At the Right to Information Commission of Sri Lanka

S.U. YAHALEGEDARA .VS. SL RAILWAY DEPARTMENT

RTIC Appeal (in person) 300/2018 (Order adopted as part of a formal meeting of the Commission on 03.10.2018.)

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:	Dr. Selvy Theruchandran
	Justice Rohini Walgama
Present:	Director- General Piyatissa Ranasinghe
Appellant:	S.U. Yahalegedara
Notice issued to:	General Manager- SL Railways
Appellant:	S.U. Yahalagedara
Notice issued to:	General- Manager - Sri Lanka Railway Department
Appearance/Represented by:	
Appellant:	S.U. Yahalagedara
Public Authority:	J.A.D.R. Pushapakumara - Information Officer
	R.K.A. Weerasiri- A.O
	T.D. Mallawaratchi - Management Assistant

RTI Request filed on	20.09.2017
IO responded on	no response
First appeal to DO filed on	27.12 2017
DO responded on	29.01.2018
Appeal to RTIC filed on	10.03.2018

Brief factual Background:

The instant appeal concerns an application preferred by the Appellant to the IO for the release the following information vis a vis:

1. OIC- Raids
   1.1 Present status of the inquiry relating to දු. අ .සේ /හ. වැ 154/10/2014 and the letter dated 2014/10/29

1.2 If the inquiry has been handed over to another Department/officer.

1.3 Name of the officer who made an order to transfer the inquiry to another department

1.4 was the order (1.3) made in writing? If so a copy of the written order

2. Reason for not taking any action regarding the complaint made the Appellant on 20.02.2017, under ROC. CEB 01 .under Chapter 91 in respect of the inquiry , commenced as per order made by General Manager, Railway Department.

IO by his letter dated 04.02-2018 has stated that, although the raid was conducted by the said unit pursuant to the letter sent by the Appellant on 14.10.2014, on the instruction of the General Manager Railways, the relevant file has been sent to the Director Administration.

Therefore the IO is unable to say whether an inquiry was held or not, as such he is unable to issue a report as requested by the Appellant. Being aggrieved by the said response of the IO the Appellant appeal to the DO of the Public Authority, for the above relief. The DO by his letter dated 29.01.2018 has informed the Appellant, and had acknowledged the receipt of the same but without a progress of the appeal.

Consequently the Appellant had appealed to the Commission and moved for the release of information as stated above.

Accordingly the Commission fixed the appeal 25.07.2018 on which date the PA had moved for a further date to be present and the appeal was re fixed for inquiry for 03.10.2018.

On the said date it was informed by the PA that by the letter dated 14.05.2018, has answered the issue 1.1 by stating that the inquiry initiated by OIC Raids has not been concluded, which answer is relevant to all the issues raised by the Appellant.

But nevertheless it was ordered by the Commission that the PA should inquire from the Security Division whether the alleged inquiry has been conducted and the present position, and within two weeks shall inform the Appellant.

In the above setting the appeal was concluded.

Order is directed to be 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).

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