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

CIC/AA/A/2017/158
CICOM/A/2017/00152
CICOM/R/2017/00291

Name of the appellant : Mrs Meena Srivastava,
25-A, Kamla Nagar,
Delhi – 110 007.

1.	Date of RTI application	20.03.2017
2.	Date of reply of the RTI application	28.03.17 & 11.04.17
3.	CPIO(s) who furnished reply	DO to IC(SH) & 11.04.2017
4.	1st Appeal Date	21.04.2017
5.	Diary No. of 1st Appeal of the Dak Section	127122
6.	Diary date of the Dak Section	25.04.2017
7.	Date of receipt of 1st Appeal in the office of FAA	26.04.2017
8.	**Date of Hearing**	**03.05.2017**

Mrs Meena Srivastava (appellant), Shri Ashok Kumar Sharma, CPIO, RTI Cell and Shri Vijay Bhalla, DO & CPIO to IC(SH) were present during the hearing.

Decision with reasons:-

2. During the hearing, the appellant has stated that she is aggrieved with the response furnished by Shri Vijay Bhalla, DO to IC(SH) on Point (a) of the RTI application. On Point (a) appellant sought information regarding number of cases wherein no penalty under section 20(i) and (ii) of the RTI Act has been imposed by Shri Sharat Sabharwal but Shri Bhalla has replied that no such record is maintained in his registry. The appellant has stated that if records are not maintained, it should be created or compiled by checking out the available files/records. The appellant further stated that in a case belonging to the appellant, Commission has not imposed penalty on the respondent CPIO though it was clear case of non-compliance of the order.

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3. In this regard, the appellant has been explained during the hearing that FAA of the Commission has no authority either to comment or give opinion on the orders of the Commission. As regards compilation of the information sought for, it is stated that where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or

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regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non available information and then furnish it to an applicant. Therefore, the reply furnished by CPIO on Point (a) is appropriate and factual. No further direction can be given to the CPIO, in this regard.

4. The appellant has also stated during the hearing that no information has been provided on Point (b) of the RTI application till date. The appellant was informed that information on this point has already been furnished by Shri V.K. Sharma, DO & CPIO to IC(SB) vide letter dated 11.04.2017. The appellant has also perused the reply during the hearing and stated that as per reply, no action has been taken on the letter dated 07.02.2017. Why no action has been taken? Action should have been taken on the letter.

5. In this regard, the appellant has been explained that she sought action taken report on her letter dated 07.02.2017 and CPIO has informed that it was a link dak to F.No.CIC/SH/A/2014/002103 and placed in the file and no action has so far been taken on the same. Why action has not been taken is a separate issue. As far as information sought on this point is concerned, information provided by the CPIO is appropriate and factual.

6. Since the appellant has not received the reply dated 11.04.2017 of Shri V.K. Sharma, DO & CPIO to IC(SB), a copy of the same is enclosed.

7. The appeal is, therefore, disposed off.

8. 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 3rd May, 2017

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

Copy to:-

The CPIO, RTI Cell, CIC, New Delhi.

3/05/17