

M. C. Jeyakkumar v Divisional Secretariat - Manthai West

RTIC Appeal (In - Person) **734/2021** – Order adopted as part of the formal meeting of the Commission on **22.12.2021**

Order under Section 32 (1) of the Right to Information Act, No. 12 of 2016 and Record of Proceedings under Rule 28 of the Right to Information Rules of 2017 (Fees and Appeal Procedure).

Chairman: Rt. Justice Upali Abeyratne
Commissioner: Ms. Kishali Pinto Jayawardena, Attorney-at-Law
Commissioner: Rt. Justice Rohini Walgama

Appellant: M. C. Jeyakkumar
Notice issued to: Designated Officer, Divisional Secretariat – Manthai West

Appearance/Represented by:
Appellant: Present
PA: D. C Aravintharaj, Divisional Secretary, Manthai West

Information request filed on	12.01.2021
IO responded on	22.01.2021
First Appeal to Designated Officer filed on	30.01.2021
Designated Officer responded on	15.02.2021
Appeal to Right to Information Commission filed on	24.02.2021

Brief Factual Background:

By the above dated information request, the Appellant requested the below information:

“Further details relating to the letter sent by the Additional Divisional Secretary to the Regional Co-Ordinator (Mannar) of Human Rights Commission on 10.07.2019, with regard to the suspension of the housing scheme allocation made to my daughter Thushanthi, which was received on marks basis. (The reason, which had been given for the suspension of my daughter’s housing scheme, was that the same allocation has been re-allocated to another two officers who works in Manthai Divisional Secretariat and built houses in North and west Manthai GS Division)

Provide details of the marks given by the Grama Niladhari to my daughter and the final mark details of the officers who reside in Vidaththal Deevu, works in Manthai Divisional Secretariat and built houses under the same scheme in North and West Manthai GS Division (above mentioned) and my daughter.

The Information Officer responded on 22.01.2021, by attaching the relevant documents to the requested information. Dissatisfied with the response of the Information Officer, the Appellant appealed to the Designated Officer on 30.01.2021. The Designated Officer responded on 15.02.2021 with a copy of the Housing Scheme Marks Sheet.

Dissatisfied with the response of the Designated Officer, the Appellant preferred an appeal to the Commission on 24.02.2021.

Matters Arising at the Hearing:

The PA stated that it had already responded to the information request of the Appellant and Appellant acknowledged that he was in receipt of the same. However, the Appellant stated that he was not satisfied with the information given, due to the perceived irregularities in procedure.

In explanation of the process adopted when making allocations and re-allocations in housing schemes, the PA made the following submission. When a certain number of allocations for housing schemes are made, a candidate beneficiary is assigned marks based on criteria. Based on these marks, the PA generally receives appeals and objections. Thereupon, the PA conducts inquiries based on the appeals and objections so received. The Appellant's daughter's name was removed from the list of beneficiaries upon such inquiry, due to her already possessing a house. The PA further explained that government officers have also been displaced, and therefore, any allocations removed subsequent to the above inquiry are re-allocated to government officers. The notice displayed at the time, makes provision for re-allocation on this basis, according to the PA.

The Appellant's grievance was that the government officer(s) to whom the re-allocation was made, also possess houses, apart from the allocation made in the housing scheme. The Commission reminded the Appellant that it was not within its mandate to inquire into substantive grievances arising from the decisions of Public Authorities. However, the Commission was cognizant that if the information requested was the reason(s) for a decision of the PA, then the Appellant was entitled in terms of the Act and Regulations to the same.

Order:

In view of the PA providing the list of beneficiaries requested by the Appellant, as well as, a satisfactory explanation of the procedure adopted when making allocations and re-allocations of housing scheme allotments, the Commission finds that the PA has fulfilled its obligations in terms of the RTI Act. The Appellant is advised to raise substantive grievances arising from the information thus obtained before appropriate forums for redressal.

Appeal concluded.

Order is conveyed to both parties in terms of Rule 27 (3) of the Commission's Rules on Fees and Appeal Procedures (Gazette No. 2004/66, 03.02.2017).