

Central Information Commission

Block No.IV (5th Floor), Old JNU Campus,
New Delhi – 110 067

website: www.cic.gov.in

Decision No. 892/IC(A)/2007

F. No.CIC/PB/A/2007/00405

Dated, the 20th June, 2007

Name of the Appellant : Shri B.S.Manian.

Name of the Public Authority: Department of Posts.

Facts:

1. The appellant was identified as one of the subsidiary offenders in a major fraud case of misappropriation of funds. On the basis of alleged lapses and irregularities in performance of duties, disciplinary proceedings under CCS (CCA) Rules have been initiated against the appellant, who has already challenged the issuance of chargesheet in the CAT, Chennai. The information sought relate to the main offender in the fraud case.

2. The CPIO has refused to provide the documents asked for, u/s 8(1) (h) and (g) of the Act. He has however informed the appellant that all the copies of the documents on the basis of which chargesheet memo was prepared would be furnished as per the provision laid down under the CCS (CCA) Rules.

3. The comments received from the respondent have been duly forwarded to the appellant.

Decision:

4. A disciplinary action against the appellant is contemplated on the basis of the chargesheet memo issued to him under the CCS (CCA) Rules. Under the

relevant provision, he is entitled for all the documents that are favourable to him for effective defence. There is therefore no justification at this stage to interfere with the process of disciplinary proceedings, which is a quasi-judicial function. The denial of information sought, u/s 8(1) (h) of the Act is therefore justified.

5. The appeal is accordingly disposed of.

Sd/-

(Prof. M.M. Ansari)
Information Commissioner

Authenticated true copy:

(L.C. Singhi)
Additional Registrar

Name & address of Parties:

1. Shri N.B.S. Manian, No. 5/B, Maruthi Street, Varalakshmi Nagar, Manavala Nagar-602002, Thiruvallur District, Tamilnadu.
2. Shri R. Anand, Director Postal Services & Appellate Authority (RTI), Department of Posts, O/O Postmaster General, Chennai, Tamilnadu Circle, Chennai-2.
3. The Superintendent of Posts, Canchipuram Postal Division, Ckanchipuram-63150.