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 महारत्न कंपनी • A Maharatna Company

पश्चिम क्षेत्र - I / WESTERN REGION - I

द्वारा:- रजिस्टर्ड पोस्ट/पावती

दिनांक: 26.08.2021

संदर्भ संख्या: प.क्षे.पा.प्र.-1/पी.एम.एस./340/ 123

सेवा में,

श्रीमती अर्चना गौतम ,

C/O श्री. अनिल कुमार गौतम,

शिक्षक नगर , गली नं -2,मकान नं.३२ ,

दुर्ग - 491001, मो. : 9406103677

विषय:- सूचना के अधिकार अधिनियम 2005 के अंतर्गत आवश्यक जानकारी ।

महोदय ,

आपका पत्र दिनांक: 04.08.2021, जो इस कार्यालय में दिनांक: 09.08.2021 को प्राप्त हुआ है, आरटीआई आवेदन द्वारा चाही गयी जानकारी निम्नानुसार प्रस्तुत है :

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| मांगी गई जानकारी (प्रार्थना या अनुतोष) | : मेरे पति हेमंत कुमार देशमुख, पिता - स्व. डामन सिंह देशमुख, पावरग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड के घरघोडा)रायगढ़(ऑफिस में पदस्थ है। मुझे जिला व उच्च न्यायालयीन कार्य हेतु, मेरे पति के वर्तमान वेतनमान की पर्ची तथा वे किस पद पर पदस्थ है की संपूर्ण जानकारी की सत्यापित प्रतिलिपि । |
| पावरग्रिड, प.क्षे.-1 द्वारा प्रस्तुत जानकारी | : आवेदक के उपर्युक्त आरटीआय अनुरोध पत्र में अन्य व्यक्ति)पावरग्रिड कर्मचारी - श्री. हेमंत कुमार देशमुख(के संबंध में व्यक्तिगत जानकारी मांगी गयी है, जिसमें किसी भी लोक क्रियाकलाप या हित का खुलासा नहीं किया गया है। इसलिए, आरटीआई अधिनियम 2005 की धारा 7 (7), धारा 8 (1) (g) एवं (j) और धारा 11 के प्रावधानों के अनुसार श्री. हेमंत कुमार देशमुख के संबंध में यानी तीसरे पक्ष के संबंध में व्यक्तिगत जानकारी पावरग्रिड द्वारा नहीं दी जा रही है । एक ही विषय से सम्बंधित किसी आवेदक द्वारा बार - बार सूचना के अधिकार के तहत जानकारी मांगे जाने पर माननीय सर्वोच्च न्यायालय एवं केंद्रीय सूचना आयोग के संलग्न निर्देश अनुसार पावरग्रिड सूचना देने हेतु बाध्य नहीं है । एक ही विषय पर बार बार आवेदन किए जाने की स्थिति में बिना सूचना के आवेदन खारिज किया जा सकता है एवं इस संदर्भ में नियमानुसार आवश्यक कार्यवाही की जा सकती है । |


 (पंकज दलाल)

जन सूचना अधिकारी

पावरग्रिड, पश्चिम क्षेत्र -1, नागपुर

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प्रतिलिपि सादर सूचनार्थ:

- 1) कार्यपालक निदेशक पश्चिम क्षेत्र -1
- 2) उप महाप्रबंधक, रायगढ़, कोतरा

स्वहित एवं राष्ट्रहित में उर्जा बचाएं / Save Energy for Self and Nation

एक ही विषय से सम्बंधित किसी आवेदक द्वारा बार – बार सूचना के अधिकार के तहत जानकारी मांगे जाने पर माननीय सर्वोच्च न्यायालय एवं केंद्रीय सूचना आयोग के निर्देश

"Further, we would like to draw your kind attention to the Central Information Commission's decision dated 25.06.2014 in the case of Shri Ramesh Chand Jain Vs. Delhi Transport Corporation, GNCTD, Delhi, in which the issue of seeking information by the RTI Applicants through repetitive Applications on similar issues/subject has been considered and decided by the Central Information Commission. The Central Information Commission, in its decision, had observed that:-

"The Commission noticed that several applicants seek some information from one wing of the public authority, and based on the responses file a bunch of RTI questions from the same or other wings of same public authority, or from other authority. This will have a continuous harassing effect on the public authority. As the PIOs go on answering, more and more questions are generated out of the same and in the same proportion; the number of repeated first appeals and second appeals will be growing. "

The Commission after considering various aspects of the issue and the provisions of acts of similar nature in other countries, and also the decisions of earlier Information Commissioners has concluded that:-

"(i) Even a single repetition of RTI application would demand the valuable time of the public authority, first appellate authority and if it also reaches second appeal, that of the Commission, which time could have been spent to hear another appeal or answer another application or perform other public duty.

