

Central Information Commission  
2<sup>nd</sup> Floor, 'B' Wing, August Kranti Bhawan,  
Bhikaji Cama Place, New Delhi-110066.

CIC/AA/A/2016/256  
CICOM/A/2016/00255  
CICOM/R/2016/00315

Name of the appellant : Ms. Neeraj Minhas,  
Advocate,  
803/1 Housing Board Colony,  
Near Model Town,  
Jalandhar City  
Punjab – 144 003.

1.	Date of RTI application	17.02.2016
2.	Date of reply of the RTI application	09.03.16, 14.03.16 & 22.03.16
3.	CPIO(s) who furnished reply	RTI Cell, DO to IC(MP), JS(Law)
4.	Date of filing 1 <sup>st</sup> Appeal	20.04.2016
5.	Diary No. of 1 <sup>st</sup> Appeal of the Dak Section	136148
6.	Diary date of the Dak Section	17.05.2016
7.	Diary date of 1 <sup>st</sup> Appeal in the office of FAA	10.06.2016
8.	Date of Decision	04.07.2016

**Brief facts of the case:-**

1. In the RTI application, the appellant has sought following information:-

- "(1) What is the time frame in which complaint u/s 18 and 20 is decided by CIC.
- (2) What is the fate of diary no.128388 dated 20.04.2012 received by CIC in complaint no.CIC/SM/C/2011/001123.
- (3) What is the fate of diary no.192749 dated 30.12.2014 and its reminder dated 08.06.2015 received by CIC in complaint no.CIC/SM/C/2011/001123.
- (4) What legal remedy applicant has against CIC in case complaint u/s 18 and 20 remains in limbo with CIC for more than 13 years.
- (5) What action CIC has taken on order dated 15<sup>th</sup> of October, 2015 passed by Hon'ble Delhi High Court in Civil Writ Petition no.1384 of 2012 wherein order dated 9<sup>th</sup> of January, 2012 of CIC passed in CIC case no.CIC/DS/A/2011/000802 was set aside and matter remanded to CIC for considering it afresh?

2. The CPIO, RTI Cell has forwarded the RTI application to DO to IC(MP) on Points (2) & (3) and Points (4) & (5) to the JS(Law). On Point (1), CPIO, RTI Cell has informed the appellant to refer to RTI Act, 2005 & RTI Rules, 2012 which are already available in public domain.

3. On Point (2), DO to IC(MP) vide letter dated 14.03.16 has informed that the Diary No.128388 has not been received in the registry of the IC(MP) and on Point (3), the CPIO has mentioned that the Diary No.192749 has been transferred to JS(Law) from the registry of IC(MP) on 06.01.2015.

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4. On Point (4), JS(Law) vide letter dated 22.03.2016 has informed the appellant to refer to RTI Act, 2005 & RTI Rules, 2012 which are already available in public domain and on Point (5), JS(Law) has informed that the information is not held in this office.

**Decision with reasons:-**

5. On Point (1), the CPIO has rightly advised the appellant to refer to the RTI Act, 2005 & RTI Rules, 2012 which are already available in public domain because no guidelines or rules are separately available in this Commission other than RTI Act, 2005 and Rules, 2012.

6. On Point (2), it shows in the computerized data management system that the Diary No.128388 dated 20.04.2012 has been marked to IC(VS) and the registry of IC(VS) has been closed after Shri Vijai Sharma, Chief Information Commission demitted the office, therefore, it may not be possible to know the action taken on the said diary number.

7. On Point (3), the DO to IC(MP) has intimated that the Diary No.192749 dated 30.12.2014 has been transferred to the JS(Law). **Direction is accordingly given to the Shri Kishore Kumar Pukhral, CPIO, Legal Cell to provide the information to the appellant within 1 (one) week from the date of receipt of the order.**

8. On Point (4), the appellant has sought legal remedy, the CPIO is not competent to give any advise/opinion or interpretation of the provisions of the RTI Act.

9. On Point (5), the appellant wanted to know the action taken by the Commission in case file No.CIC/DS/A/2011/000802 after it was remanded back by the Delhi High court to CIC. Since the case file is concerned with the Department of Financial Services and the public authority is with the registry of IC(MP), **direction is given to Shri T.K. Mohapatra, CPIO cum DO to IC(MP) to provide the information to the appellant within 1 (one) week from the date of receipt of the order.**

10. The appeal is, therefore, disposed off accordingly.

11. In case the appellant is aggrieved by the decision, she is free to file second appeal, if she so desires, before the CIC in Room No. 185, August Kranti Bhawan, Bhikaji Cama Place, New Delhi-110066 against this order within 90 days.

Dated the 4<sup>th</sup> July, 2016.

*Achla Sinha*

( Achla Sinha )

Additional Secretary & First Appellate Authority  
Tele No : 011-26162290

Copy to

The CPIO, RTI Cell, CIC, New Delhi.

Shri T.K. Mohapatra, DO to IC(MP), CIC, New Delhi.

Shri Kishore Kr. Pukhral, CPIO, Legal Cell, CIC, New Delhi.

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*29/7/16*

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