said letter along with all the file noting and signature of the officers, countersigned by Officers/Sr. Supervisor/Supervisor/Sr. Office Assistant/ Assistant.

3. If, there is no document available on record, then provide an Affidavit for the same.

Grounds for Second appeal

The CPIO did not provide the desired information.

Submissions made by Appellant and Respondent during Hearing:

The appellant's 4 cases were heard on the same day, this was his 7th case. The appellant started shouting and showed disorderly behaviour during the hearing. Despite repeated requests he failed to maintain the decorum of the Commission's hearing. His grievance regarding removal from service cannot be sorted out by the Commission or through the RTI route as this is purely an administrative matter of the organisation. It is pertinent to mention here that the mandate of the Commission was to ensure that he received an appropriate reply to his RTI application. Further, he had sent detailed written submissions on 15.08.2021 and despite being informed that the same was taken on record, he was unnecessarily shouting again and again and repeating his arguments.

The appellant was arguing the case without maintaining the decorum of the proceedings and without allowing the Commissioner to speak, in fact, even going to the extent of cutting her when she was speaking. Therefore, the Commission was constrained to disconnect the VC and decide the case on merits.

Observations:

The Commission is not a grievance redressal authority. In the garb of obtaining information, the appellant is trying to settle his personal scores. Further, the appellant has not shown any respect towards the cherished Act too. It is necessary that decorum has to be maintained at all times and even when the contention is justified it must be in a language of utmost restraint, always keeping in view that the person making the comment is also fallible. The appellant is advised to maintain good behaviour in future when addressing a Judicial or Quasi-Judicial body.

The appellant vide his written submissions dated 15.08.2021 submitted that he received the PIO's reply dated 01.10.2019 and the reply from Offender/Deemed PIO Shri Gulshan Sainani vide his Admn. Section note dated 30.09.2019 where he confirms that 'letter no. SC/ST-2015/07 dated 03.03.2015

is not found in the records'. The said letter was personally submitted by him at Dispatch desk alongwith representations of S/Shri Ambole, Worlikar and Kamble (Total 6 pages) and his copy were signed and stamped by Smt. Sharada Raibole and also in front of them the said letter alongwith Enclosures were submitted in the Office of General Manager by Smt. Sharada Raibole. Under the above circumstance, it is clearly proved that false information was provided by Shri Gulshan Sainani with criminal conspiracy and therefore he reserves his right to take legal action against Shri Gulshan Sainani and Smt. Priti Khedekar (She was Head Clerk of Admn. Section at relevant time) under POA Act and relevant act of the State. He further submitted that the Respondents are the Officers who were working with India Government Mint, Mumbai which are Public Record Officer as per the provisions of the Public Records Act, 1993 and are under obligation to maintain Public Record and further are Public Authority to provide information in respect of said Public Record to the Citizen as per the provisions of the RTI Act 2005. Shri Gulshan Sainani-Supervisor(HR) who has issued Administration Note dated 30.09.2019 mentioning that the information sought by him is not found in the records which indicates that in fact the Supervisor(HR) is the custodian of the said information and therefore comes within a preview of Deemed Public Information Officer as defined under Section 5(5) of the RTI Act 2005. The Respondent Authority is Government undertaking known as Security Printing and Minting Corporation of India Limited (SPMCIL) registered as a Company under the provisions of Companies Act, 1956, having its corporate office at New Delhi and its nine units which are working at various places in India and one of it being India Government Mint, Mumbai and as such it is a Record Creating Agency as per the provisions of the Public Records Act, 1993. Thus the Respondent being a Statutory Authority is duty bound to exercise its powers to secure and provide entitled information to the citizen and the Respondent being Public Authorities as per the provisions of the RTI Act 2005 read with the Public Records Act, 1993 are statutorily duty bound to maintain Public Record and provide the same to the citizen; however, all the Respondents have failed to exercise its power and duties resulting denial of entitled information thereby compelling the Petitioner to approach before this Hon'ble Authority under RTI Act 2005 for seeking appropriate order and directions. The Petitioner states that the Public Record Act, 1993 read with Public Record Rules, 1997 provided manner of destruction or disposal of Public Record and in contravention also prescribed penal provision. He requested the Commission to appreciate that answer in

the nature of file missing or not traceable or record not available has no legality as it is not recognised as exemption under the RTI Act 2005 and thus the said remark cannot be read into as exemption in addition to exemption lead down under the RTI Act 2005. That the action on the part of Respondent providing grounds of information not available on record in order to deny entitled information to him being not legal exemption as per the provisions of the RTI Act 2005 warrants strict penal action against the Respondent; further said strict penal action is required in order to stress out concerned file and for identifying the employees responsible for its disappearance and the same can not be done unless the law set in motion by filing appropriate First Information Report as per the provisions of the Public Records Act, 1993 and Public Record Rules, 1997. Therefore he pray for the Order for the registration of First Information Report in MRA Marg Police Station, Mumbai as per the provisions of the Public Records Act, 1993 and Public Record Rules, 1997.

At the outset the Commission finds it appropriate to mention that the appellant had submitted the letter dated 03.03.2015 and therefore, he cannot set into motion the RTI Act to obtain a copy. As far as the CPIO's reply that the same is not available on record is concerned, the CPIO has replied as per the availability of records.

The Commission after going through the submissions in detail came to the conclusion that the appellant is a cantankerous, disgruntled employee who is trying to harass the public authority by filing numerous RTI application asking for all and sundry information due to the fact that he was dismissed from service.. He is in the habit of providing bald arguments having no substance or relevance with the information sought.

Decision:

In view of the above observations, the Commission had to decide the cases fixed today for hearing on the basis of case records available and the written submissions. The appellant had not left any scope for the Commission to hear him. **The Registry is also therefore advised to examine the applicant's cases pending with this bench and put up the same before the bench, if the same relates to his service grievance. The bench shall take a decision on the requirement for hearing in future cases, to avoid any such wastage of time and resources of the Commission.**

The Hon'ble Madras High Court in W.P.No.26781 of 2013 and M.P.No.1 of 2013 in the matter of The Public Information Officer, The Registrar (Administration), High Court, Madras. Vs. The Central Information Commission, & B.Bharathi vide decision dated 17.09.2014 held as follows:

24. Insofar as query (iv) is concerned, we fail to understand as to how the second respondent is entitled to justify his claim for seeking the copies of his own complaints and appeals. It is needless to say that they are not the information available within the knowledge of the petitioner; on the other hand, admittedly, they are the documents of the second respondent himself, and therefore, if he does not have copies of the same, he has to blame himself and he cannot seek those details as a matter of right, thinking that the High Court will preserve his frivolous applications as treasures/valuable assets. Further, those documents cannot be brought under the definition "information" as defined under [Section 2\(f\)](#) of the RTI Act. Therefore, we reject the contention of the second respondent in this aspect.

The above decision is very clear regarding the issue raised by the appellant. Therefore, following the above ratio, the appeal is rejected.

The appeal is dismissed accordingly.

Vanaja N. Sarna (वनजा एन. सरना)
Information Commissioner (सूचना आयुक्त)

Authenticated true copy
(अभिप्रमाणित सत्यापित प्रति)

A.K. Assija (ऐ.क. असीजा)
Dy. Registrar (उप-पंजीयक)
011- 26182594 /
दिनांक / Date