

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)

Information Commissioner

CIC/SA/A/2015/000531

Sant Ram Sharma v. PIO, Pandit Madan Mohan Malviya Hospital

Important Dates and time taken:

| | | |
|-----------------------------|----------------------------|-----------------------------|
| RTI: 19.11.2014 | Reply : 18.12.2014 | Time : 29 days |
| FAA: 10.01.2015 | FAO: 03.02.2015 | Time: 24 days |
| SA: 01.04.2015 | Hearing: 26.06.2015 | Decision: 06-07-2015 |
| Result: Disposed of. | | |

Parties Present:

1. Appellant is present with Vinay Bhardwaj. Public authority is represented by Dr. Geeta Dada, PIO and Gajendra.

FACTS:

2. The appellant Mr. Sant Ram Sharma filed an RTI application with 17 points:-

1. Since when J. P. Mishra, LDC was posted in the Pt. Madan Mohan Malviya Hospital, New Delhi and what were the duties assigned to him from time to time in each section during his entire posting in the hospital till his compulsory retirement, please supply the certified copies of the posting orders, assignment of duties and relieving orders ?

2. Who was the appointing authority and disciplinary authority in the case of Shri J. P. Mishra, LDC and since when he was removed from services, please supply the certified copies of the same ?

3. Since when Abhay Sharma, UDC was assigned the duties as Cashier in Pt. Madan Mohan Malviya Hospital, New Delhi, please supply the certified copy of the posting orders and duties assigned to him from time to time ?

4. Please supply the certified copy of orders declaring Shri Sant Ram Sharma DDO of Pt. Madan Mohan Malviya Hospital, New Delhi from time to time during his posting at this hospital ?

5. Please supply the certified copy of orders declaring Dr. Amita Manakala as DDO of Pt. Madan Mohan Malviya Hospital, New Delhi from time to time during his posting at this hospital ?

6. Disclose names and the designations of authorities who had passed posting orders of Nursing Orderly/LDC/Cashier to collect prescribed fee of colour Doppler and USG in Radiology Department from time to time and supply the certified copies of orders with details postings of each Nursing Orderly, LDC and cashier from time to time in terms of the Receipt & Payments Rules, 1963 and under which section these postings were made?

7. Please arrange to supply the names and designations of DDOs and certified copies of their posting orders issued by the competent authority from time to time who were posted at Pt. Madan Mohan Malviya Hospital, New Delhi during 2008-2011 ?

8. Please provide the details of cash receipt, amount deposited by Nursing Orderly/LDC to the cashier during the period 2007-2008, 2008-2009 and 2009-2010 in the following format :

| Sl. No. | Dated on which the amount received in Radiology Department | Date on which amount was handed over to cashier | Date on which it was remitted to treasury dully signed by cashier. |
|---------|--|---|--|
|---------|--|---|--|

9. Please arrange to supply the certified copy of the Preliminary Inquiry Report in the matter of Sant Ram Sharma, DDO while working in Pt. Madan Mohan Malviya Hospital, New Delhi during 2008-2011 ?

10. Please arrange to supply the certified copy of the complete Special Audit Report for the year 2009-2010 carried out by Special Audit Team deputed by Directorate of Audit,

GNCTD in the matter of Sant Ram Sharma, DDO while working in Pt. Madan Mohan Malviya Hospital, New Delhi during 2008-2011.

11. Please arrange to supply the certified copy of the Inquiry Report conducted by Addl. Director DHS, DCADHs and AAO, DHS in to the affairs of Pt. Madan Mohan Malviya Hospital, New Delhi for the year 2009-2010 regarding embezzlement done by J. P. Mishra, LDC ?

12. Please arrange to supply the certified copy of the Audit Report carried out by AGCR team for the year 2009-2010 commenting on impugned embezzlement done by J. P. Mishra, LDC.

13. Since when the Cash Book of Pt. Madan Mohan Malviya Hospital, New Delhi was incomplete prior to joining of duties by Shri Sant Ram Sharma as on 18.02.2009, what were the reasons thereof and what disciplinary actions were initiated by HOO/HOD of this Hospital to safeguard the interest of revenue, please arrange to supply the extracts of cash book when it was posted ?

14. Whether the 'handing and taking over' of in-complete cash book was done under the supervision of the HOO/HOD after calling the ex-DDO from DPCC, if yes, as to whether any initials were appended by HOO/HOD being the witness of this grave mistake on the part of Shri Ramesh Sharma, DDO and what action had been taken against him for these perpetual lapses and how many instances of late deposit of money were reported by audit in their report during his tenure in this hospital ?

