

The Right to Information Commission

S. Krishnaraj,
No.29,
Anumar Road,
Nochchimunai

-Appellant-

RTIC App/No : 900/2021

Vs.

Regional Director of Health
Services,
Batticaloa

-Public Authority-

Before :

1. Justice Upaly Abeyrathne (Rtd.) - Chairman
2. Ms. Kishali Pinto-Jayawardena (Attorney-at-Law) - Commissioner
- ~~3.~~ Mr. Jagath Liyana Arachchi (Attorney-at-Law) - Commissioner

Appearance : The Appellant is absent.

The Public Authority represented by Mr. B. Ragurajah,
Administrative Officer. (Via Zoom Technology)

The Appellant is absent.

The Public Authority participated via Zoom Technology. Mr. B
Raguraja, Administrative Officer

Written Submission

The Appellant : Not submitted
The Public authority : Not submitted

Date of Hearing :- 01.06.2022

Decided on :- 01.06.2022

Decision of the Commission:

Factual Background:

The Appellant by the request dated 10.08.2020, requested the below information,

“Copies of the complaints made against me on 25.01.2017, 17.08.2018 and 22.04.2020 and copies of the inquiry reports conducted on such complaints. Copies of report conducted on the caption of complaints related to transfer”.

The RDHS of the Public Authority, by his letter dated 13.08.2020 refused to provide the requested information under Section 5(g), (h) (i) of the RTI Act. Dissatisfied with the response of the RDHS, the Appellant lodged an appeal with the Designated Officer dated 22.08.2020. The RDHS of the Public Authority responded by his letter dated 18.09.2020 as follow;

“Copies of the Section 5(g), (h) (i) of the part II of the RTI Act has been attached with this letter with regard to your application requesting for information dated 22.08.2020.”

Dissatisfied with the response of the RDHS of the Public Authority, the Appellant preferred an appeal to the Commission dated 26.10.2020.

Consideration:

We carefully considered the response of the Designated Officer of the Public Authority. The Designated Officer has refused to release the information relying on Section 5 (g) and 5 (h) (i) of the Right to Information Act. We are not in agreement with the said decision of the Designated Officer of the Public Authority. The Appellant has requested an inquiry report which was conducted against him. Such report does not fall within the ambit of Section 5 (g) and 5 (h) (i) of the Right to Information Act. Considering the said circumstances, we make order to release the said information requested by the Appellant, with copies to the Commission, before 08.07.2022.

The Commission further decides that, if the Public Authority fails to comply with the said decision of the Commission before the said date, the Information Officer and the Public Authority shall be prosecuted before the relevant Magistrate’s Court under Section 39 of the Right to Information Act No.12 of 2016.

The Director General is directed to convey the decision to the Appellant, the Information Officer and the Public Authority.

Appeal concluded.

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