

Central Information Commission

CIC/AD/A/2009/901443

Dated January 7, 2010

Name of the Applicant: Ms. Aparna Anant Ghatole

Name of the Public Authority: RPO, Nagpur

Background

1. The Applicant filed an RTI application dt. 1.12.08 with the PIO, RPO, Nagpur. She requested for the following information:

- i) Complete set of application forms along with attached documents for issuing the passport No. A4126810, F3284882, G5464686 of Anant Hiramangi Ghatole
- ii) Name of concerned police station and staff officers dealing with investigation report.
- iii) Investigation report submitted by police officers for issuing above passport.
- iv) Name of staff officers relating to issue of above passports
- v) The complaints received till date and report of action taken, if any.

Ms. N.P. Keny, AG. Passport Officer replied on 17.12.08 stating that as per records the Applicant's spouse's name is different and that on the basis of her marriage certificate it is not possible to furnish copy of the application forms of her spouse and the supporting documents. She further added that passport bearing No. G.5464686 dt. 24.10.08 was issued to Shri Anant Hiranmanji Ghatole on the basis of his prior valid passport. If the Applicant wants any information about Police Verification Report, she may contact Commissioner of Police, Nagpur. Not satisfied with the reply, the Applicant filed an appeal dt. 13.1.09 with the Appellate Authority (Copy not in file). Shri A. Manickam, Appellate Authority replied on 9.4.09 upholding the decision of the CPIO with regard to point (i). He, however, directed the PIO to furnish specific point wise information to the remaining queries within 15 working days from the date of receipt of the order. Being aggrieved with the reply, the Applicant filed a second appeal dt. 13.9.09 before CIC reiterating her request for information against points 1, 3 and 5.

2. The Bench of Mrs. Annapurna Dixit, Information Commissioner, scheduled the hearing for January 7, 2010.

3. Shri P. Roychaudhuri, Advocate represented the Public Authority.

4. The Applicant was represented by her brother Shri Raju Madhavrao Sonbarse during the hearing.

Decision

5. The Applicant submitted a rejoinder to the Commission stating that after her marriage with Shri Anant Ghatole on 9.5.07, within few months it was revealed to her that she had been cheated by him as he had been already married to Ms. Nirmala Maroti Chandekar and that the marriage was solemnized on 24.3.03 under Special Marriage Act. The same fact was accepted by Nirmala Candekar alias Nirmala Dineshkumar Hajra before investigation officer of police and the certified copy of the same statement has been obtained by her from Hon'ble JMFC, Panvel. Ms. Nirmala besides her clandestine marriage with Mr. Anant Ghatole also claimed that she is wife of Shri Dineshkumar Hajra and has been married to him since 22.5.90 and that she resides in Chandrapur. Also

the passport holder's address which is shown in both the passport No.F3284882 and G5464686 is not true. The Appellant had alleged in her complaint dt.27.8.08 that Shri Anant Ghatole's Passport No.F3284882 issued on 30.8.05 valid upto 11.2.08 bears spouse name 'Nirmala Anantrao Ghatole'. Even after performing second marriage with Appellant, on 9.5.07, Shri Anant Ghatole got passport No.G5464686 issued on 24.10.07 valid upto 23.10.07 and the passport still bears spouse name 'Nirmala Anantrao Ghatole'. This fact was brought to the notice of the Passport Authority besides the fact that Police FIR was lodged against Shri Anant Ghatole under IPC Sections 498A, 495, 34 and proceedings under Criminal case No.262/08 and under domestic violence act case No.112/08 are pending in the Hon'ble JMFC, Panvel. The Appellant further added that these facts are sufficient ground to invoke sections 10(3)(b) & (e) for suppressing information to obtain passport, travel document and penalties u/s 12(1)(B)(xii) if applicant does not disclose correct marital status. Also it has come to the notice of the Appellant that a criminal case No.128/09 has now been filed by Mrs. Nirmala Hajra u/s IPC 468, 471, 500, 34 in the Hon'ble Court of Chief Judicial Magistrate, Chandrapur for forgery of documents including the marriage certificate dt.24.3.03 with Anant Ghatole and the passports. However, she refrained from complaining the same to the Passport Office, Nagpur to seek action under the Passport Act, 1967. The accused Mr. Anant Ghatole is not appearing before Hon'ble CJM, Chandrapur to deny the accusation of forgery. Simultaneously according to the Appellant, it has also come to her notice that Mr. Anant Ghatole has filed a civil suit case No.943/2008 in the Hon'ble Civil Judge, Senior Division, Nagpur seeking decree of nullity of marriage with Mrs. Nirmala on the ground that he was cheated and got married with her while her marriage with Shri Dinesh Hajra was still in existence. Ms.Nirmala who is a teacher has not come forward even a single time even after receipt of summons from the Hon'ble Court aiming to get a ex-party order. The

Appellant alleged that there is a connivance between the two (m. Anant Ghatole and Ms. Nirmaa) as this fact was not informed by Shri Anant Ghatole to Nirmala's Disciplinary Authority in Chandrapur.

6. The Commission is troubled by the fact that the passport office has not bothered to investigate into the matter even after the complaints filed by the Appellant and under Section 18(2) of the RTI Act directs the passport officer to conduct an investigation into the matter and to take appropriate action by 15February, 2010 in respect of Mr. Ghatole's passport under intimation to the Commission and to the Appellant. A copy of the enquiry report may also be shared with both the Commission and the Appellant. In the light of the alleged suppression of facts by Mr. Ghatole, and since the Appellant is the aggrieved party, the complete information as sought by the Appellant in her RTI application to be furnished to her by 10 February, 2010 and the Appellant is directed to submit a compliance report to the Commission by 15.2.2010.

7. The appeal is accordingly disposed of.

(Annapurna Dixit)

Information Commissioner

Authenticated true copy:

(G.Subramanian)

Deputy Registrar

Cc:

1. Shri Aparna Anant Ghatole

Flat No.403, Gini Park

Plot No.26, Sector 16

New Panvel

New Mumbai 410 206

2. The PIO

Regional Passport Office

Passport Office, CGO Complex

B Block, 1st Floor

Seminary Hills

Nagpur 440 006

3. The Appellate Authority

Regional Passport Office

Passport Office, CGO Complex

B Block, 1st Floor

Seminary Hills

Nagpur 440 006

4. Officer incharge, NIC

5. Press E Group, CIC