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

CIC/AA/A/2016/372
CICOM/A/2016/00370
CICOM/R/2016/00421

Name of the appellant : Shri R.K. Jain,
1512-B, Bhishm Pitamah Marg, Wazir Nagar,
New Delhi-110 003.

1.	Date of RTI application	26.03.2016
2.	Date of reply of the RTI application	22.08.2016
3.	CPIO(s) who furnished reply	JS(MR)
4.	1st Appeal No. & Date	16477dt. 01.09.2016
5.	Diary No. of 1st Appeal of the Dak Section	169047
6.	Diary date of the Dak Section	02.09.2016
7.	Diary date of 1st Appeal in the office of FAA	05.09.2016
8.	**Date of Hearing**	**27.01.2017**

After repatriation of Mrs. Achla Sinha, Additional Secretary to her parent cadre on 26.09.2016, the Commission has nominated JS(Law) as First Appellate Authority along with 4 other officers. Accordingly, this first appeal was given to JS(Law) for disposal. The appellant, Shri R.K. Jain has objected that with the plea that Shri Y.K. Singhal, JS(Law) has acted as CPIO in the present RTI application, therefore, one person cannot act both as a Adjudicator as well as First Appellate Authority in the same case, as he is likely to biased. Accordingly, it has been decided by the Commission to decide this particular case as special case by the Additional Secretary & First Appellate Authority.

2. In compliance to the Commission's decision, notice of hearing was issued on 24.01.2017 for the hearing fixed on 27.01.2017. During the hearing, the appellant was present when Shri A.K. Gehlot, JS(MR) and Shri Ashok Kumar Sharma, CPIO, RTI Cell were also present.

Brief facts of the case:-

3. During the hearing, the appellant has informed that he has sought copies of RTI applications received in CIC from 01.01.2016 till the date of providing the information and copies of the orders passed by the CPIOs of CIC except those belonging to the appellant under section 4 of RTI Act, as per DoPT OM dated 15.04.2013. Shri Gehlot, JS(MR) vide letter dated 22.08.2016 has erred in denying

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the information on the ground that the information sought is available on CIC website and when he access the CIC website, it is found that the complete information has not been provided and only at random data has been uploaded.

4. In this regard, Shri Gehlot, JS(MR) has informed that DoPT has designed the software in such a way that it has the option for the CPIO to upload RTI reply on the website or not. As far as he is concerned, he is only the facilitator of the software and not the custodian of the information.

Decision with reasons:-

5. During the hearing, Shri Ashok Kumar Sharma, CPIO, RTI Cell has submitted that the RTI applications received in the CIC are being uploaded to the CIC website but for uploading the replies in the website there is an option as submitted by JS(MR) earlier. Therefore, it is not necessary that all the replies are uploaded. He can provide a soft copy of the RTI applications as sought for on Point (A) but for providing replies it will be difficult. The appellant agreed upon and submitted that he will satisfy if whatever available information is provided to him either in soft copy or in hard copy. **Direction is accordingly given to Shri Ashok Kumar Sharma, CPIO, RTI Cell to provide soft copy of the information on Point (A) to the appellant within 3 weeks from the date of receipt of the order.**

6. The appeal is, therefore, disposed off.

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

Dated the 30th January, 2017

(Rakesh Kumar Singh)
Additional Secretary & First Appellate Authority
Tel: 26162290

Copy to:-

1/ Shri Ashok Kumar Sharma, CPIO, RTI Cell, CIC, New Delhi.

30/01/17