

വിവരാവകാശ അപേക്ഷ ഓഫീസിൽ കൈപറ്റിയ തീയതി മുതലാണ് 30 ദിവസം എന്ന സമയപരിധി ആരംഭിക്കുന്നത്. അത് ബന്ധപ്പെട്ട സെക്ഷനിൽ ലഭിച്ച തീയതിയല്ല

5. It was proved beyond doubt that the RTI request of Shri Sreekumaran Nair was received in the public authority on 23-07-2009. The information sought was also very much available with the public authority. The argument of the Respondent that the Jr. Superintendent received the registered post containing the application and it was not put up to him, was very weak. A RTI Requestor was least bothered whether the SPIO or someone else in the public authority had received the application. The RTI Act also did not give any leeway as far as disposal of a request was concerned - a request had to be disposed off within the time limits prescribed u/s 7(1) of the RTI Act. The time taken to dispose off the request was calculated from the date on which the application was received in the public authority. The explanation put forward by the Respondent was not satisfactory. There was a vicarious liability on the part of the Respondent for the deeds of his subordinates and, it was evident from the instant case that there was serious supervisory lapse on his part. As the Secretary & the SPIO, he was responsible for implementing the RTI Act in the Grama Panchayat as per the provisions of the Act. He could not evade responsibility by simply saying that the application was not put up to him.

6. The application was received in the public authority on 23-07-2009 and it was finally disposed off only on 30-09-2009, consuming a total of 68 days in the process (July=8 days; August=31 days; Sept=29 days). After deducting the maximum allowable time of 30 days u/s 7(1) of the RTI Act, the delay occurred was 38 days.

7. On the whole, the Respondent had not acted reasonably, diligently and conscientiously while dealing with the request. There was also no mitigating circumstance for the Commission to take a lenient view in the matter. In the circumstances, ***the Respondent Shri Sreekumaran Nair is awarded a penalty of Rs.9,500/- (Rupees nine thousand five hundred only) @ Rs.250/- per day for 38 days u/s 20(1) of the RTI Act***