

Central Information Commission
Baba Gang Nath Marg,
Munirka, New Delhi-110067.

CIC/AA/A/2018/154
CICOM/A/2018/00145

Name of the appellant : Shri Kirtiman Mishra,
G-1701, Amrapali Silicon City,
Sector-76,
Noida(UP) – 201 304.

1.	Date of RTI application	07.03.2018
2.	Date of reply of the RTI application	Nil
3.	CPIO(s) who furnished reply	-
4.	1 st Appeal Date	21.05.2018
5.	Diary No. of 1 st Appeal of the Dak Section	135837
6.	Diary date of the Dak Section	06.06.2018
7.	Diary date of 1 st Appeal in the office of FAA	07.06.2018
8.	Date of Decision	26.06.2018

Brief facts of the case:-

In the appeal, appellant has stated that he had filed an RTI application dated 07.03.2018 in the Commission but no reply has been received from the CPIO within stipulated time.

2. On perusal of the copy of RTI application enclosed with the appeal, it is observed that the appellant has sought information on action taken on his complaint dated 10.01.2018 filed in the Commission against PIO, MMH College, Ghaziabad.

3. The matter has been enquired from the CPIO, RTI Cell who informed that the RTI application dated 07.03.2018 of the appellant has not been received in RTI Cell.

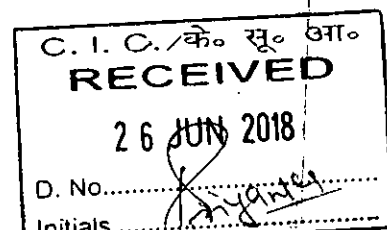
Decision with reasons:-

4. As per CIC' website, it is noticed that the aforesaid RTI application was received in the Commission and diarized vide Diary No.116352 dated 15.03.2018 and returned to the appellant vide DR to CR-1 letter dated 16.03.2018 with following remarks:-

"On scrutiny of the Appeal/Complaint, it is seen that the same has the following deficiencies, which are required to be removed as per rule 8 of the RTI Rules, 2012. Hence, it is returned under Rule 9 for removing the deficiencies and refilling the same:-

- Perusal of your petition reveals that it is beyond the jurisdiction of central information commission. Please do not send the appeals/complaints related with State governments/State located bodies etc to this*

P.T.O.



commission as these matters fall under the jurisdiction of concerned State information commission only.

Further "The Commission does not have any appellate or supervisory jurisdiction over the State Information Commission."

5. It is also noticed from the CIC's website that complaint dated 10.01.2018 filed by the appellant was diarized vide Diary No.102464 dated 11.01.2018 and sent to UP State Information Commission vide DR to CR-1 letter dated 12.01.2018 with following remarks:-

"A Appeal/Complaint dated 10-01-2018 filed by Sh/Smt./Ms. KIRTIMAN MISHRA in this Commission against MMH College Ghaziabad is sent herewith for necessary action as the same pertains to your Commission."

6. From the above, it is observed that DR to CR-1 has rightly sent the complaint dated 10.01.2018 of the appellant to UP State Information Commission since it was concerned with them. But as far as RTI application dated 07.03.2018 is concerned, the action of the DR to CR-1 is not understood. How an RTI application with proper mode of payment has been treated as petition and returned to the appellant? It shows that due attention is not being taken during scrutiny of the dak by the concerned persons. Hence, **Shri Krishan Avtar Talwar, CPIO & DR to CR-1 is directed to brief the persons of the concerned section to do proper and thorough scrutiny of the dak to avoid such mistakes, in future.**

7. In view of the above, it is to mention that since complaint dated 10.01.2018 was sent to the UP State Information Commission, **appellant is advised to approach the concerned public authority for further course of action.** The appeal is disposed off.

8. In case the appellant is aggrieved by the decision, he is free to file second appeal, if he so desires, before the Central Information Commission, Baba Gang Nath Marg, Munirka, New Delhi-110067 against this order within 90 days.

Dated the 26th June, 2018.

(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, CPIO & DR to CR-1, CIC, New Delhi.

26/06/18
26/6