15. Please arrange to supply the certified copy of Shri Abhay Sharma, UDC, Leave Account, applications and sanctioned issued by HOO/DOD.

16. As to whether Abhay Sharma, UDC had made repeated representations regarding non-discharge of his allocated duties, if yes, please arrange to supply the certified copies of his ibid representations from time to time.

17. Please arrange to supply the certified copies of the duties assigned to all the Medical staff and para-medical staff as quoted below who are most of them in list of witness in the case of Inquiry against the undersigned applicant.

1. Dr. Anita R. Sharma, 2. Dr. Anuradha Sharma, 3. Dr. K. C. Tamaria, Dy. MS, 4, Dr. Vinod Kumar, MS, 5, Ranvir Singh, AAO/DDO, 6. Mrs. Tarajit Kaur, Staff Nurse, 7. Shri Kumawat, Staff Nurse, 8. Mrs. Deepika Wilson, Staff Nurse, 9. Barham Singh, Pharmacist and 10. Taneja, Pharmacist.

3. The CPIO asked to deposit requisite fee of Rs 4080/- for getting certified copies of information sought, which was promptly paid by appellant. Being unsatisfied with the

information provided after taking payment, appellant filed first appeal. First appellate authority directed the PIO to provide information on point no 11 & 15. Being unsatisfied with the information provided on point no 1,2,3,6,8,9,11,13,14,15 & 17 appellant approached the Commission.

Proceedings Before the Commission:

4. The appellant felt aggrieved that a year before his retirement he was charged with embezzlement of funds, alleged to have happened some four years and a vigilance inquiry was initiated. He wanted to know the full details about the inquiry. Point No.17 of his requests, speaks out the true in his RTI request.

“17. Please arrange to supply the certified copies of the duties assigned to all the Medical staff and para-medical staff as quoted below who are most of them in list of witness in the case of Inquiry against the undersigned applicant.

1. Dr. Anita R. Sharma, 2. Dr. Anuradha Sharma, 3. Dr. K. C. Tamaria, Dy. MS, 4, Dr. Vinod Kumar, MS, 5, Ranvir Singh, AAO/DDO, 6. Mrs. Tarajit Kaur, Staff Nurse, 7. Shri Kumawat, Staff Nurse, 8. Mrs. Deepika Wilson, Staff Nurse, 9. Barham Singh, Pharmacist and 10. Taneja, Pharmacist.”

5. The appellant gave 10-member list which include several doctors, nurses and officers. Besides this he wanted to know the details of Mr. J.P. Misra, Dr. Amita Manakla, etc. Instead of attending the Inquiry process and defending his status, the appellant chose the RTI route for demanding personal information about more than 13 officers who gave the evidence/complaint in the inquiry against him.

6. The Commission holds the 17-point questionnaire about the 14 colleagues of the appellant is nothing but his personal vengeance, besides being serious threat to the process of inquiry. The appellant has posed not only a challenge to the conduct of the inquiry against him but also against the system of Inquiry into the charges of any accused officer. All the 17 points appear to be totally motivated by the personal vengeance of the appellant. Such RTI questions will surely impede the process of investigation in general and this RTI application will

threaten the witnesses and complainants from raising any question or giving witness or information about the charges in inquiry. Section 8(1)(h) of the RTI Act states that:-

“information which would impede the process of investigation or apprehension or prosecution of offenders.”

7. This is a most dangerous misuse of the RTI Act which should never be encouraged. If the appellant believes that he is innocent, he should be given every chance by the Inquiry Officer to defend himself. If he is not given the chance, he has every right to avail the legal remedies available to him under law. But he choose to come through the RTI route to misuse the access to information to stall the inquiry. The Commission directs the appellant to appear before the Inquiry Officer at the next date of hearing and defend his case. The Commission directs the PIO to put up the RTI request, copy of his first appeal and second appeal of the appellant, before the Inquiry officer for his consideration. The Commission recommends the respondent authority to frame a policy to prevent such misuse of RTI against the Inquiries/process of taking disciplinary action, questioning the misconduct and inquiring into several other charges within reasonable time. The charged employees should necessarily appear before inquiry proceedings, without threatening witnesses, complainants and others which impede the inquiry.

(M. Sridhar Acharyulu)
Information Commissioner

Authenticated true copy

(Babu Lal)
Deputy Registrar

Addresses of the parties:

1. The CPIO under RTI,

O/o Medical Superintendent, Pandit Madan

Mohan Malviya Hospital, GNCTD,

Malviya Nagar, New Delhi.

2. Shri Sant Ram Sharma,

Flat No. 93/1, Pkt-D 12, Sec-7,

Rohini, Delhi-110085.