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

CIC/AA/A/2016/392
CICOM/A/2016/00390
CICOM/R/2016/00901

Name of the appellant : Ms Anita T. Jagasia,
81/B, Sindhi Society,
Chembur,
Mumbai – 400 071.

1.	Date of RTI application	17.06.2016
2.	Date of reply of the RTI application	17.08.2016
3.	CPIO(s) who furnished reply	Registrar
4.	1st Appeal Date	14.09.2016 received through Postmaster (HSG-1), Chembur HO, Mumbai vide letter dt. Nil
5.	Diary No. of 1st Appeal of the Dak Section	171752
6.	Diary date of the Dak Section	21.09.2016
7.	**Date of Decision**	**30.01.2017**

Brief facts of the case:-

On perusal of case records, it was find that the Registrar has issued a letter for personal hearing on 23.01.2017 and in response to this letter, the appellant vide letter dated 17.01.2017 has stated that it is not possible for her to attend hearing in such a short notice and she may be given a date at least 10-15 days in advance or hearing may be arranged through video conferencing. Accordingly, the hearing was postponed by Registrar.

2. After repatriation of Mrs. Achla Sinha, Additional Secretary to her parent cadre on 26.09.2016, the Commission has nominated Registrar as First Appellate Authority along with 4 other officers. Accordingly, this first appeal was given to Registrar for disposal. Since Registrar, CIC 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 a special case by the Additional Secretary & First Appellate Authority.

3. In compliance to the Commission's decision, the appellant was contacted over mobile No.09619264148 on 27.01.2017 by Shri Mahesh Rawat, PA as per the direction of FAA. She was requested to explain her case over phone to FAA, if she

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desires. Since VC system is not functioning properly, therefore, hearing through VC is not possible. Since VC is not functioning, she stated that her case may be decided on the basis of materials available on record.

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

"1. Let me know the name of person who is handling the post and appeal letters.

2. Let me know the action taken on the person responsible for this. Kindly give me the copy of the FIR lodged as mentioned in your letter CIC/AA/A/2015/413 for my hearing dated 11.03.16 (copy attached).

3. Kindly let me know the action taken on the record officers for misplacing my appeal. How such Appeals have been misplaced from your office. Kindly give me the number of Appeals not traceable since 2012."

5. The then Registrar, Shri M.K. Sharma vide letter dated 17.08.2016 responded that:-

"Point(1): It is for the CPIO of the Administration to respond.

Points (2) and (3): There is no such direction in the order dated 11.03.2016 of the First Appellate Authority in case No.CIC/AA/A/2015/413."

6. In the appeal, the appellant has stated that the RTI query asked by the applicant is not answered. She has not referred to any order of the FAA but wanted to know who handled the appeal and how it got misplaced and what action was taken on the concerned person and so on.

Decision with reasons:-

7. On perusal of the material available on record, it is observed that the then First Appellate Authority vide Para 2 of the above mentioned decision has stated that:-

"2. Shri Prakash, ex. DO to CIC has stated during the hearing that he will put his best efforts to search the above mentioned 2nd appeal. However, after the hearing, it has been thoroughly searched in the computerized dak management system of the Commission the above said 2nd appeal was not received. Therefore, the appellant is advised to send a complete set of the said 2nd appeal in the Commission by enclosing this decision:....."

8. From the above, it is clear that the 2nd appeal of the appellant has not been received in the Commission and when it was not received in the Commission, the information sought under Point (2) and first part of Point (3) does not arise.

9. However, it is observed that Point-1 of the RTI application was sent to DS(Admn) by the then Registrar vide letter dated 17.08.2016 but no information has been provided by DS(Admn). **Direction is accordingly given to CPIO (Admn) to provide information on Point (1) of the RTI application to the appellant within 2 weeks from the date of receipt of the order.**

9. Similarly, it is also observed that information on second part of Point 3 of the RTI application has not been provided. In this part, the appellant has sought following information:-

"Kindly give me the number of Appeals not traceable since 2012."

Direction in this regard is given to Shri Krishan Avtar Talwar, DR-1 & CPIO, Central Registry to provide information, if available to the appellant within 2 weeks from the date of receipt of the order.

10. The appeal is, therefore, disposed off.

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, 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.
2. Shri Krishan Avtar Talwar, DR-1, Central Registry, CIC, New Delhi.
3. The CPIO(Admn), CIC, New Delhi.