

**BEFORE STATE INFORMATION COMMISSION HARYANA,
CHANDIGARH.**

**APPEAL UNDER SECTION 19(3) OF THE RIGHT TO INFORMATION ACT,
2005.**

**SHOW CAUSE NOTICE No.0015 of 2009 UNDER SECTION 20(1)
IN Case No.2134 of 2008.**

Mohd. Ashraf,
1567, Sector 10-A, Gurgaon – 122 001.

...Appellant.

Versus

1. First Appellate Authority-cum-Administrator, HUDA, Gurgaon.
2. SPIO-cum-Estate Officer-I, HUDA, Gurgaon.

...Respondents.

Present

Shri Vatsal Vashisht, the then SPIO-cum-Estate Officer-I, HUDA, Gurgaon (presently posted as LAO, Urban Estate, Gurgaon) respondent.

Facts:-

This matter has arisen in pursuance of the earlier orders passed by the Commission in this case on 14.1.2009.

The SPIO-cum-EO-I, HUDA, Gurgaon (presently posted as LAO, UE, Gurgaon) has furnished his detailed reply in response to the notice issued by the Commission vide letter dated 22.6.2009 which has been taken on record. In his reply he has given the calendar of events in connection with this case. It has been pointed out that he was posted as EO-I, HUDA, Gurgaon during the period from 18.11.2008 to 28.2.2009. Even during this period he was on medical leave from 24.11.2008 to 11.12.2008. In addition during the period from 13.2.2009 to 28.2.2009 he was also holding the substantive charge of LAO, Gurgaon in addition to the charge of EO-I, HUDA. It has been pointed out that the application which was submitted on 8.4.2008 by the appellant was put up with the

requisite information to the Estate Officer on 4.6.2008. The notice of the Commission dated 4.11.2008 was never put up to the Estate Officer. It was put up to him on 12.1.2009 two days prior to the hearing fixed by the Commission. The decision of the Commission was again not put up to the Estate Officer. This was done only on 27.2.2009 and even while putting up it was not mentioned that the appellant had put up an amended application on 14.1.2009 in the presence of the Commission a copy of which was handed over to the representative of the department when the specific order to hand it over to the SPIO-cum-EO-I, HUDA, Gurgaon for replying to the same. Keeping in view the serious lapses committed in this case the officer ordered an enquiry to be conducted by the Deputy Superintendent of the office, the result of which was not known to him since he had demitted the office. In the end the officer has claimed that the lapse on the part of his office at various stages was reason for the delay in this case and as and when the matter was put up to him he ensured that the information was furnished.

The Commission has carefully considered this matter. The original record of the case including noting portions were also perused. A copy of the noting portion has also been annexed with the written reply submitted by the officer. Keeping in view the detailed explanation given by the officer and the sequence of events in this case, the Commission has come to the conclusion that it would not be proper to continue with the penal proceedings against the officer in this case. However the lapse on the part of the dealing Assistant and other officials in not bringing such a matter promptly to the notice of the Estate Officer including orders passed by the Commission needs to be seriously looked into by the higher authorities of HUDA. The matter will, therefore, be taken up by the office of the Commission with CA HUDA particularly in the context of the lapses being committed in the Estate Office-I, HUDA, Gurgaon. The following directions are hereby given in this case: -

1. The penal proceedings initiated under Section 20(1) of the RTI Act against the SPIO-cum-Estate Officer-I, HUDA, Gurgaon are hereby dropped.

Announced. To be communicated.

Place: Chandigarh
Dated: 23.6.2009.

(G. Madhavan)
Chief Information Commissioner,
Haryana, Chandigarh.

