
Name: Vinod Kumar Garg

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Date: 28.09.2020

Complaint

by Speed Post & email

To,

Chief Vigilance Commissioner,

Central Vigilance Commission,

A-Block, G.P.O Complex,

I N A- New Delhi-110023

email ID: cenvigil@nic.in

Dear Sir,

Subject: RTI ACT 2005- Non-compliance of Order of First Appellant Authority/Additional Secretary of Central Vigilance Commission by Public Servant.

I enclose copy of order No. CVCOM/RTI/APP/20/24-453858 dated 02.07.2020 of First Appellant Authority/Additional Secretary of CVC relating to my RTI Application dated 29.03.2020 and subsequent to my Appeal dated 29.05.2020. Details of officer/s are as under:

Name of CPIO: Sh. B.S. Laspal, Director, Central Vigilance Commission, New Delhi.

Name of FAA: Sh. Atul Singh, Additional Secretary, CVC, New Delhi.

02. Since CPIO/Director of Central Vigilance Commission, New Delhi, did not comply with the orders of FAA, I reminded the erring officers vide my enclosed letter dated 13.08.2020 to ensure compliance. I was forced to file appeal u/s 19(3) of RTI Act, 2005 with Central Information Commission, New Delhi on 20.09.2020, and after scrutiny, the same has been admitted and registered vide File no. CIC/CICOM/A/2020/686263 and matter is pending with it. I am not informed of any stay order or writ pending on this issue as on date. In the mean while.

I file this complaint for your kind administrative intervention in the interest of RTI, rule of law, fundamental rights of citizens and discipline in govt servants.

03. The defiant public servant is a senior officer of Govt/public authority. Common man like me is surprised at the scant respect such officer has for lawful order of a

First Appellant Authority, constituted under an act of Parliament viz. THE RIGHT TO INFORMATION ACT 2005, who was pleased to issue following orders to CPIO under section 19(6) of RTI Act, exercising quasi-judicial function, for compliance and disclosure of information after completion of certain formalities:

“5. Keeping in view the fact that the Appellant himself seems to be willing to disclose his name regarding a complaint which he claims to have made under provisions of PIDPI Resolutions, I direct the CPIO concerned, that is, Shri B.S.Laspal, Director, to confirm from records about the source of complaint as mentioned by the Appellant, in his RTI Application and in case the details match with that of the Appellant, a formal no objection certificate may be obtained from him and a decision regarding disclosure of information or otherwise may be taken, keeping in view the various provisions of RTI Act.”

In my humble opinion the officer has committed following acts of omission and commission by flouting said order:

A] He has indulged into major offence under Service Rules of the Govt/public authority. This may attract major penalty under service rules including dismissal.

B] He is exposed to penalty under section 20 of RTI Act 2005

C] He has disrespected and challenged authority and supremacy of Parliament of this country and has proved himself to be above law.

D] He may be involved in corruption for hiding information for vested interest and thus exposed him to The Prevention of Corruption Act, as the complainant has made the complaint to CVC on 05.03.2018 under PIDPI resolution, aggrieved with the officials of NDMC who were involved in arbitrary, vengeful, high-handed and in violation of the fundamental rights of individual decisions for releasing of accumulated arrears of senior retired engineers. This complaint laying pending since last two years in CVC/NDMC on which information was sought under RTI Act. Thus, due to non-disclosure of information has butchered my fundamental right guaranteed under article 19.1.a.

04. Being administrative head of the Central Vigilance Commission, I am sure you will not take such behaviour of public servant lightly, since it will amount to encouraging and abetting above offences. Your silence or inaction would be fatal to rule of law, discipline in government, honour of Parliament and respect for law. It will set very bad example for others.

In fact, any officer or authority who supports or connives at such acts by inaction or silence or ineffective action or tacit acts, renders himself or herself also answerable to law for abetment of offence.

05. I add:

i] Under our Constitution sovereignty vests in the people. Every limb of the constitutional machinery is obliged to be people oriented. No functionary in exercise of statutory power can claim immunity, except to the extent protected by the statute itself. Public authorities acting in violation of constitutional or statutory provisions oppressively are accountable for their behaviour before authorities created under the statute like the commission or the courts entrusted with responsibility of maintaining the rule of law.

--Hon'ble Supreme Court of India in Lucknow Development Authority V/s. M.K. Gupta on 05/11/1993 [CITATION: 1994 AIR 787 1994 SCC (1) 243 JT 1993 (6) 307 1993 SCALE (4)370]

06. Under these circumstances, I humbly request your good self for administrative action as under:

I] Please ensure that said order of First Appellant Authority, is complied with honestly and properly immediately by concerned officer.

II] Please initiate disciplinary action against delinquent officer under service rules applicable to him.

III] Please independently enquire or get enquired what for the officer was hiding the information to this extent. There could be huge scam and fraud, loss to govt, serious crime committed but hidden or illegal activity against public interest.

06. I may kindly be informed fate of this complaint. I hope I will not be forced to move higher judiciary for such administrative matters, since my fundamental right under article 19.1.a is at stake.

Yours faithfully,

Vinod Kumar Garg

Encl: FAA order Dated 02.07.2020 and reminder to CPIO Dated; 13.08.2020.