

J Wickramasinghe v. Chief Secretary's Office – Central Province

RTIC Appeal(In-Person) /131/2018 - 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) – heard as part of a formal meeting of the Commission on 12.06.2018

Chairperson: Mahinda Gammampila
Commission Members: Kishali Pinto-Jayawardena
S.G. Punchihewa
Dr Selvy Thiruchandran
Justice Rohini Walgama
Present: Director-General Piyathissa Ranasinghe

Appellant: J Wickramasinghe
Notice Issued to: Designated Officer, Chief Secretary's Office – Central Province

Appearance/ Represented by:

Appellant - Mr J Wickramasinghe
Public Authority - Mr T M K S Weerasinghe, Assistant Chief Secretary (Administration) Chief Secretary's Office – Central Province

RTI Request filed on	21.10.2017
IO responded on	2.11.2017
First Appeal to DO filed on	No clear date mentioned
DO responded on	27.12.2017
Appeal to RTIC filed on	08.01.2018

Brief Background Facts

The Appellant had requested the following items of information, by an information request dated 21.10.2017

1. Copy of the recommendations for disciplinary action given by Mr H M Karunathilake (by letter dated 30.12.2016) with regard to the Disciplinary Inquiry CPC/CS/1/5/1/2/48
2. Copy of the first letter of the above mentioned Disciplinary File CPC/CS/1/5/1/2/48 and notes annexed to it
3. Copy of page 46 of the Disciplinary File CPC/CS/1/5/1/2/48 containing the Director of Audit's report

The IO, in his response dated 29.11.2017 denied the provision of information citing section 5(1)(i) of the Act. Dissatisfied with the IO's response, the Appellant appealed to the DO. In his response, the DO provided information with regard to items 1 and 2 of the request. Additionally, PA had requested the Commission to advise the PA with regard to the provision of information requested in Disciplinary File CPC/CS/1/5/1/2/48 and a response will be provided subsequent to the Commission's response. Dissatisfied with the DO's response, the Appellant preferred an appeal to the Commission on 08.01.2018

Matters Arising During the Hearing

The Appellant Submitted that he received information requested in item 1 and 2 of his request and did not receive information requested in item 3. The Appellant further submitted that the Disciplinary Inquiry with regard to CPC/CS/1/5/1/2/48 had been concluded and the report requested under item 3 had been kept confidential and not as a part of the Inquiry File.

In response, the PA submitted that new inquiries have commenced as a result of the concluded inquiry and the report in question was in the possession of the Chief Secretary for this purpose. The PA further submitted that the requested information under item 3 could not be provided at the moment for this reason and it could provide the information after the new inquiry concludes.

Order

The PA is directed to submit the Audit Director's Report to the Commission. Upon perusing the content of the report in question, the Commission will make a determination with regard to the provision of information to the Appellant.

The Appeal is adjourned.

Next Date of Hearing: 07.08.2018
