

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

CIC/AA/A/2017/161  
CICOM/A/2017/00155  
CICOM/R/2017/00253

Name of the appellant : Shri Prakashchand Chhaganmalji Jain  
G-5, Dushant Vihar Apartment,  
Godni Road,  
Yavatmal - 445 003.

1.	Date of RTI application	02.02.2017, 09.03.2017 & 11.03.2017
2.	Date of reply of the RTI application	14.02.2017, 29.03.2017 & 27.03.2017
3.	CPIO(s) who furnished reply	CPIO (Dak Section) & CPIO, RTI Cell
4.	Date of filing 1 <sup>st</sup> Appeal	18.04.2017
5.	Diary No. of 1 <sup>st</sup> Appeal of the Dak Section	127123
6.	Diary date of the Dak Section	25.04.2017
7.	Diary date of 1 <sup>st</sup> Appeal in the office of FAA	26.04.2017
8.	Date of Decision	03.05.2017

**Brief fact of the case:-**

The appellant has filed this appeal against the reply of the CPIO(s) in response to his 03 (three) RTI applications.

2. In the first RTI application dated 02.02.2017, the appellant has sought following information:-

"1. Sir please provide to me the Diary No. of the application dated 15/12/2016 sent on 16/12/2016 in the name of Chief Commissioner Room No.306 instead of 339 New Delhi 110 066 received by your office on 19/12/2016 as per Track Record. Copy of Track Record enclosed herewith Encl No.1 & 2 respectively.

2. Please provide to me the Diary No. of the Reply dated 28.01.2017 sent in the name of the Chief Commissioner received by your office on 30/01/2017. Copy of Application & Track Record enclosed herewith Encl No 3 & 4 respectively."

The CPIO(Dak Section) vide her letter dated 14.02.2017 has responded that:-

"Para 1: As per our Computerised Dak Management System your letter received in Commission on 19-12-2016 has been Diarised vide Diary No 192242 and sent to PPS to IC(BS).

C.I.C. / के. सू. आ.

RECEIVED

05 MAY 2017

Initials:.....

*lalit*

Para 2: As per our Computerised Dak Management System your letter has been Diarised vide Diary No 106226 and sent to RTI Cell."

P.T.O.

3. In the second RTI application dated 09.03.2017, the appellant has sought following information:-

1. Madam. Please provide to me the Diary No of the Review Application dated 14/12/2016 sent on 15/12/2016 in the name of Mr. Basant Seth IC, CIC & received by you office 19/12/2016. Copy of Review Application dated 14/12/2016 First Page & Track Record enclosed herewith Encl No.1&2.

Kindly ensure for the Diary No.192242 (19/12/2016 instead of 2017) was given by letter dated 14/12/2017 for the application sent to the Hon'ble Chief Commissioner CIC dated 15/12/2016 & sent on 16/12/2016 received by your office on the same date 19/12/2016. Letter of Diary No.192242 enclosed herewith in Encl No.3.

2. Madam – Please provide to me the Fax No of Dak Section & Phone No. or Mobile No. which is connected with "you."

CPIO (Dak Section) vide her letter dated 29.03.2017 has responded that:-

"As per our computerized Dak Management System your letter received in this Commission on 19-12-2016 was sent to the addressee Shri Basant Seth, Hon'ble Information Commissioner unopened only as it was addressed by Name. Hence letter date can not be ascertained. Diary No.192242 was allotted and entered on the envelope only. No further information is available in this regard."

3. In the third RTI application dated 11.03.2017, the appellant has sought following information:-

"Sir – Please transfer the Application dated 28.01.2017 in the name of the Hon'ble Chief Commissioner, CIC to the said office of the Chief Commissioner for the necessary order of the Chief Commission Sir which is mistakenly transferred to your office by the CPIO – Dak Section by letter dated 14/02/2017 as per Para 2 under Diary No.106226 & also applied information as per 3/2 of the application dated 02/02/2017 & your letter dated 10/02/2017 & Inform accordingly to me.

CPIO, RTI Cell vide his letter dated 27.03.2017 has responded that:-

" Please refer to your RTI application dated 11.03.2017 and CPIO, Dak Section's file no.CIC/RTI/Dak/1(148)/2016 dated 14.02.2017. The diary no.106226 was received in this section and another file no. CICOM/R/2017/00115 under RTI Act was created and reply in this regard has already been sent to you by Shri Krishan Avtar Talwar, DR to CR-I dated 21.02.2017 (Copy enclosed)."

**Decision with reasons:-**

5. After thorough examination of the case, following is observed:-

(i) The appellant vide his letter dated 14.12.2016 addressed to Shri Basant Seth, former Information Commissioner had requested to review the order dated 18.10.2016 in case File No.CIC/RM/C/2014/000017/BS/1524. Shri R.L. Gupta, ex.DO to ex.IC(BS) vide letter dated 20.12.2016 had intimated that review cannot be done, as there is no provision in the RTI Act.

(ii) The appellant vide his letter dated 15.12.2016 addressed to Hon'ble Chief Commissioner had requested to transfer his above mentioned review petition from IC(BS) to the Chief Information Commission or larger bench.

(iii) The appellant vide his another letter dated 15.12.2016 addressed to Chief Information Commission had requested to transfer his 2<sup>nd</sup> Appeal No.CIC/BS/A/2015/002269 from the Information Commissioner, Shri Basant Seth to the Chief Information Commissioner or larger bench.

6. In this regard, the matter has been enquired from Shri R.L. Gupta, DO to ex. IC(BS) who intimated that all the above communications of the appellant were put-up to the Hon'ble Chief Information Commission vide note dated 04.01.2017. Hon'ble Chief IC was agreed upon that there is no provision of review of the orders of the Commission in the RTI Act. As regards transfer of 2<sup>nd</sup> Appeal No. CIC/BS/A/2015/002269, the case was retained with registry of Chief IC.

7. The matter regarding transfer of above said 2<sup>nd</sup> appeal has been further enquired from the DO to Chief IC who intimated that the said appeal has been fixed for hearing on 09.05.2017 at 16:00 pm.

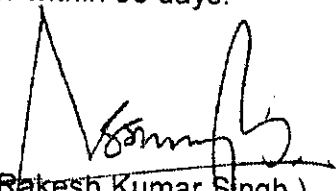
8. Since the present status of the letters as mentioned in the RTI applications has been explained above in detail, it is believed that no other issue is left out on the part of the FAA.

[ 4 ]

9. The appeal is, therefore, disposed off. Two IPOs bearing No.19F 131177 & 19F 131180 for Rs.10/- each are returned herewith as no fee is required for filing appeal in the Commission.

10. 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 3<sup>rd</sup> May, 2017.

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

Copy to:-

1. The CPIO, RTI Cell, CIC, New Delhi.

✓  
Aam  
5/5/17