

## Central Information Commission

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No.CIC/OK/C/2007/00362 & 367

Dated: 5 January 2008

Name of the Complainant : Smt. Uma Kanti &  
Shri Ramesh Chandra,  
Jawahar Navodaya Vidyalaya - Dhoom,  
Gautam Budh Nagar, U.P. - 203 207.

Name of the Public Authority : Navodaya Vidyalaya Samiti

### Background:

Smt. Uma Kanti and Shri Ramesh Chandra of Gautam Buddhanagar filed two RTI-applications with the Public Information Officer, Navodaya Vidyalaya Samiti, New Delhi, on 22 April 2007, seeking information/documents on more than 200 items regarding various issues pertaining to the Department. In another RTI-application dated 18 April 2007, the Appellant sought information on 149 counts relating to various issues.

2. Not getting any information from the PIO, the Complainant approached the Central Information Commission on 24 July and 25 July 2007.
3. The bench of Dr. O.P. Kejariwal, Information Commissioner, heard the matter on 12 December 2007.
4. Shri M.S. Khanna, Joint Commissioner & PIO and Ms. Manikuntala Sarkar, Assistant Commissioner, represented the Respondents.
5. The Appellant, Shri Ramesh Chandra, was present in person.

### Decision:

6. The Commission decided to club case nos. 362 and 367 filed by Shri Ramesh Chandra and Smt. Uma Kanti as they not only related to the same Respondents but also revolved around the common case of transfer of one of the Appellants, that is, Shri Ramesh Chandra. (The other Appellant, Smt. Uma Kanti is his wife). Shri Chandra is an employee of the Navodaya Vidyalaya Samiti under the TGT Scheme. In 2006, he was transferred from Muzzafarnagar to Ghaziabad and then because of some procedural and administrative

considerations, again from Ghaziabad to Muzaffarnagar. During the hearing, the Respondents clarified that because of a procedural error, the transfer order had taken place which they tried to rectify through a subsequent Order. Whatever be the issue, the Appellant filed three cases in CAT and lost in all. On 25 October 2006, the Hon'ble Court in its Order observed:

“first of all it is evident that the applicant was put to inconvenience because of the cancellation, within less than two months, of the transfer orders which he had complied with. It is, however, true that he has managed to stay at G.B. Nagar all this while by filing three successive applications before this Tribunal. Secondly, the allegations of “influence” by a lady teacher are based on hearsay and have no evidence in support. The events narrated in the impugned order dated 12.04.2007 show that the inconvenience arose because of a policy directive of the head of the Organization, and at the same time, the orders of this Tribunal in the Usha Bhatt case. **Thirdly, no discrimination is discernible against the applicant, because all six teachers were restored to their original postings. Finally, the applicant was afforded a reasonable opportunity to modify his place of posting but he chose not to avail of that opportunity”** .

7. Subsequently, on the issue of his transfer, the Appellant moved the High Court, the National Commission for Scheduled Castes, and also the Information Commission. When he moved the High Court, the Hon'ble High Court was pleased to observe: “Mr. Rajpal, Learned Counsel for the Respondents, informed that in order to eliminate these hearings, the Commissioner had even called the petitioner so that he could be posted near the place of his Children's school”. However, the petitioner refused to meet the Commissioner, and accordingly the case was dismissed on 6 November 2007.

8. The Appellant then moved the Information Commission in a complaint that his RTI-application of 19 March 2007 had not been responded to. During the hearing, the Respondents stated that although the Appellant had moved the Commission with a single appeal, the RTI-application referred to by him had not been received by them nor had they received the prescribed fees. However, there were a number of other cases filed by the couple. These applications, filed by him and his wife, ran into over 188 pages which contained 375 items on which information was sought. In addition, they had enclosed 141 pages of proforma in which they wanted the information to be supplied. The Respondents during the hearing brought to the notice of the Commission these various RTI-applications which the Commission noticed were actually thick piles of papers containing questions and proforma. Moreover, the information sought

by the Appellants was spread over 20 years and concerned thousands of employees. Thus, for instance, they had asked for disclosure of ACRs of an entire group of staff members, and things like scooter advances, allotment of staff quarters, time-tables of various schools, details of the court cases since 1996, details of payments made to officers since 1996, etc., etc., etc., etc.

9. This is perhaps the worst case to have come to this bench showing the worst misuse of the RTI-Act. The Commission directs the Respondents not to consider the RTI-applications filed by this Appellant and his wife since the RTI cannot be turned into a tool for vendetta of an employee against his Organisation for some grievance that one harbours against it. The present case is an example to the ridiculous length to which a person can take a beneficial piece of legislation and make a mockery of it.

10. The Commission feels that this case together with some others like *Shri Faqir Chand Vs. North Western Railway, Bikaner (No.CIC/OK/A/2007/00951)* show the necessity of some provision in the RTI-Act for taking punitive action against the Appellants who seek to misuse the RTI-Act in such a blatant fashion.

11. The Commission ordered accordingly.

Sd/-  
(O.P. Kejariwal)  
Information Commissioner

Authenticated true copy:

Sd/-  
(G. Subramanian)  
Assistant Registrar

Cc:

1. Shri M.S. Khanna, Joint Commissioner & PIO, Navodaya Vidyalaya Samiti, Deptt. Of School Education & Literacy, A-28, Kailash Colony, New Delhi-110048
2. Shri Ramesh Chandra, TGT, Jawahar Navodaya Vidyalaya, Dhoom Manikpur, Gautam Budh Nagar-203 207 (U.P.)
3. Smt. Uma kanti, W/o Ramesh Chandra, Jawahar Navodaya Vidyalaya, Dhoom Manikpur, Gautam Budh Nagar-203 207 (U.P.)
4. Officer Incharge, NIC
5. Press E Group, CIC