

केंद्रीय सूचना आयोग  
CENTRAL INFORMATION COMMISSION

बाबा गङ्गानाथ मार्ग

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File No.: CIC/NERLG/A/2017/315323

In the matter of:

Surender Singh

...Appellant

VS

APIO/ Staff Officer, North Eastern Railway,  
O/o the Chief Security Commissioner, Railway Protection  
Force, Gorakhpur, U.P- 273012

&

CAPIO, Office of the General Manager,  
North Eastern Railway, Gorakhpur, U.P- 273012 .

...Respondents

**Dates**

RTI application	:	13.07.2016
CPIO reply	:	26.07.2016
First Appeal	:	12.08.2016
FAA Order	:	Not on Record
Second Appeal	:	24.10.2016
<b>Date of hearing</b>	:	<b>23.02.2018</b>

**Facts:**

The appellant vide RTI application dated 13.07.2016 sought information on four points; details of male candidates who got selected from the UR, OBC and ST categories and other related information. The CPIO replied on 26.07.2016. The appellant was not satisfied with the CPIO's reply and filed first appeal on 12.08.2016. The First Appellate Authority (FAA)'s order is not on record. Aggrieved with the non-supply of the desired information from the respondent authority, the appellant filed a second appeal under the provision of Section 19 of the RTI Act before the Central Information Commission on 24.10.2016.

## **Grounds for Second Appeal**

The CPIO did not provide the desired information.

### **Order**

**Appellant :** Absent  
**Respondent:** Shri Ajay Kumar Rai,  
Assistant Security Commissioner cum APIO,  
RPF, North Eastern Railway

During the hearing, the respondent APIO submitted that they had provided the requisite reply vide their letter dated 26.07.2016 in which it was stated that records were voluminous which needed to be examined in depth.

The appellant was not present to plead his case.

On perusal of the case record, it was seen that totally irrelevant reply was provided by the then respondent PIO to the appellant which is deplorable. The respondent PIO should desist from giving such irrelevant reply which has the effect of frustrating the efforts of genuine information seekers. It also seemed to be a deliberate attempt to deny the sought for information to the applicant under the RTI Act. A warning needs to be issued to the then respondent PIO, Gorakhpur. It was however noted by the Commission that the sought for information on point nos. 1, 2 and 3 of the said RTI application is third party information exempted u/s 8(1)(j) of the RTI Act. On point no. 4, only number of candidates selected can be provided to the appellant without details w.r.t. their names, addresses etc. which are exempted u/s 8(1)(j) of the RTI Act.

The then respondent PIO, Gorakhpur is issued warning that full, final and comprehensive reply to an RTI application should have been provided within the time period as stipulated under the RTI Act and he should ensure that in future in every case proper reply to an RTI application is invariably provided within 30 days of receipt of the said RTI application.

The respondent PIO should note that in future if the same mistake is noticed by the Commission, more stringent action can be taken against him under the RTI Act.

The present PIO is also to submit a report to the Commission indicating the name, present address, mobile no., place of posting and designation of the then CPIO working at the relevant post for record of the Commission.

The present respondent PIO is directed to serve a copy of this warning to the then PIO and proof of the service of the above said warning be submitted to the Commission within 10 days of the receipt of the order.

An advisory is issued u/s 25(5) of the RTI Act to General Manager, North Eastern Railway, Gorakhpur to organise basic training programmes on RTI Act/matters to the officers, CPIO/PIO/APIO and FAA, and staff dealing with RTI matters without any further delay. It may be noted that several advisories have been issued in the past in this regard to the Chairman, Railway Board and various other zonal GMs but no action taken report in this regard is seen to be submitted to the Commission in this regard so far. The Commission desires that this advice should be viewed seriously and an action taken report be submitted to the Commission within one month of the receipt of this order by the concerned GM without fail.

Be that as it may, since no desired information was provided to the appellant in the present case, the respondent CPIO is directed to provide revised point wise reply on point no. 4 of the said RTI application, as discussed above, complete in all respects to the appellant as available on record free of charge u/s 7(6) of the RTI Act within 15 days of the receipt of the order.

The respondent CPIO is further directed to send a report containing the copy of the revised reply and the date of despatch of the same to the RTI appellant within 07 days thereafter to the Commission for record.

With the above observation/direction/warning/advisory the appeal is disposed of.

Copies of the order be sent to the concerned parties free of cost.

**[Amitava Bhattacharyya]**  
**Information Commissioner**

Authenticated true copy

(A.K. Talapatra)  
Deputy Registrar

