

## **CENTRAL INFORMATION COMMISSION**

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**Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)**

Central Information Commissioner

**CIC/POSTS/C/2017/128380**

**Bidhan Chandra Das v. PIO, Department of Post**

RTI	:	12.10.2015
FAO	:	Nil
Second Appeal	:	27.01.2016
Hearing	:	24.05.2017
Complainant	:	Absent
Public authority	:	Mr. Subal Mallick and Ms. Priti Banerjee, Asst. Director
Decided on	:	14.06.2017

### **FINAL ORDER**

#### **FACTS:**

1. The appellant filed RTI application seeking: (1) Date and time of receipt of the PMG, SB Region Memo. No.PMG(SB)/SFA/GO Arrgt/Loose dated 01.09.2015 by the SSPOs, South Hooghly Division and by the Sr.PM, Serampore HO. (2) Copy of challan/ invoice of the RO through which the PMG, SB Region Memo. No.PMG(SB)/SFA/GO Arrgt/Loose dated 01.09.2015 and PMG, SB Region Letter No.PMG[SB]/SFA/G.O/ Arrgt/Loose dated 01.09.2015 were received by the SSPOs, South Hooghly (3) Copy of records containing instruction of RO/CO issued to Smt. Babi Lahiri to take overcharge of the SSPOs, South Hooghly Division without the knowledge of B.C.Das (4) copy of the departmental rule in support of activities of Smt. Babi Lahiri. (5) Disposal status of letter No. 09 /Corr/October-2015 dated at Barasat, the 31.10.2015 (6) salary for the month of September and October 2015 was withheld, copies of records on the basis of which such decision is taken along with copy of supporting rule of the department. CPIO replied on 11.12.2015 furnishing the information as available with them and stated that documents sought would be supplied after depositing fees.

2. The CPIO and other officer explained the background of appellant as follows:

- a) Shri Bidhan Chandra Das (appellant) while working as Sr. Superintendent of Post Offices, South Hooghly Division on purely temporary and officiating basis, was ordered to be reverted to his substantive grade in PS "Gr. B" cadre on administrative ground on 31.08.2015. Smt. B. Lahiri, SSPOs Burdwan was directed to hold the additional charge of the SSPOs, South Hooghly Division on 01.09.2015(F/N). The appellant despite being fully aware of the fact that Smt. B. Lahiri had already assumed the charge SSPOs, South Hooghly Division on 01.09.2015, misused his former official position as SSPOs, South Hooghly division by working on files of the O/o the SSPOs, South Hooghly division violating clause (ii) of sub-rule (2) of rule 3 of CCS(Conduct) Rules,1964.
- b) The continuation of Shri Bidhan Chandra Das as SSPO, South Hooghly division for the period from 01.09.2015 to 03.09.2015 was an act of insubordination to the orders of the higher authority and non-compliance of the orders of reversion from the office post, amounts to misconduct vide Government of India's decisions no.23 below Rule 3 ibid of CCS(Conduct)Rules,1964. He failed to maintain devotion to duty and acted in a manner which is unbecoming of a Government servant and thereby violated the provisions of contained in Rule 3 (1) (ii), Rule 3(1)(iii), Rule 3(2)(ii) of CCS(Conduct) Rules, 1964.
- c) That the appellant during his continuous absence from the duty for the period from 04.09.2015 till date has issued a spate of correspondence to different authorities with unsubstantiated allegations against his superiors in the shape of personal attacks ranging from corruption, misuse of powers, terrorism to racial and political atrocities against him while demanding compensation from the said authorities for his defamation which by itself is alleged to be an action on the part of said B.C Das to malign the image of the Department of Post and that of his higher authorities. He not only raised such allegations against his superiors but also threatened them by invoking different sections of SC and ST(POA) Act,1989 and section 7 and 8 of Prevention of Corruption Act.

- d) The applicant impersonates himself as SSPOS South Division and in several RTI applications adopted new designation behind his name as "SSPOs [on duty] S.H Division". This is also an instance of impersonation. He relinquished the charge of the SSPO S.H Division on 03.09.2015 (afternoon) and Sri Satya Gobinda Giri is now functioning as the SSPOs SH Division since 19.10.2016 9F/N. Despite this fact known to the applicant he intentionally tries impersonation.
- e) The department of Posts is a prestigious and century old organization of the Govt. of India and the appellant has put allegations on the public authority of running brothel at different branch post offices including Serampore H.O. He sent applications to CPIOs using abusive language and allegations against four lady officers, sufficiently senior in ranks, who are facing social stigma and constant humiliation at work place. Two of them have lodged complaints of sexual harassment against Sri Bidhan Chandra Das which is under inquiry of the Internal Complaints Committee on Sexual Harassment of Women at work place.
- f) The postal department has registered a strict objection against the use of abusive language and allegations against the higher authorities of its department, but this has not discouraged the appellant from harassing the public authority and its officers.
- g) The RTI Act is meant to promote public interest and public-interest-based transparency in the administration of public offices; it cannot encourage the attempt to use the RTI to raise such harassing questions to the officers. If this kind of misuse is not checked, and officers will be threatened, demoralized and prevented from proceeding against employees like Mr. B.C. Das facing charges of misconduct.

3. Based on the above contentions, the Commission finds that it is an unscrupulous abuse of RTI by the appellant by filing multiple frivolous RTI applications out of vengeance of being reverted to a lower grade in the Department for no purpose, just for the purpose of harassing the department and colleagues. The officers expressed their agony and sought action against the appellant for causing wastage of time and mental harassment through his filthy remarks and character assassination of the lady officers. It is surprising that the public authority is not taking any action against this officer who

allegedly abused the office and also RTI. It is also not known what action was taken against the appellant on the complaints of lady colleagues alleging sexual harassment. It is also surprising that the individual victims also did not take any legal action against the appellant.

4. Such a conduct in the name of RTI will cause a serious damage to this welfare legislation and embolden the other abusers of office. The Public Authority cannot abdicate its duty to inquire against such allegations of serious misconduct which might have facilitated him to extend the abuse further and also abuse the RTI. Exercising powers under Section 18(2) of RTI Act, the Commission directs the public authority to conduct inquiry against the appellant, former SSPO, on the allegations mentioned above like working on files of the Department illegally after being reverted, use of filthy language and abuse of RTI, and inform the victim officers about action taken on their complaints of sexual harassment, and submit the report of action taken against him within 60 days from the date of receipt of this order.

5. An applicant who has approached the Commission with personal vengeance and who is alleged by colleagues to have abused the position, language and the RTI has no legal right to complain against the CPIO under RTI Act. A malicious complaint like this has no foundation under Section 20 of RTI Act, and deserves to be rejected. If the inquiry on these allegations is proved, the appellant officer may have to compensate the damage caused to office and colleagues besides wasting the time of public authorities. This kind of abusive complaint does not stand on any provision or reason, hence dismissed.

SD/-

(M. Sridhar Acharyulu)  
Central Information Commissioner

Authenticated true copy

(Dinesh Kumar)  
Deputy Registrar

Copy of decision given to the parties free of cost.

Addresses of the parties:

1. The CPIO under RTI,  
Department of Post,  
O/o Chief Post Master General,  
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2. Shri Bidhan Chandra Das,  
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Basu Road, PO-Barasat,  
Kolkata-700124, WB.