

No.14039/38/2013-UTS.II
Government of India
Ministry of Home Affairs

North Block, New Delhi - 110 001.

Dated the 24th December, 2013

Sub: Appeal filed by Shri V.C. Pandey in the CIC against - regarding.

Shri Vimal Chandra Pandey, IAS, Managing Director, Lakshadweep Development Corporation Ltd, Kavaratti has informed that he has filed appeal before the Hon'ble Central Information Commission (CIC).

2. In this regard, it may be observed that Shri V.C. Pandey had filed application dated 26.06.2013 (**copy enclosed**) under the RTI Act, 2005, wherein he had asked for the following information:

1. Documents and noting relating to the charge memo dated 9th February, 2011 issued to him.
2. The noting after the order dated 18th February, 2011 by the CAT in OA 724/2011.
3. The Noting after the judgement of the CAT dated 6th May, 2011 in the O.A. No. 724/2011.
4. Copy of noting thereafter and decision.
5. Noting of the File No. 14040/08/2011-UTS-II and documents.

3. Reply to his application was given by the CPIO vide this Ministry's letter of even number dated 18.07.2013 (**copy enclosed**). Further, the applicant filed 1st appeal, which was received on 24.07.2013 (**copy enclosed**). The said appeal was considered by the First Appellate Authority & reply was sent to the applicant vide letter dated 14.08.2013 (**copy enclosed**).

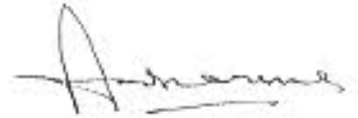
4. It may not out of place mention that Shri V.C. Pandey, the then Addl. Commissioner (Primary Education), MCD was charge sheeted for major penalty vide this Ministry's letter bearing number 14033/09/2009-UTS-II dated 09.02.2011 as per the advice of CVC. The charge sheet was challenged before Hon'ble CAT, PB, New Delhi by Shri Pandey and Hon'ble CAT vide its order dated 06/05/2011 had quashed the said charge sheet. Thereafter, the Ministry of Law was consulted regarding filing of WP against the order passed by the Hon'ble CAT. However, the Ministry of Law had opined that the case was not fit for filing WP. Again, the CVC was consulted regarding further course of action. The CVC had advised to examine as to whether any Criminal angle is involved in the matter. The Crime Branch of the Delhi Police was requested to examine the matter. Recently, the Delhi Police has submitted its report to the Ministry, which is under examination in the Ministry. Appropriate action will be taken in consultation with CVC.

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5. In view of the above, it may be observed that the information asked by the applicant cannot be provided till the investigation in the case is finalized. The information asked by him is exempted under Section 8(1)(h) of the RTI Act, 2005.

6. In view of the above facts and circumstances, the Hon'ble CIC may be requested not to entertain or admit the said appeal.


Encl. AA



(Anuj Sharma)
Director (Services)/CPIO
Tele No.2309-2436

To

1. Shri D.C. Singh, Deputy Registrar, Central Information Commission, 2nd Floor, 'B' Wing, August Kranti Bhavan, Bhikaji Cama Place, New Delhi - 110066.
2. Shri Om Parkash, Dy. Registrar (Central Registry), CIC, Central Registry Room No. 326, Wing-B, 1st Floor, August Kranti Bhawan, Bhikaji Cama Place, New Delhi - 110 066.
3. Shri Vimal Chandra Pandey, IAS, Managing Director, Lakshadweep Development Corporation Ltd, Kavaratti - 682 555



(Anuj Sharma)
Director (Services)/CPIO
Tele No.2309-2436

issued with Enclosure
Date..... 27
Sign..... 29.12.13

7	Prayer or relief sought	<p>Please order the CPIO to provide complete information within seven working days without charging any fee as the CPIO has not provided the information within stipulated period.</p> <p>As the CPIO has not provided the information so far, the commission is also requested to impose a penalty under Section 20(1) of the Right Information Act 2005 and also order for the departmental disciplinary proceedings under section 20(2) of the Right to Information Act 2005.</p>
8	Grounds for the prayer or relief	<p>As the CPIO has not provided the complete information so far, this appellant is filed as per section 19/18 of the Right to Information Act 2005. The CPIO is also required to provide the information for free under section 7(6) of the Right to Information Act 2005. This Hon'ble Commission is also empowered to impose penalty and order for the disciplinary proceedings against the CPIO under section 20 of the Right to Information Act 2005.</p>
9	Verification by the appellant	<p>Verified the contents of this appeal/complain on 19th day of the month of January of 2008 at Delhi.</p>

I Vimal Chandra Pandey, IAS hereby certify that the matters under appeal have not been previously filed, or are pending, with any court or tribunal or with any other authority.

Index of Annexure :

1. Copy of the application under Right to Information Act (Annexure A)
1. Copy of the fee receipt (Annexure B)
2. Proof of the Sending the Application through the Post (Annexure C) (if applicable)
3. Copy of the First Appeal (Annexure D) (if applicable)
4. Proof of the sending the application through the post (Annexure E) (if applicable)
5. Proof of the sending a copy of the second appeal/complaint through the post


 14/09/2013
 Vimal Chandra Pandey, IAS
 Managing Director
 Lakshadweep Development Corporation Ltd.
 Union Territory of Lakshadweep
 Kavaratti - 682555

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