

M. A. D. Sudath v National Housing Development Authority

RTIC Appeal (In person) / 155/2018 (*Order adopted as part of a formal meeting of the Commission on 24.04.2018*)

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)

Chairperson: Mr. Mahinda Gammampila

Commission Members: Ms. Kishali Pinto-Jayawardena

Mr. S.G. Punchihewa

Dr. Selvy Thiruchandran

Justice Rohini Walagama

Present: Director-General Mr. Piyathissa Ranasinghe

Appellant: Mr. M. A. D. Sudath

Notice issued to: Ms. Pushpa Rohini Deputy General Manager (Legal)/ Designated Officer

Appearance/ Represented by:

Appellant - Mr. M. A. D. Sudath

PA - Ms. Pushpa Rohini Deputy General Manager (Legal)/ Designated Officer

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| RTI Request filed on: | 2017.12.12 |
| IO responded on: | 2017.12.15 (acknowledgment only) |
| First Appeal to DO filed on: | 2018.01.12 |
| DO responded on: | 2018.01.15 |
| Appeal to RTIC filed on: | 2018.01.22 |

Brief Factual Background:

The Appellant by request dated 12.12.2017 requested a copy of the inquiry officers report of the inquiry conducted in relation to the Appellant. The IO acknowledged the request of the Appellant on 15.12.2017. However the IO failed to respond on the substance of the request. The Appellant thereafter appealed to the DO on 12.01.2018 to which the DO responded stating that since the management is unhappy with the inquiry conducted a new inquiry will be held and until such time the inquiry report in relation to the first inquiry cannot be provided. The Appellant dissatisfied with this response preferred an appeal to the Commission on 2018.01.22.

Matters Arising During the Course of the Hearing:

The Appellant submitted that the first inquiry was held between 15.11.2016 and 14.07.2017 and that however to date no disciplinary order has been issued.

The PA's submission, reiterated the response to the Appellant's appeal to the DO, that the Management of the PA has initiated a fresh inquiry and therefore the report of the previous inquiry cannot be issued. The Appellant submitted that he has been notified of this new inquiry.

Order:

Given that the first inquiry took place between 2016.11.15 and 2017.07.14 and the disciplinary order of the said inquiry was not issued with findings adverse to the Appellant, the explanation given by the PA, that until such time that the inquiry is concluded the relevant inquiry reports cannot be provided, is not sufficient legal grounds under the Act to refuse the information. The PA is accordingly directed to provide the information which is a copy of the inquiry officer's report, of the concluded first inquiry, within two weeks to the Appellant with a copy of the covering letter to the Commission.

The Appeal is concluded.
