

केन्द्रीय सूचना आयोग  
Central Information Commission  
बाबागंगनाथमार्ग, मुनिरका  
Baba Gangnath Marg, Munirka  
नई दिल्ली, New Delhi - 110067

द्वितीय अपील संख्या / Second Appeal No.: - CIC/MLABE/A/2020/110437 -UM

Mr. Prabhat C Chaturvedi

....अपीलकर्ता / Appellant

VERSUS

बनाम

CPIO,  
Nodal Officer (RTI Cell)  
Ministry Of Labour & Employment  
Shram Shakti Bhawan, Rafi Marg  
New Delhi 110001

...प्रतिवादीगण / Respondent

Date of Hearing : 13.09.2021  
Date of Decision : 14.09.2021

Date of RTI application	31.12.2019
CPIO's response	29.01.2020
Date of the First Appeal	31.01.2020
First Appellate Authority's response	27.02.2020
Date of diarized receipt of Appeal by the Commission	03.03.2020

**ORDER**

**FACTS**

The Appellant vide his RTI application sought information on 04 points, as under:-

1. Copy of letter written by the then member of parliament, Mr Tapan Sen to Shri Bandaru Dattatreya the then Hon'ble Minister of State (Independent Charge) of Labour & Employment, Government of India, relating to corruption in the appointment of Dr. R.K. Kataria as Medical Commissioner of ESIC.
2. Copy of reply sent by Ministry of Labour & Employment to Shri Tapan Sen with reference to his above letter mentioned in para 1 above.
3. Copy of letter written by the then member of parliament Dr P.K. Patasani to Shri Bandaru Dattatreya the then Hon'ble Minister of State (Independent Charge) of Labour & Employment relating to corruption and irregularity in Rate Contract (RC) for Drugs in ESIC.
4. Copy of reply sent by Ministry of Labour & Employment to Dr P.K. Patasani with reference to his letter mentioned in Para 3 above.

The CPIO vide letter dated 29.01.2020, furnished a reply to the Appellant. Dissatisfied with the reply received from the PIO, the Appellant filed a First Appeal. The FAA vide order dated 27.02.2020, dispose off the First Appeal. Thereafter, the Appellant filed a Second Appeal before the Commission with a request to provide the information.

#### **HEARING:**

##### **Facts emerging during the hearing:**

The following were present:

**Appellant:** The appellant Shri Prabhat C. Chaturvedi attended the hearing.

**Respondent:** The respondent Shri Sourabh, Under Secretary, M/o Labour & Employment attended the hearing.

The Appellant reiterated the contents of the RTI application and submitted that wrong and misleading information has been furnished by the CPIO. The appellant further stated that he only sought copies of the letter written by MPs and the reply given by Minister and that there is no personal information being asked about any officer or about any individual. The Respondent present during the hearing submitted that a suitable reply in accordance with the provisions of the RTI Act, 2005, had already been furnished to the Appellant. The respondent further informed that the information sought by the appellant constitutes third party information. The respondent stated that in the concerned correspondence neither the appellant is Complainant nor a Complaint has been filed against him and hence it pertains to third party.

## DECISION:

Keeping in view the facts of the case and the submissions made by both the parties and documents available on record, the Commission noted that the information sought is related to the alleged corruption in the appointment of Dr. R.K. Kataria, Medical Commissioner, ESIC and irregularities in Rate Contracts of Drugs in ESIC, and the disclosure of such information would enhance transparency, objectivity, and fairness in system, which is in the larger public interest. Moreover, the information sought in the present case falls within the ambit of the provisions of the RTI Act as the issue is whether such posts have been filled up in a proper manner and whether a correct prescribed procedure has been followed while fixing the Rate Contract of Drugs by the public authority. If such information is disclosed, it will lead to transparent administration and will close the avenues for possible corruption in future. Further, the information sought will help in controlling favoritism, nepotism, or arbitrariness in the system. Therefore, the Commission directs the CPIO, Ministry of Labour & Employment, to provide the information to the appellant in respect of point no. 01 to 04 of the RTI Application in accordance with the spirit of transparency and accountability as enshrined in the RTI Act, 2005 within a period of 21 days from the date of receipt of this order under the intimation to the Commission.

The Appeal stands disposed accordingly.

(Uday Mahurkar) (उदयमाहूरकर)

(Information Commissioner) (सूचनाआयुक्त)

Authenticated true copy  
(अभिप्रमाणित एवं सत्यापित प्रति)

(R. K. Rao) (आर.के. राव)

(Dy. Registrar) (उप-पंजीयक)

011-26182598

दिनांक / Date: 14.09.2021