(ii) Every repetition of RTI application which was earlier responded will be an obstruction to flow of information and defeats the purpose of the RTI Act."

Therefore, the Commission laid down the guidelines for dealing with such issues, which are as follows:-

(i) The citizen do not have a right to repeat the same or similar or slightly altered information request under RTI Act, 2005, for which he already got response.

(ii) Once an RTI application is answered, the appellants shall refrain themselves from filing another RTI application against the public authority as once information is received and held by them or posted in public domain, because such information is deemed to have ceased to be 'held' by the public authority.

(iii) Such repetition shall be considered as reasonable ground of refusal under the RTI Act.

(iv) An applicant or appellant repeating the RTI application or appeal either once or multiple times, suppressing the fact of earlier application and receipt of the answer, the CPIO of public authority shall reject it forthwith after intimating it along with reasons.

(v) The First Appellate Authority and Commission shall be right and reasonable to consider this as a ground for rejecting the first or second appeal, respectively among other reasons if any. "

Further, the Hon'ble Supreme Court in CBSE vs. Aditya Bandopadhyay, (2011) 8 SCC 497, while explaining the significance of RTI had also observed as follows:

एक ही विषय से सम्बंधित किसी आवेदक द्वारा बार – बार सूचना के अधिकार के तहत जानकारी मांगे जाने पर माननीय सर्वोच्च न्यायालय एवं केंद्रीय सूचना आयोग के निर्देश

"67. Indiscriminate and impractical demands or directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI CIC/DS/A/2013/001740-1741-2561 Page 14 Act should not lead to employees of a public authorities prioritizing "information furnishing", at the cost of their normal and regular duties."

Further, in *Amar Kumar Jha vs. Indian Army*, the Commission strongly denounces the approach of the Appellant of seeking information on repetitive matters resulting in misusing the channel of RTI Act. "The Appellant appears to be doing so despite the express knowledge of the fact that he is pursuing a matter of no larger public interest, rather concerning only his perceived personal grievance. It is appalling to note that the public authority is being unabashedly harassed by filing umpteen vexatious RTI Applications. It is also not clear as to what kind of information will satisfy the Appellant as it appears he is merely intending to compel the public authorities into addressing his grievances. This being the ulterior motive is manifest from the bare perusal of the queries of these RTI Applications."

Further, the Madras HC judgment in *P. Jayasankar Vs Chief Secretary to Government of Tamilnadu and Gunaseelan, I.P.S. [W.P. Nos. 3776 and 3778 of 2013]*, has recorded its admonition and condemnation of this cantankerous individual for his misuse of RTI & given a stern warning that any such attempt to harass the colleagues with same or similar RTI application would be viewed as serious obstruction to activity of public authority and appropriate action as per law and judicial interpretation shall be taken against him.

Also in *Kuldeep Singh Yadav v. Consumer Affairs, Food And Supply Department GNCTD*, the Commission, exercising its power under 19(8)(a) requires the Public Authority to initiate inquiry against Mr. Vijay Kumar Garg and Mr. Kuldeep Singh Yadav for their alleged misuse/repetitive use of RTI motivated by private interest or intention to harass so that appropriate action is initiated as per law.

The Commission directs the respondent authority to prepare a list of the RTI application filed by the appellants and the reply of the department on this regard and place the reply in their official website. This would help the citizens to have information without resorting to RTI applications besides curbing the misuse.

In view of the above, you are kindly requested to refrain from sending any more applications on the same or similar subject falling which we will be constrained to file an application before Information Commission to take appropriate action against you for misusing the RTI & using it as a tool to harass the public authorities, in addition to initiating appropriate Civil & Criminal proceeding."