

# 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

**Dr. Avinash Kumar v. Aruna Asaf Ali Hospital**

Important Dates and time taken:

**CIC/SA/A/2015/000373**

**Hearing of Show Cause Notice**

**Appellant : Dr. Avinash Kumar**

**Respondent : Aruna Asaf Ali Hospital**

**Date of hearing : 18.11.2015**

**Date of decision : 18-04-2016**

**Information Commissioner : Prof. M. Sridhar Acharyulu  
(Madabhushi Sridhar)**

**Result : Penalty imposed.**

## **Parties Present:**

1. Appellant is present. Dr. Vijay Pal Khari, Dr. Ashok Jaiswal and Dr. Amit Kumar Sharma represent Public authority.
2. The Commission in its order dated 27.06.2015 directed as under :-

“4. Both the parties made their submissions. The Commission observes that it is a deliberate wrongful answer by Dr. A. K. Sharma, who replied to the appellant that he is not presently working in the hospital. The Commission is also not happy with the similar answer given by Dr. Ashok Jaiswal. The Commission, therefore, directs both of them to **show cause** why penalty should not be imposed on them for denying the information. Their explanation should reach the Commission within 21 days from the date of receipt of this order. The Commission further directs the PIO to reply to the written submissions dated 18-6-2015 presented during hearing today, a copy of which was furnished to the PIO, within 15 days from the date of receipt of this order.

5. The Commission orders accordingly”.

### **Proceedings Before the Commission:**

3. Dr. Ashok Jaiswal stated that he was holding charge of PIO only for two months. RTI application of the appellant was received in the Aruna Asaf Ali Govt Hospital on 07.04.2014 and reply was given on 06.05.2014, and after two days he was transferred to a different hospital on 08.05.2014. The information was provided to the appellant. The appellant claimed that after 356 days he got information. PIO, Dr. Ashok Jaiswal was asked to give information about date, month, year of joining of Dr. Amit Sharma (Radiologist) and details of other administrative post held by Dr. Amit Sharma etc. Dr. Jaiswal said that he had marked the RTI application to the Head of Office. The reply of question given was incomplete, says that “because Dr. Amit Kumar Sharma’s designation is not technical”. The PIO and Head of office used this to deny the information. The question was date, month and year of joining of Dr. Amit Sharma and other administrative posts held by him. Dr. Amit Kumar Sharma in his reply dated stated that :-

Dr. Amit Kumar Sharma, CMO(NFSG), GDMO cadre doctor is working in this hospital (this controversy arose as the information seeker was a Doctor of this hospital and he was supposed to know the cadre system of CHS). He pointed out that there are three cadre system in CHS :-

- i) GCMO- to this cadre, he belongs, and Doctors belonging to this cadre are not called Radiologist, they are General Duty Medical Officer.
- ii) Specialist (Non-Teaching)-Those Doctors belonging to this cadre are called Radiologists.
- iii) Specialists (Teaching) – Same as point No. 2.

4. Dr. Amit Kumar Sharma gave incomplete information and denied several other points, simply because he is not designated as Radiologist while signing as Head of Office. He did not choose to inform that he was holding the charge of Head of Office which was one of the information, which the appellant required. It appears that both Dr. Ashok Jaiswal and Dr. Amit

Kumar Sharma have deliberately denied the information and gave wrong, misleading and incomplete information.

5. Appellant stated that Delhi High Court in CWP No. 8889/2011 directed that the Govt. hospitals shall constitute Medical Board to carry out medical age examination consisting of Physiologist, Dental Examiner and Radiologist/Forensic Experts. He complained that Dr. Amit Kumar Sharma has been included in the Board though he was not a Radiologist. But, Dr. Amit Kumar Sharma told the Commission that he was not involved in medical age determination examination. The appellant said that about 172 such examinations were conducted by Dr. Ashok Kumar Sharma.

5. The appellant in his RTI simply wanted to know date, month and year of joining of Dr. Amit Sharma (Radiologist) and other details of all administrative posts held by him. Simply because the appellant wrote Radiologist, Mr. Amit Sharma took advantage of this technical aspect and denied the information. The PIO simply forwarded the information furnished by Mr. Amit Kumar Sharma. Initially there was confusion whether appellant is asking about Dr. Amit Sharma or Amit Kumar Sharma, later on it was clear. Dr. Amit Kumar Sharma should have furnished the information sought. Because of his denial, the PIO could not furnish the information.

6. The Commission is satisfied with explanation of Dr. Ashok Jaiswal and penalty proceedings against him is dropped. The Commission is not satisfied with the explanation given by Dr. Amit Kumar Sharma. In fact, there is no explanation in his case. Thus the Commission finds it a fit case to impose penalty of Rs. 25,000/- on Dr. Amit Kumar Sharma. Accordingly, Dr. Amit Kumar Sharma is directed to pay a sum of Rs.25,000/- in 5 equal monthly instalments.

7. The Appellate Authority is directed to recover the amount of Rs.25,000/- from the salary payable to Dr. Amit Kumar Sharma by way of Demand Draft drawn in favour of 'PAO CAT' New Delhi in 5 equal monthly instalments. The first instalment should reach the Commission by **15.06.2016** and the last instalment should reach by **15.10.2016**. The Demand Draft should be sent to **Shri S. P. Beck, Joint Secretary & Addl. Registrar, Room No. 302,**

**Central Information Commission, B-Wing, 2nd Floor, August Kranti Bhawan, Bhikaji  
Cama Place, New Delhi 110 066.**

(M. Sridhar Acharyulu)  
Information Commissioner

Authenticated true copy

(Babu Lal)  
Deputy Registrar

Addresses of the parties:

1. The PIO under the RTI Act, Govt of Delhi  
Aruna Asaf Ali Hospital,  
5-Rajpur Road, Delhi-110006.
2. Dr. Avinash Kumar,  
B-3/4E, Gasta Complex, Paschim Vihar,  
New Delhi-110063
3. Dr. Ashok Jaiswal, the PIO, AAAGH  
C/o The PIO under the RTI Act, Govt of Delhi  
Aruna Asaf Ali Hospital,  
5-Rajpur Road, Delhi-110006.
4. Dr. SK Sharma, Medical Superintendent  
C/o The PIO under the RTI Act, Govt of Delhi  
Aruna Asaf Ali Hospital,  
5-Rajpur Road, Delhi-110006.
5. Dr. Amit Kumar Sharma,  
C/o The PIO under the RTI Act, Govt. of Delhi,  
Aruna Asaf Ali Hospital,  
5-Rajpur Road, Delhi-110006.
6. Shri S. P. Beck, Joint Secretary (Admn),  
Central Information Commission,

August Kranti Bhawan,

New Delhi-110066.